

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

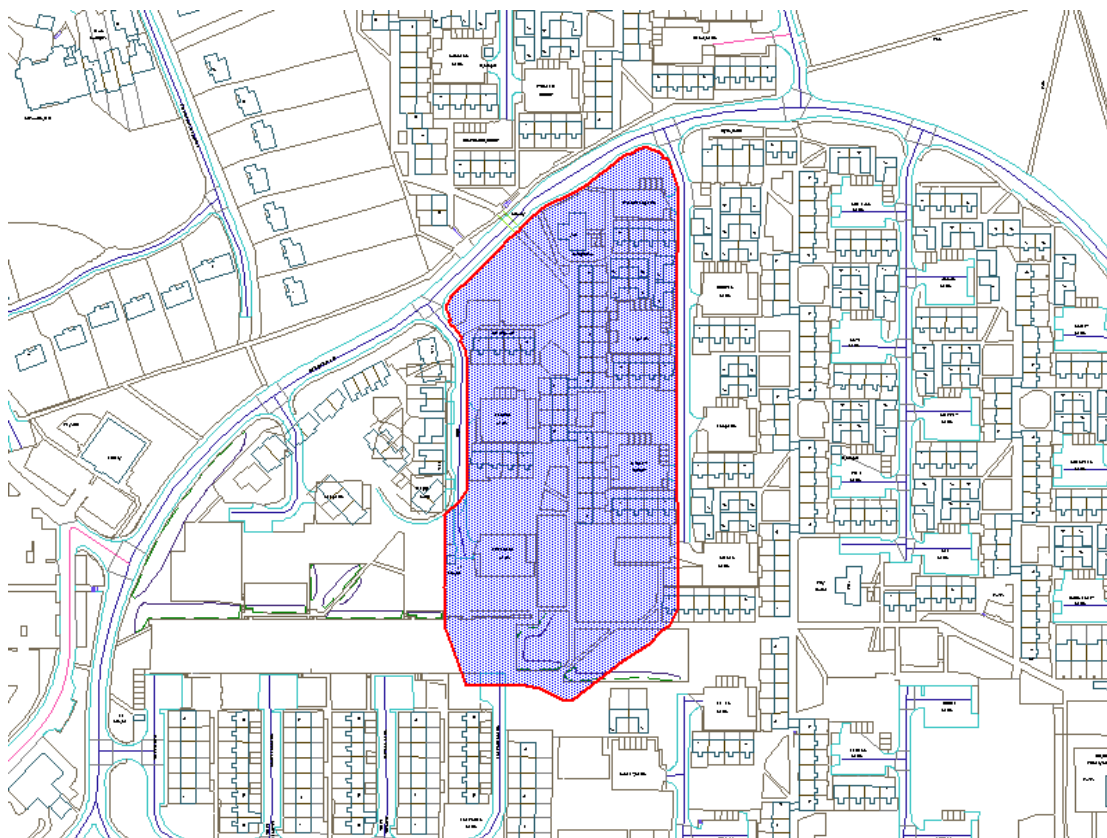
Reference No.: 09/03839/FUL Full Application

Proposal: **Redevelopment of land to provide 67no. dwellings, including stopping up of highway and change of use to residential and landscaped areas. (Amended Description 27.10.2009)**

Location: Mill Hill Road Doxford Park Sunderland

Ward: Doxford
Applicant: Gentoo Homes Ltd
Date Valid: 19 October 2009
Target Date: 18 January 2010

Location Plan



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PROPOSAL:

The proposal relates to the next phase (4) of Doxford Park that Gentoo wish to redevelop and comprises the redevelopment of 2.4 hectares of land to provide 67 no. dwellings with associated access and landscaping. There is also a need to stop up various highways in the area to allow this development to take place and these closures and changes of use of the land are included in the

application. Part of the development includes the establishment of a village green, which is the defining feature that links this particular development with the other phases, both existing and proposed.

The proposal will comprise:-

16 x 2 bed room bungalows.
17 x 2 bed semi house type 3.
5 x 3 bed semi house type 5.
10 x 3 bed semi house type 6.
10 x 3 bed semi corner house type 7.
3 x 4 bed house Type 8.
2 x 2 bed mews apartment.
4 x 2 bed flats.

The planning application was supplemented by a Design and Access Statement (DAS), Arboricultural Implication Assessment, Addendum Statement (Dec 2009) and Site Investigation Report.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Childrens Services
Director Of Community And Cultural Services
Environment Agency
Fire Prevention Officer
The Highways Agency
Northumbrian Water

Final Date for Receipt of Representations: **23.11.2009**

REPRESENTATIONS:

Neighbours

No letters or representation were received as a consequence of the neighbour/public consultation process

Environment Agency

Initially the Environment Agency (EA) objected to the proposed development as it was considered there was insufficient information to demonstrate that the risk to controlled waters is acceptable. The EA requested a copy of a Desk Top Study undertaken by the developer in 2005, which was duly provided and as such their objection has now been withdrawn.

However the EA did highlight in their withdrawal of the objection that as Northumbrian Water are accepting the flows it is important that they agree discharge rates, attenuation and storage requirements, whilst the end of pipe discharge from the sewer network into the receiving watercourse must be considered to ensure flood risk at this location is not increased.

Northumbrian Water

Northumbrian Water has no objection to the proposed development.

Highways Agency

Highways Agency (HA) offered no objection. Correspondence received from the HA stated that as the proposed development replaces previous housing stock then it was considered unlikely that the development would result in a material impact upon the Strategic Road Network (SRN) and therefore no further traffic assessment work is required.

However, as the site is part of a masterplan for the wider area, the HA recommended that the Travel Plan submitted in the DAS should be updated in order to minimise as far as is possible the number of single occupancy car trips.

It is considered that should Members be minded to approve the application a condition(s) should be included requiring the agreement and implementation of a Travel Plan along with a Travel Plan Coordinator, who should be funded by the developer for a minimum of 5 years post-completion of development.

Environmental Services

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy works should be permitted to take place on Sundays and Bank Holidays at any time. Consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and regard should be had to minimise noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

The comments received from Environmental Services also explained that the assessment in respect of ground contamination is currently under review and until it has been fully assessed it is recommended that no other works other than investigation works should be carried out on the site prior to the written approval of the desk top study and any necessary remediation strategy. Consequently such issues should be conditioned should Members be minded to approve.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

T_22_Parking standards in new developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

H_21_Open space requirements in new residential developments (over 40 bed spaces)

B_2_Scale, massing layout and setting of new developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

SA_11_Improvements to Council housing

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

The main issues to consider in the assessment of this application are:

1. Principle of development
2. Design considerations
3. Residential amenity considerations
4. Highway considerations
5. Arboricultural and Ecological considerations
6. Section 106: Play Space
7. Sustainability considerations

1. Principle of development

The Planning Statement within the DAS highlights the fact that the Doxford Park housing estate is identified in the adopted Unitary Development Plan (UDP) as an area to be the subject of 'Housing Improvements' by virtue of UDP policy SA11.6. Consequently it is considered that the proposed development, which is part of a masterplan for the Doxford area and which provides for a varied mix of housing, accords with the provisions of this policy. Furthermore, the City Council has worked with Gentoo in bringing forward the masterplan in order to set out a planning framework and future vision for the redevelopment of this area. The masterplan has been the subject of a public consultation exercise and was endorsed by Cabinet in January 2008.

Regarding the density of the proposal, the site in total measures an area of 2.4 hectares gross, however the southern area of the site forms part of the larger village green area, as such this area is discounted from the total site area when assessing the site's density. Therefore it is considered that the net site area is approximately 2.1ha, which equates the density of development to 32 dwellings per hectare, which due to the mix of housing provided, which includes bungalows and which a need has been demonstrated through the City Council's 2008 Strategic Housing Market Assessment, is considered acceptable.

Therefore the principle of this residential development is considered acceptable as it complies with the overarching land use policy, SA.11.6.

2. Design considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

The proposed scheme includes four perimeter building blocks; two either side of a central shared-surface route orientated on a north-south axis across the site. The site is contained by existing roads to the east and west, by an area of open green space and a green buffer separating the development from Mill Hill Road to the north. It is considered that the general form of the proposed layout appears to be a logical response and adequately provides natural surveillance on all publicly accessible spaces. Parking on the site has been accommodated through a number of different parking solutions, whilst a shared-surface/homezone approach enhances the public realm within the scheme.

- Layout

Concerns were expressed to the agent regarding the proposed angular layout in the southern section of the development abutting the 'village green'. The earlier phases (i.e. phases 2 & 3) are characterised by a flowing layout towards their section of the village green, whilst the proposed development is a more regimented design due to the four perimeter building blocks.

In response the agent explained that the design approach taken within Phase 4 was to vary the relationship with the 'village green' so that elements of the masterplan helped to create differing character areas, defining a sense of place. The proposed village green is being partly constructed within phase 3 and forms the focus of the park areas, whilst the section of the park within Phase 4 is the 'link' zone between the village green and the western sloping park that forms the major gateway opposite the Morrisons shopping centre. The agent also asserts that the masterplan does not describe any intention to have 'flowing' frontage around the parks and each phase of development is designed to suit the specific requirements of giving importance and priority to the design of the overall park area.

Furthermore, the site is also constrained by underground electric and gas services along the southern boundary, which prevents the continuation of the flowing frontages developed in phase 3.

Therefore, it is considered that the design approach taken in respect to the perimeter building blocks coupled with the electric and gas services constraining the site results in a layout which is on balance acceptable. It is also noted that the 'village green' is the factor that will ensure continuity of phase 4 with the other phases of the masterplan.

- Elevations

Concerns were also expressed by the Local Planning Authority's Design team as to the proposed elevations of the southern boundary of housing facing onto the village green, i.e. Plots 18 _ 23, 55 _ 57 and 59 & 60. There was concern that the proposed building facades displayed little bespoke detailing.

In response the agent explained that in their analysis of villages in the area, which was an integral element of the design approach to the masterplanning process and in developing the concept of the 'village green', the majority of buildings were simple in design and were generally defined by a single, larger scale building, e.g. manor house or village hall.

The DAS also states that the materials which will be incorporated in the scheme will consist of good quality bricks and simple craft based contemporary detailing around the porches, bay windows and gable elevations. Therefore it is considered that on balance the design approach adopted, which has been explained in further detail in an Addendum Statement (Dec 2009), is acceptable, given the design cues from local villages and detail in the proposed elevations.

In conclusion, given that the development represents a key part of the regeneration of the wider area and replacement of outdated housing stock, and as the site is constrained by gas and electric services, the articulated design approach which focuses on a 'village green' ethos is considered to be on balance acceptable and in accordance with policies B2 and SA11.6 of the UDP.

3. Residential amenity considerations

The application site is relatively flat and is similar in ground level to the adjacent residential properties to the east and west. It is noted that within the site there are a number of instances where the 21m (main facing windows) and 14m (main facing to side or secondary windows) distances normally required by Supplementary Planning Guidance (SPG) and the Residential Design Guide (RDG) are not achieved. However, it is important to note that the RDG, which is more recent guidance than the SPG, provides the scope for a flexible approach to spacing should the quality of the proposed housing justify an alternative.

With this in mind it is considered that as the proposed rectangular blocks provide frontages to all the roads in and around the site the design quality of the scheme is enhanced, whilst the homezone style approach and proposed landscaping provides for a superior public realm. Furthermore, the mix of housing (e.g. bungalows and two storey properties) together with their orientation reduces the impacts of the proximity of the proposed housing, whilst the careful location of main and secondary windows satisfactorily mitigates the impact in terms of privacy distances.

Nevertheless, it is also important to consider the residential amenity of the adjacent properties and in this respect it is again considered that the proposed development is acceptable. For example an adjacent earlier phase, situated to the west of this site, has properties which face the development and are only 17m away. However, the proposed plots (i.e. 1, 11 & 12) are all bungalows and have had their primary windows located so that the direct interfacing with the existing housing in the adjacent earlier phase (i.e. plots P1, P3 & P5) is minimised so that the 17m spacing is considered sufficient. It is also noted that a pinch point exists between plot 26 of the proposed scheme and plot 8 of the adjacent scheme, however the spacing of 17.917m coupled with an oblique relationship between the primary windows suitably mitigates privacy concerns.

Regarding the properties to the east it is noted that along the eastern boundary of the proposed development site there are residential properties with their primary frontage facing the existing properties. It is noted that there will only be 16.5m

between proposed primary windows (Plot 52, 53 & 54) and existing primary windows. However, these existing properties are vacant as this area is earmarked for redevelopment via a future phase of the masterplan. Furthermore, in general terms the spacing between the proposed development and existing buildings is again considered to be satisfactory.

In conclusion, given the design quality of the proposed scheme in so far that it incorporates rectangular blocks with a homezone type public realm and a mix of housing, and as the properties to the east of the site are mostly vacant, due to this area being earmarked for a future phase of the masterplan, the proposal is considered on balance acceptable in residential amenity terms and in accordance with policy B2 of the UDP, SPG and RDG.

4. Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrian and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

In broad terms the proposal is acceptable in highway and pedestrian safety terms. There were comments relating to the finer detail in terms of the composition and levels of the proposed highway works, however, such detail will be governed by a Section 38 agreement covering highway adoption.

It was noted by the Local Highway Authority that a scheme of traffic calming will be required on the main periphery road to the east of the development, however as this road will be used by construction traffic for the next few years it is considered that a scheme of traffic calming will be more appropriately agreed and implemented in the phase of the masterplan which develops the land to the east of this site.

Nevertheless, it is recommended that should Members be minded to approve the application a Grampian condition should be imposed to ensure the arrangements for maintaining pedestrian routes are agreed prior to the commencement of development.

Initially there were concerns about a swept path analysis undertaken which attempted to demonstrate that large refuse vehicles could safely manoeuvre through the development. The first swept path analysis indicated that it would be very tight at the corners and there was concern regarding the measurements of the vehicle used in the analysis. Consequently further swept path analysis work was undertaken in conjunction with slight modifications to the highway layout which successfully demonstrated that manoeuvrability for a larger vehicle was possible and satisfactory.

The Addendum Statement (Dec 2009) also confirms that Gentoo (developer) will market, co-ordinate and monitor the travel plan via the provision of a Travel Co-ordinator (TPC). The TPC will be in place before the development is fully occupied and the role will be undertaken by Gentoo for a minimum of five years from full completion.

It is considered that the proposed development satisfies the requirements of policy T14 and is therefore acceptable in respect to highway and pedestrian safety.

5. Arboricultural and Ecological considerations

UDP policy CN17 requires the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

An Arboricultural Implication Assessment (AIA) was submitted in support of the planning application. It must be noted that there are no restrictions protecting the existing trees on the site as there are no Tree Preservation Orders and it is not within a Conservation Area.

The AIA considers it necessary to remove some of the existing trees to facilitate the proposed development and to establish a higher level of Arboricultural management for the site. There were 30 trees which formed the survey, and the results were trees 1, 2, 10, 11, 29 and 30 require removal in order to facilitate development, whilst tree 6 and a stump should be removed due to their poor health. To mitigate the removals new planting should take place throughout the site and if Members are minded to approve a condition should be incorporated requiring an agreed replanting scheme.

Regarding the retained trees on the site, i.e. excluding those trees stated above, the AIA recommends that protective barriers should be erected, as indicated on the Tree Protection Plan (TPP), prior to works commencing on site and signs should be attached stating that the area is a protected zone and should not be entered.

The AIA also notes that new footpaths are to be laid and as such advises that no damage should be caused to the rooting area of the pertinent trees, i.e. trees 3, 7 & 9, 26 and 27. Therefore special 'no-dig, tree friendly' methodology should be laid in the relevant areas as indicated on the TPP and this should be supervised by a suitably experienced Arboriculturalist.

As part of the survey the trees were also inspected for birds and bats. No visual signs were found to indicate the presence of bats or nesting birds at the time of the tree inspection. Furthermore, the area is also a cleared site given that the pre-existing housing has been demolished. Nevertheless, it is important that when carrying out tree works further inspections take place and if there is any evidence of bats the work must stop immediately and Natural England Batline contacted, and a similar protocol should be adopted for nesting birds. Moreover and where possible tree works should be carried out in the period from August to the end of February in order to avoid the bird nesting season.

In conclusion by using the protective elements dictated by British Standard 5837 - Trees in relation to construction (2005), the AIA considers that no significant damage should take place during the construction phase and the tree cover should flourish in the longer term. Therefore subject to relevant conditions relating to construction methodology, protective barriers and an agreement of a replanting scheme, the proposal is acceptable in terms of trees and ecology and in accordance with policies CN17 and CN22 of the UDP.

6. Section 106: Play Space

As the application proposes in excess of 10 residential units of 2 bedrooms or more UDP policy H21 requires that provision is made for children's formal play. Due to the restricted size of the site it is considered appropriate to allow a financial contribution to be made for provision in St Matthews Playing Fields and/or Silksworth Sports Complex play areas (within 2 years of the completion of the development) in lieu of on-site provision via an agreement under Section 106 of the Town & Country Planning Act (1990). In order to achieve the statutory 13 week deadline for determining this application the agreement needs to be signed by the 18 January 2010. The financial contribution would amount to £46,967.00 (calculated at £701 per dwelling for 67 dwellings). The completion of this agreement will ensure that the scheme complies with UDP policy H21.

7. Sustainability considerations

UDP policy R1 requires the Council to work towards environmentally sustainable development and in this regard it is noted that in the submitted DAS it states that the Gentoo Group are required to achieve Code for Sustainable Homes Level 3 for all rented dwellings and aim to achieve level 2 for sale properties. Solar panels will be used on many properties and are identified on the proposed roof plan. However, given the limited information submitted, it is considered that a condition should be included, should Members be minded to approve, requiring the exact agreement of the location and specifications of the proposed panels.

The DAS also highlights that all rented properties will have compost bins, recycling bin, cycle stores, water butts and rotary dryers to encourage residents to minimise their ongoing CO2 footprint.

Therefore in conclusion, given the need for Gentoo to achieve Levels 2 & 3 of Code for Sustainable Homes and as solar panels will be incorporated into the proposed units, the proposal is considered to be in accordance with policy R1.

CONCLUSION

The proposed development is considered to be acceptable in terms of design, layout, highway, ecological and sustainability considerations.

In view of the need for a s106 agreement in respect of a financial contribution towards offsite children's play, a dual recommendation is necessary. Consequently Members are recommended to delegate the decision to the Deputy Chief Executive.

RECOMMENDATION: DELEGATE to the Deputy Chief Executive

To either

1) Grant planning permission subject to the following conditions and subject to completion of a Section 106 agreement to secure a financial contribution towards children's play provision at either St Matthews Playing Fields and/or Silksworth Sports Complex play areas, in lieu of on site provision by 18 January 2010 or such other date as is agreed by the Deputy Chief Executive.

or

2) Refuse permission should the legal agreement not be completed by 18 January 2010 or such other date as is agreed by the Deputy Chief Executive, on the grounds that the development does not make adequate provision for children's play, contrary to the requirements of policy H21 of the adopted UDP.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Proposed Site Layout (Dwg. No. 2263 4 10.05 Rev B) received 4 December 2009, Existing Site Plan OS (Dwg. No. 2263 4 10.01 Rev A) received 10 October 2009, Location Plan OS (Dwg. No. 2263 4 10.02 Rev A) received 10 October 2009, Existing Topographic Site Plan (Dwg. No. 2263 4 10 03 Rev A) received 10 October 2009, Stopping Up Plan (Dwg. 2263 4 10 04 Rev A) received 10 October 2009, Proposed Roof Plan (Dwg. 2263 4 10 06 Rev A) received 10 October 2009, House Type 1 - 2B3P Bungalow (Dwg. 2263 4 20 1 Rev A) received 10 October 2009, House Type 3 - 2B3P & Garages (Dwg. No. 2263 4 20 02) received 10 October 2009, House Type 5 - 3B5P Side Entry (Dwg. No. 2263 4 20 03) received 10 October 2009, House Type 5 - 3B5P Variations (Dwg. No. 2263 4 20 04 Rev A) received 10 October 2009, House Type 6 - 3B5P (Dwg. 2263 4 20 05 Rev A) received 10 October 2009, House Type 7 - 3B5P Corner Unit (Dwg. 2263 4 20 06 Rev A) received 10 October 2009, House Type 8 - 4B6P (Dwg. 2263 4 20 07 Rev A) received 10 October 2009, 2B4P Mews Unit & 2B3P Apartments (Dwg. 2263 4 20 08 Rev A) received 10 October 2009, Street Elevations A - North West Block (Dwg. 2263 4 30 01 Rev A) received 10 October 2009, Street Elevations B - South West Block (Dwg. 2263 4 30 02 Rev A) received 10 October 2009, Street Elevations C - South East Block (Dwg. 2263 4 30 03 Rev A) received 10 October 2009, Street Elevations D - North East Block (Dwg. 2263 4 30 04 Rev A) received 10 October 2009, Arboricultural Implication Assessment Of Trees At Doxford Park, Phase 4, Sunderland (30 October 2009) received 2 November 2009.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to

ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

- 4 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 5 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 6 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 7 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 8 No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T22 and B2 of the UDP.
- 9 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 10 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the

approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 11 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 14 Details of the proposed location of the sales/site office shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 15 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a schedule of arboricultural supervision of the proposed tree protection and arboricultural implementation methodology is submitted and approved in writing. The supervision should be carried out by an experienced arboriculturalist who should be on site during any works that are carried out within the tree protection zones to ensure minimal disturbance to the retained tree stock and to ensure that the tree protection methodology is carried out correctly in the interests of visual amenity to comply with policy CN17 of the UDP.
- 16 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement

has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.
- b) Implementation, supervision and monitoring of the approved Tree work Specification.
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.
- d) Timing and phasing of Arboricultural works in relation to the approved development.

In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

- 17 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.
- 18 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 19 If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 20 Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

- 21 Prior to commencement of the development, details of the phasing of the approved works including provision for maintaining pedestrian access in the southern section of the site, shall be submitted for the written approval of the Local Planning Authority and the approved works so implemented, in order to maintain satisfactory pedestrian access in the area and to comply with Policy T14 of the adopted UDP.
- 22 No development shall take place until details, location and specification of the proposed solar panels are submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details. In the interests of visual amenity and energy conservation and to accord with policies B2 and R4 of the

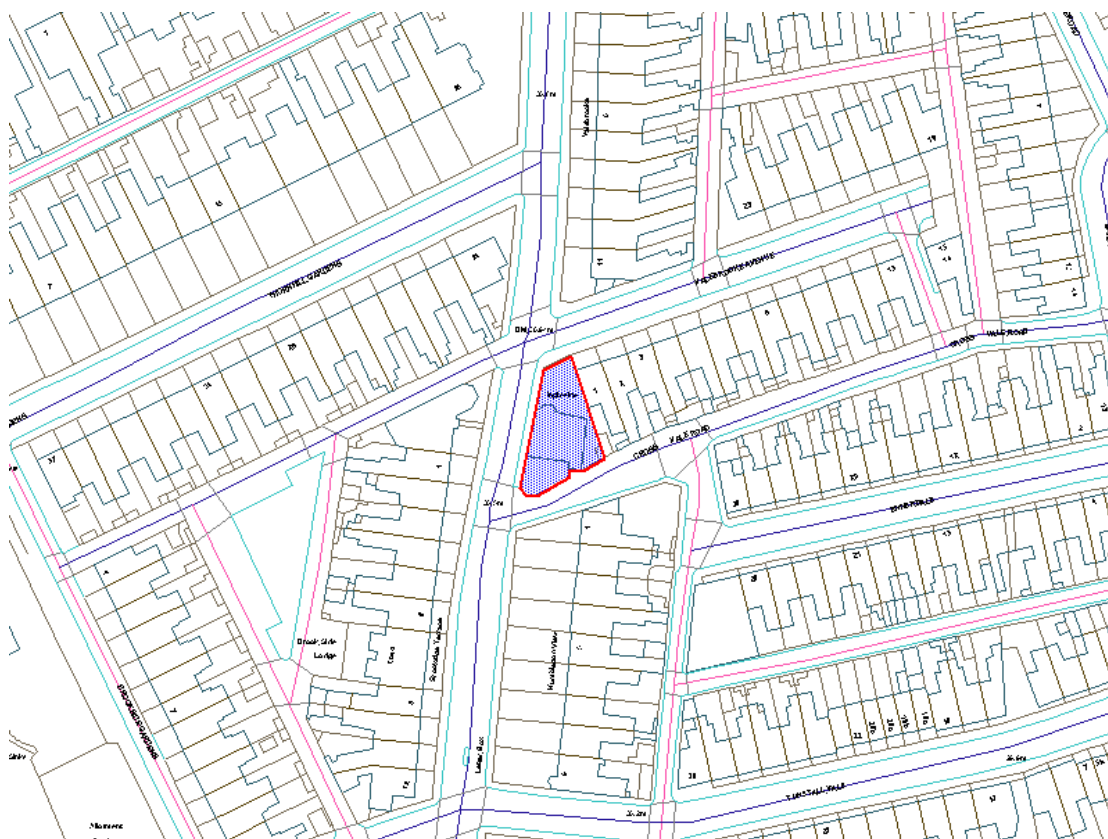
Reference No.: 09/04013/FUL Full Application

Proposal: **Change of use from residential care home to supported housing for homeless people (Retrospective).**

Location: Ingleside Tunstall Road Sunderland SR2 7RU

Ward: St Michaels
Applicant: Wear Body Positive
Date Valid: 13 November 2009
Target Date: 8 January 2010

Location Plan



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PROPOSAL:

Retrospective planning permission is sought by Wear Body Positive for the change of use of the property at Ingleside from a residential care home to supported housing for homeless people.

The current use of the premises by SR2 Housing, a project of Wear Body Positive commenced in February 2009, with the applicant under the impression the use of the building, as supported housing, was within the scope of the

authorised planning permission. It was subsequently discovered by the applicant, after consultation with the City Council, that the use of the premises as supported housing for homeless people fell outside of the scope of the extant permission, and while there is an element of supervision of the residents, there is no degree of care associated with the use. It was on this basis the application under consideration was submitted.

Ingleside is a large detached premises situated in modest grounds, located in the residential area of Tunstall Road, within the Ashbrooke conservation area. The existing authorised use of the premises is as a residential care home. The supported housing will accommodate 11 residents in individual rooms and will also provide ancillary communal facilities. No external works are proposed to take place.

The project supplied a management plan on 11th December 2009, outlining the background, objectives and organisation of the project, an outline of the key issues contained within this document are as follows;

The project will house single young gay people, in particular gay young men who have become homeless or are at risk of becoming homeless for a variety of reasons. Residents will be referred from the local area and from a number of different sources with the majority of residents being from Sunderland and self referred respectively. The typical length of stay of residents will range from 12 to 18 months and during their stay it is intended SR2 housing will provide the tenant with advice, guidance and skills for independent living in a family style learning environment in order to equip themselves with the life skills needed to achieve and sustain independent living. All staff, trustees and management are volunteers and the premises will be managed by staff on a 24 hour basis. Residents are required to sign a tenancy contract and abide with the projects rules and regulations during their stay.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Health, Housing and Adult Services
Director of Health, Housing And Adult Services
Director of Community And Cultural Services

Final Date for Receipt of Representations: **08.01.2010**

REPRESENTATIONS:

29 letters of representation and a petition containing 63 signatures were received as a result of the consultation process, the vast majority of which were in objection to the application. Some of the signatories of the petition have

additionally submitted letters of representation. In addition there have been a number of objectors who have submitted numerous letters.

The following concerns raised, which can be considered as material considerations in determination of the application, are in summary;

- The principle of the development in this area.
- Adverse residential amenity issues.
- Impact upon the character of the conservation area.
- Various antisocial behaviour issues.
- Parking and road safety issues.

These concerns are considered in more detail in the comments section below.

Many of the letters contained objections which can not be taken into consideration in the determination of a planning application, are unrelated to a planning application or referred to a nearby property at 4 Brookside Terrace, which is not under consideration as part of this application.

A further respondent, who wished to remain neither for nor against the proposal, raised a concern regarding underlying homophobic tone contained within a few of the objection letters. The views of the respondent are accordingly noted, however it should be further noted that the personal circumstances (i.e. gender, age, race, religion, sexuality and disability) of the applicant or residents are not material considerations in the determination of an application for planning permission and consequently have played no part in formulating the following recommendation/decision.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

B_4_Development within conservation areas

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to be considered in determining this application are:-

- 1) Principle of the development.
- 2) Residential amenity.
- 3) Antisocial behaviour issues.
- 4) Impact on the character of the conservation area.

- 5) Highway issues.
- 6) Additional issues.

1) Principle of development.

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Housing in this area is a mix of terraced residential dwellings, a number of which have been converted into flats and houses in multiple occupancy. Policy H18 deals with the provision of self contained flats and multi occupancy dwellings, highlights within the policy that there are 1,500 houses in multi-occupancy (HMO's) in the city, concentrated in a number of areas, of which the Ashbrooke conservation area is defined as one. The building in question is unique in the immediate area as it is a large detached property which was previously occupied by a similar number of residents. As the area is predominantly residential, in an area with high incidence of HMO's, it is considered that the use, being residential in nature, accords with the requirements of policy EN10 in this instance. Should the use of the premises materially change to include a drop in centre or counselling as stated in the objections, then this may constitute a material change of use requiring planning permission and as such is not a consideration in dealing with the present application.

It is subsequently considered the use of this building as supported housing would not set a precedent for the change of use of terraced residential properties in the area to similar uses.

2) Residential amenity.

UDP policy B2 requires new development to be acceptable in terms of levels of privacy and relating harmoniously to adjoining areas.

As there are no physical changes proposed to the building it is considered there will be no adverse privacy issues from that as existing. In addition, the windows situated in the elevation which face toward 1 Valebrooke Avenue all contain obscure glazing, with the exception of the kitchen window at ground floor level. The high wall surrounding the rear yard will mitigate any overlooking from this window. Should members be minded to approve this application, it is recommended a condition is imposed stating the existing obscurely glazed windows in the elevation facing 1 Valebrooke remain so, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

In, addition Ingleside is located on a busy classified road. The main entrance to the property is taken from this road. Whilst the use of the property as supported housing may be considered to generate a greater number of comings and goings due to the age of the residents, it is considered any additional noise and disturbance created by the additional comings and goings will not be significant against the existing noise associated with this road.

Furthermore, there are concerns within the letters of objection regarding congregation of existing residents in the front garden and rear yard of the

premises and the noise associated with such congregation. It is reasonable to suggest that during the previous operation of this building as a residential care home these outdoor areas were used for the congregation of both residents and staff. Should this application be refused and the premises return to its authorised use as a residential care home or a similar use with the same use class, it is reasonable to expect that these areas could again be utilised as areas of congregation. The use of these areas as part of the proposed use is therefore not substantially different in this respect. It is therefore considered for the above reasons the use accords with policy B2 of the UDP.

A number of the objections highlighted the antisocial behaviour considered to be perpetrated by the residents of Ingleside, whilst this behaviour may adversely affect the residential amenities of the neighbouring residents, due to the number of objections, it is felt it should be considered separately in the section below.

3) Antisocial behaviour issues

The vast majority of objections focused, in part, upon antisocial behaviour incidents which are attributed to the existing residents of Ingleside. These incidents include antisocial behaviour such as noise, vandalism, fighting.

A representation has been made by PC Kirkup on behalf of Northumbria Police stating that from May 2009 until November 2009 there have been 18 calls to the police relating to incidence of disturbance in the street and noise and music originating from the premises. These calls are being made in the main from a neighbour adjoining the address. PC Kirkup states since the intervention of the police and other partner agencies, calls to the police have decreased. Should permission be subsequently granted, PC Kirkup would like to see a management package implemented including 24 hour supervision of the residents. The management plan submitted by the applicants as additional information provides details of the organisation of the project in this respect. It is considered the police can liaise with the management of the project on this matter, without the need for imposition of a planning condition which would be almost impossible to enforce and therefore may not meet the six tests of a planning condition, as outlined in, 'Circular 11/95: Use of conditions in planning permission'.

Recent case law (*N Smith v First Secretary of State* and *Mid Bedfordshire DC, Court of Appeal* July 2005 and *West Midlands Probation Committee v SSE* 1997) has clarified the situation regarding taking into account concern and fear of crime as a material consideration when determining planning applications. The Court of Appeal held that fear and concern had to have some reasonable basis, i.e. there has to be actual evidence that certain incidences have occurred. Further, it was necessary in order to take those incidences into account to attribute them not merely to the individuals concerned but also to the use, in planning terms, of the land, i.e. is the use in itself likely of its nature to cause difficulties for its neighbours? If the concern for the future rests not wholly on extrapolation from past events, but at least partly on assumption not supported by evidence, then in accordance with the guidance contained in the *West Midlands probation* case it can not be taken into account.

Furthermore in a similar case an appeal decision against *North Warwickshire B.C.* on 01/08/1997, the council refused permission for a homeless persons hostel on the grounds of general disturbance to local residents. In allowing the appeal and awarding full costs against the council, an inspector noted that undue reliance upon local opposition had been made which was not founded upon

sound planning reasons. No independent evidence from the police concerning crime or the fear of crime had been submitted

It is anticipated the additional information on this matter from the City Council's Anti Social Behaviour Section, Environmental Services Section and Diversity and Inclusion Team will be included through the preparation of a supplementary report.

4) Impact on the character of the conservation area.

Policy B4 of the City of Sunderland UDP states that: "All development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance". The features characterised by the City Council's Supplementary Planning Guidance: Ashbrooke Conservation Area Character Study details the fundamental characteristics of Ashbrooke Conservation Area as;

- Extensive concentration of fine Victorian terraced housing.
- Attractive variety of late 19th and early 20th century villas and churches.
- Abundance of mature trees, historical parks and other green spaces.
- Surviving historic street pattern of irregular linear form.
- Distinctive townscape created by consistency of built form.
- Impressive range of architectural styles and influences.
- Complementary mix of high quality natural materials.
- Abundance of heavy timber features and use of Welsh slate.
- High level of craftsmanship and ornamentation in relation to architectural features.
- All of the above combine to give high degree of local distinctiveness.

As there will be no development undertaken to the outside of the property, it is considered the use of the building as proposed, will differ little in character from that of its authorised use and therefore will not serve to undermine the fundamental character of the conservation area.

Objections additionally refer to the storage of refuse in the lane to the rear of the premises. The storage of refuse in this area may have adverse impact upon the character of the conservation area. Refuse should be stored within the site and this can be controlled by the use of condition requiring any waste bins to be stored inside the curtilage of the premises, except on the day of collection. Should members be minded to approve this application, it is recommended a condition is imposed stating the refuse bins should be stored within the curtilage of the premises to comply with policies B2 and B4 of the UDP.

5) Highway Issues.

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

Concerns have been raised by objectors as to the parking arrangements for the premises. Parking spaces are to be provided in the rear yard of the property and due to the nature of the occupancy of the building, it is considered car ownership of the residents will be minimal, as such the Council's Transportation Team

offered no observations or recommendations. Therefore it is considered the use will accord with policies T14 and T22.

6) Additional issues.

Health, Housing and Adult services have stated this is not a service to which they would make referrals and therefore they are not minded to support this application. It is expected clarification of the reasons behind this will be made in the supplement report.

CONCLUSION

The anti social behaviour aspects of the development and therefore the affect on residential amenities of the local residents are being given further consideration, it is anticipated that these issues will be satisfactorily resolved in time to allow a recommendation to be made on the supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

3.

South
Sunderland

Reference No.: 09/04099/LAP Development by City(Regulation 3)

Proposal: **Change of use from caretakers house into offices and erection of access ramp**

Location: Farrington School House Allendale Road Sunderland SR3 3EL

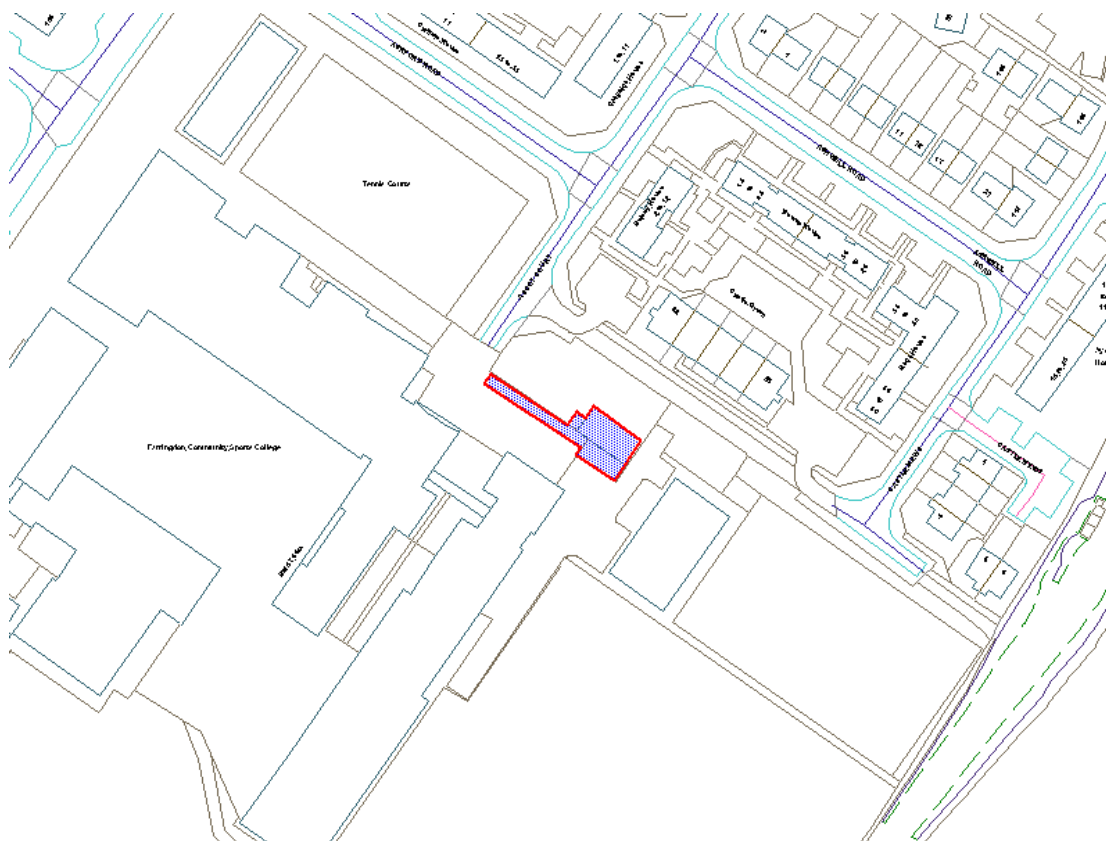
Ward: St Chads

Applicant: Director of Childrens Services

Date Valid: 10 November 2009

Target Date: 5 January 2010

Location Plan



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PROPOSAL:

Planning permission is sought to change the use of a former caretaker's house to office and meeting space. The unit is to be occupied by education professionals dealing with matters arising from the host school, its feeder schools and the local community and have a facility for hosting meetings with members of the public. A ramp to provide disabled access to a new external door to replace an existing window is proposed to the west elevation of the building and the existing redundant chimneystack is to be removed; no other external alterations are

proposed. It is proposed to use the building for the desired purposes between 09:00 and 17:30 Monday to Friday.

The unit in question is a modest detached single-storey brick building with a gabled roof situated within the curtilage of Farrington Community School and Sports College near to the site entrance from Ascot Court, a residential street, to the north. The former caretaker's house has become surplus to requirements and has been vacant for a number of years (the applicant estimates ten years within the Design and Access Statement). The building has white external roller shutters in front of all openings, high close-boarded timber fencing exists along its south side and palisade fencing exists to the north of the unit, beyond which exists the dwellings on Castle Green off Ascot Court. Whilst currently vacant, the building was previously used as accommodation for the school caretaker.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Final Date for Receipt of Representations: **09.12.2009**

REPRESENTATIONS:

No third party representations have been received to date.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
CF_5_Provision for primary and secondary schools
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to be considered in assessing the application are the principle of the proposed change of use, any impact on the amenities of neighbouring residents, the external appearance of the resultant building and any highway/parking implications. In order to properly assess such issues, due regard must be given to the following policies.

Policy B2 of the adopted Unitary Development Plan (UDP), which states, 'the scale, massing, layout or setting of new developments and extensions to existing

buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'.

Policy CF5 states that 'primary and secondary education needs will be accommodated primarily on existing sites or those identified in part II of this plan, and on other sites provided that their impact on the amenity of the neighbourhood is acceptable and the traffic generated can be safely accommodated'.

EN10 indicates that all proposals (including changes of use) will be judged in accordance with the policies and proposals of the UDP and, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

Policies T14 and T22 of the UDP essentially require developments to have no undue detrimental impact on highway/pedestrian safety or the free passage of traffic whilst providing an acceptable level of car parking.

Principle

The site is not allocated for any particular land use by the proposals map of the UDP and, as such, is subject to policy EN10. Given that the proposed facility would be complementary to, and in connection with, the educational activities already carried out on the site, the proposal complies with EN10. Furthermore, being incorporated within an existing site, it is considered that the proposal complies with policy CF5. As such, the principle of the proposed change of use is considered to be acceptable.

Residential Amenity

The nearest dwellings, on Castle Green to the north, are situated in excess of 20 metres from the subject unit, which is considered to be sufficient distance to ensure that the proposed activities to be carried out from the building or additional vehicular journeys to the school generated by the proposed use do not result in any significant noise or disturbance to their occupants, upon condition that the facility is used only in association with the activities carried out at the host school and for no other purpose. In addition, it is recommended that a condition be imposed limiting the hours of operation of the building to between the hours of 09:00 and 17:30 Monday to Friday, as proposed, which are considered reasonable so as not to unduly disturb local residents.

Upon compliance with such conditions, it is not considered that the proposed change of use would be harmful to the amenities of nearby residents, in accordance with policy B2 of the adopted UDP.

External Appearance

The proposed external alterations are considered to be relatively minor and would have minimal impact on the overall appearance of the building. As such, it is not considered that the proposed works would unduly compromise the appearance of the unit, in accordance with the requirements of policy B2 of the adopted UDP.

Parking / Highway Safety

There are currently 11no. parking spaces between the subject building and the entrance into the site from Ascot Road and the proposal would result in the replacement of 2no. spaces with a single disabled parking space. Whilst this would result in a reduction in the overall number of spaces, the resultant layout would provide a more inclusively accessible arrangement and is therefore considered to be acceptable. Accordingly, the proposal is also considered to comply with the requirements of policies T14 and T22 of the adopted UDP.

With regard to the above, the proposed change of use is considered to be acceptable in principle and not to raise any concerns with regard to visual and residential amenity and highway safety. The proposal therefore complies with the requirements of policies B2, EN10, CF5, T14 and T22 and as such is recommended for approval.

CONCLUSION

For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant permission for the proposal subject to the conditions listed below.

RECOMMENDATION: Approve

Conditions:

- 1 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. 002 - Site plan as existing received 28.10.2009.

Drawing No. 003 - Site plan as proposed received 28.10.2009.

Drawing No. 006 - Location plan received 28.10.2009.

Ramp details received 29.10.2009.

Floor plan as existing received 03.11.2009.

Floor plan as proposed received 03.11.2009.

West and east elevations as existing and proposed received 03.11.2009.

South elevation and north elevation as existing received 03.11.2009.

South elevation and north elevation as proposed received 03.11.2009.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 2 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.

- 3 The premises shall not be operated for the purposes hereby approved between the hours of 17:30 and 09:00 on weekdays, nor at any time on Saturdays, Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.
- 4 The building subject to this approval shall only be used as an office and teaching/meeting space in association with the activities carried out at Farrington Community School and Sports College and for no other purpose unless otherwise agreed in writing with the City Council as Local Planning Authority, in order to protect the amenities of the locality and achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

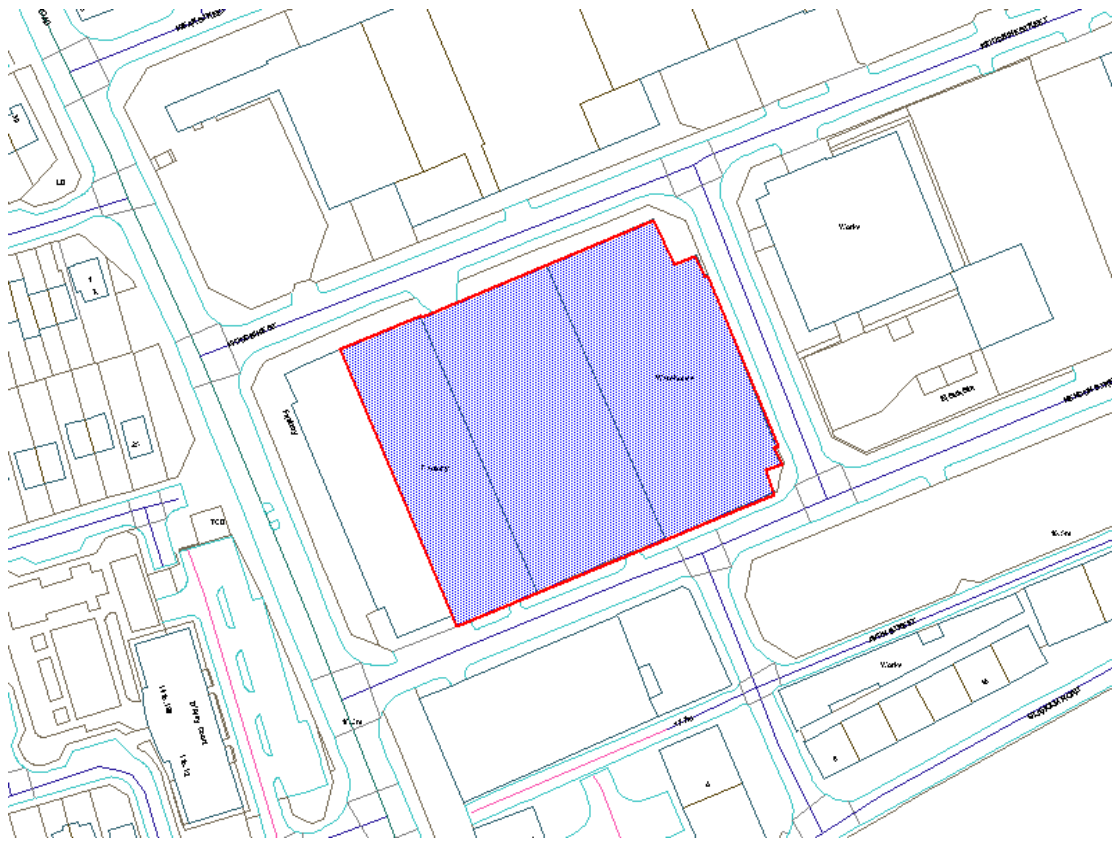
Reference No.: 09/04355/FUL Full Application

Proposal: Change of use from warehousing (Class B8) to waste materials recycling facility (Class B2) and waste transfer station (sui generis). (AMENDED DESCRIPTION 09.12.2009)

Location: Sunderland Furniture Warehouse Hendon Street Covered Storage Woodbine Street Sunderland SR1 2NL

Ward: Hendon
Applicant: Connorco Ltd
Date Valid: 27 November 2009
Target Date: 26 February 2010

Location Plan



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PROPOSAL:

Planning permission is sought to change the use of the premises from warehousing (Class B8) to a waste Materials Recycling Facility (Class B2) and associated waste transfer station (sui generis). The facility would process kerbside recyclable materials collected by the Council. The westernmost building would house a practice processing line whilst the easternmost building would be

split into 4no. sections to provide paper and storage loading, an MRF (materials recovery facility) material acceptance hall, an MRF processing area and a waste transfer operation; no external alterations to either building are proposed. The yard between the aforementioned buildings would include a weighbridge and 8no. staff and visitor parking spaces, 2no. of which would be disabled spaces. The sole entrance into the site would be off Woodbine Street to the north. It is stated in the application form that a total of 19no. full-time staff would be employed by the proposed use and the following hours of operation are proposed:

MRF and waste transfer facilities:

07:00 to 18:00 Mondays to Fridays and 07:00 to 12:30 on Saturdays.

Plastic Processing:

00:00 to 23:59 everyday

A noise assessment has yet to be submitted, however the applicant has stated that such an assessment has been commissioned and shall be submitted no later than 29 December 2009.

The Hendon Industrial Area is characterised by commercial and industrial development, where premises are predominantly occupied for offices, light industry, general industry and storage / distribution purposes. Such uses are classified as use classes B1, B2 and B8 respectively under The Town and Country Planning (Use Classes) (Amended) (England) Order 2005. A retail furniture showroom (Class A1) adjoins the west of the application site, which was refused planning permission at the Sub-Committee meeting on 01 December 2009 and is therefore currently unauthorised. The west side of Hendon Road is residential in character, with D'Arcy Court residential tower block standing directly opposite.

The site has been the subject of one application in recent years (ref. 07/03903/FUL), which proposed a new loading bay door with a galvanised steel overhead roller shutter and an access ramp to the east elevation of the westernmost unit and was approved in October 2007.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Environment Agency

Director Of Community And Cultural Services

ARC

Port Manager

Final Date for Receipt of Representations: **05.01.2010**

REPRESENTATIONS:

One third party representation has been received to date, wherein clarification over the type and requirement of the proposed operation was sought.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

EC_3_Support for new and existing economic activity

EC_4_Retention and improvement of existing business and industrial land

S_13_Resisting retail development on land allocated for industry

SA_5_Retention and improvement of existing mixed use site

SA_1_Retention and improvement of existing employment site

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to be considered in assessing the application are the principle of the proposed change of use, the impact of the proposed use on the amenities of any neighbouring residents and any highway/parking implications.

The statutory period for the receipt of representations does not expire until 05 January 2010, after the preparation of this report. As such, the above issues are still being considered and, accordingly, it is anticipated that these will be addressed on a supplement to this report incorporating any consultation and third party responses received in the intervening period and a recommendation on the application.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 09/04508/LAP Development by City(Regulation 3)

Proposal: **Creation of an open access adventure play area.**

Location: Land Adjacent To Puma Sunderland Tennis Centre
Silksworth Lane Sunderland SR3 1PD

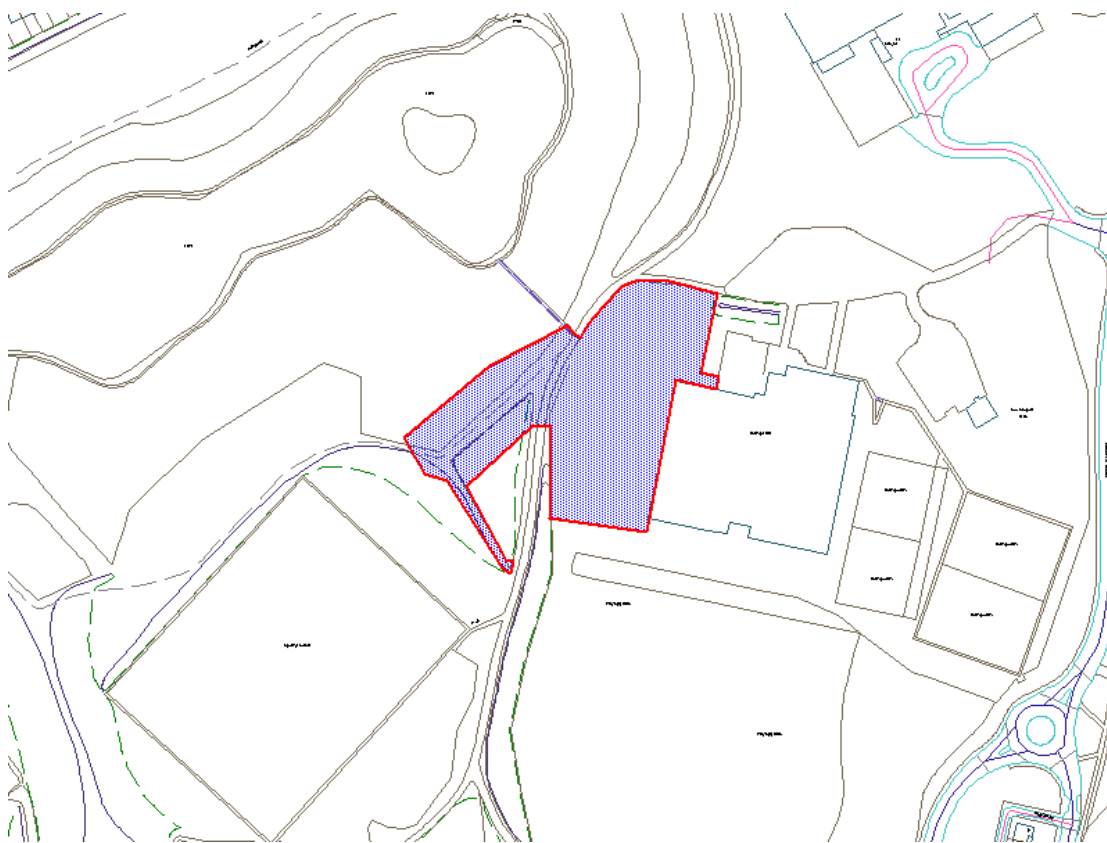
Ward: Silksworth

Applicant: Community And Cultural Services

Date Valid: 8 December 2009

Target Date: 2 February 2010

Location Plan



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PROPOSAL:

Planning permission is sought for the provision of an 'Adventure Play' facility on a 0.94 hectare site to the west/north of the Silksworth Centre. The works require planning permission due to the level of ground works proposed, which exceeds the maximum 200 cubic metres as identified by Part 12 Class A.2 of the Town and Country Planning (General Permitted Development) Order 1995.

The site is to be divided into 3no. separate 'play zones', namely The Pit Track, The Quarry and The Play Forest; The Quarry, being located closest to the Silksworth Centre and swimming pool, is intended for younger children whilst the other 2no. zones would be sited further away and are intended for younger children requiring less supervision. A variety of play equipment is proposed, a large proportion of which would be constructed using natural timber, and the contours of the site would be altered through the implementation of approximately 600 cubic metres of earthworks. Pathways and timber decking would run through the site and trees are proposed adjacent to the Centre to screen its gable end.

The application site lies within the 67 hectare Silksworth Sports Complex to the south of the Sainsbury's supermarket and to the west of Silksworth Lane. The site exists as amenity grassland and is significantly sloped including a variety of planting, a footpath and cycleway. Sunderland Tennis Centre and a new swimming pool, including indoor play facilities and sensory room, exist adjacent the site to the east.

There is no record of any previous planning applications relating to the site. However, application no. 08/02625/LAP was approved in August 2008 for the erection of an extension to the adjacent Tennis Centre building to provide a 25m swimming pool and associated changing facilities. Subsequently, application no. 09/01749/LAP was approved in June 2009 to erect another extension to the Tennis Centre to provide a play area.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Environment Agency

Final Date for Receipt of Representations: **01.01.2010**

REPRESENTATIONS:

No third party representations have been received to date.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_3_Protection of public/ private open space (urban green space)
L_2_Redressing indoor sport/recreation deficiencies through new development/dual uses

L_3_Encouragement to regional recreational developments in appropriate locations
L_4_Standards for outdoor sport and recreation
L_5_Ensuring the availability of Public Parks and amenity open space
L_7_Protection of recreational and amenity land
L_8_Encourage and enhance the provision and distribution of allotments
L_9_Retention of land used for allotments
B_3_Protection of public/ private open space (urban green space)
SA_7_Provision/improvement of visitor facilities at tourist attractions
CN_23_Measures to conserve/ improve wildlife corridors
SA_23_Development of regional recreational resources
CN_13_Protection and enhancement of important views
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_10_Protect footpaths; identify new ones & adapt some as multi-user routes

COMMENTS:

The main issues to be considered in assessing the application are the design and appearance of the proposed development, any impact on trees and local wildlife and any environmental, drainage, health and safety and parking / highway safety implications.

The statutory period for the receipt of representations does not expire until 1st January 2010, after the preparation of this report but before the Sub-Committee meeting. As such, the above issues are still being considered and, accordingly, it is anticipated that these will be addressed on a supplement to this report incorporating any consultation and third party responses received in the intervening period and a recommendation on the application.

RECOMMENDATION: Deputy Chief Executive to Report