

**DEVELOPMENT CONTROL (NORTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in the Committee Room No. 2 on  
Tuesday, 9<sup>th</sup> January, 2007 at 3.30 p.m.**

**Part I**

ITEM	PAGE
1. <b>Receipt of Declarations of Interest (if any)</b>	
2. <b>Apologies for Absence</b>	
3. <b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>  Report of the Director of Development and Regeneration (copy herewith).	1
4. <b>Town and Country Planning Act 1990 – Appeals</b>  Report of the Director of Development and Regeneration (copy herewith).	11

**R.C. RAYNER,  
City Solicitor.**

Civic Centre,  
SUNDERLAND.

28<sup>th</sup> December, 2006.

**This information can be made available on request in other languages.  
If you require this, please telephone 0191 553 7994.**

## **Development Control (North Sunderland) Sub-Committee**

**9th January 2007**

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### **REPORT ON APPLICATIONS**

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#### **REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION**

##### **PURPOSE OF REPORT**

This report includes recommendations on all applications other than those that are delegated to the Director of Development and Regeneration for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### **LIST OF APPLICATIONS**

Applications for the following sites are included in this report.

1. Land adjacent to The Dagmar PH Whitchurch Road, Sunderland

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Chief Development Control Officer (ext. 1551) email address [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk)

## **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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett  
Director of Development and Regeneration Services.

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**Reference No.:** 06/04523/OUT Outline Application

**Proposal:** **Erection of 34 two storey houses and 12 three storey apartments with associated car parking and landscaping.**

**Location:** Land Adjacent The Dagmar PH Whitchurch Road  
Witherwack Sunderland

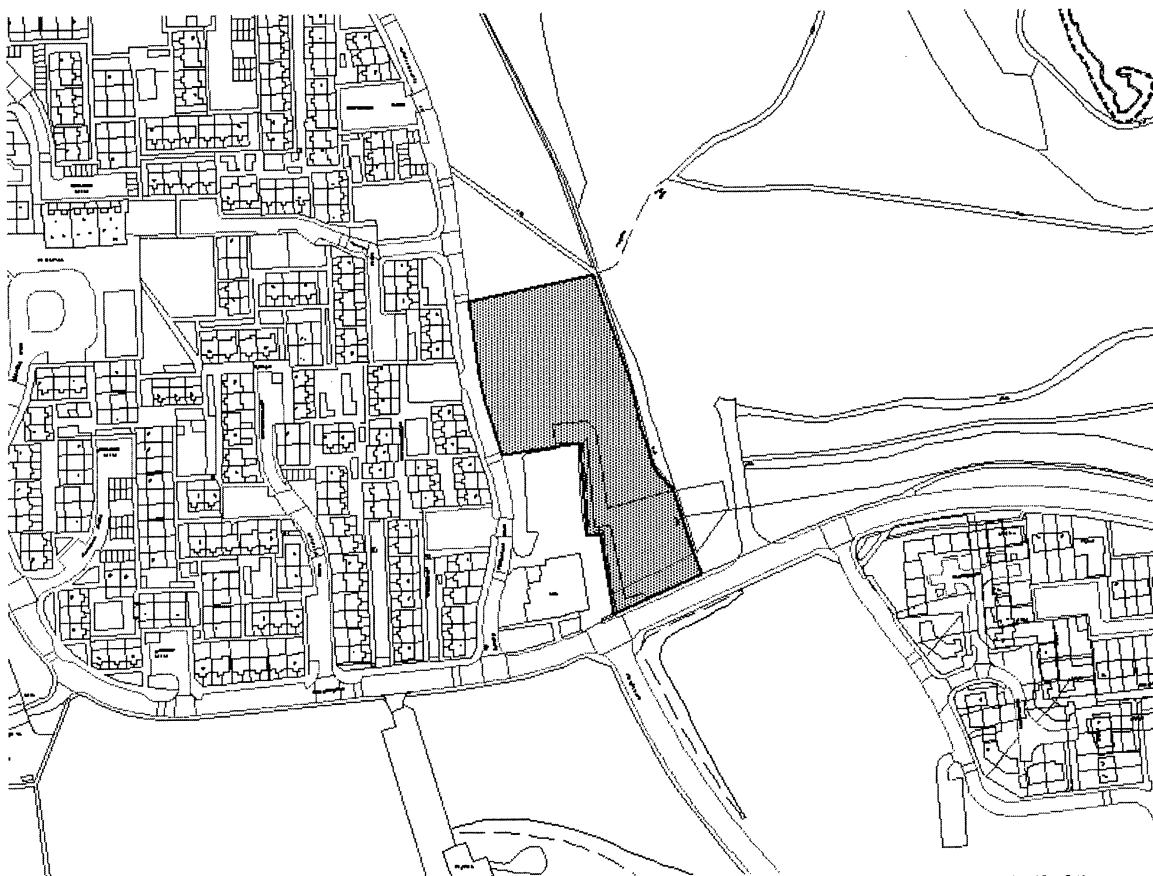
**Ward:** Southwick

**Applicant:** Riverside Developments UK LTD

**Date Valid:** 9 November 2006

**Target Date:** 4 January 2007

### Location Plan



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### PROPOSAL:

This outline application seeks consent for residential development comprising 46 dwellings on a site of some 0.75 has on the edge of the residential area of Sunderland. The Fulwell Quarries amenity area lies to the east.

The application site comprises part of the site of the former "Dagmar" public house and the associated car parking area which is now disused. The additional area of site to the north of the former car park area is a Greenfield site and comprises an area of open grassland.

Existing residential properties are located to the west of the site on the opposite side of Whitchurch Road.

The areas of land to the north and east of the site are identified as Green Belt in the adopted UDP.

#### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

County Archaeologist

Has indicated that he has no objections to the development but has requested that a condition be imposed on any consent granted. Requiring an agreed programme of archaeological work to be completed prior to any development taking place, as the site is located within an area identified as being of potential archaeological importance.

Environment Agency

It has no objection to the proposed development but has advised that The site lies within 250 metres of a former landfill site, which has received inert material such as top soil and small quantities of household and commercial waste only. It is thought unlikely that they are producing landfill gas in any sufficient quantity to become hazardous. The applicant has been informed so that further investigations can be carried out and any mitigation measures required can be controlled by the imposition of a suitable condition on any consent which may be granted.

Members are advised that the responsibility for the safe development and secure occupancy of this development rests with the developer.

The Director Of Education has not submitted any comments.

Northumbrian Water has no objections.

The Director of Community And Cultural Services has no objections.

The Crime Prevention Officer has not submitted any comments.

The Property Services Manager has not submitted any comments.

Final Date for Receipt of Representations: **19.12.2006**

## **REPRESENTATIONS:**

No neighbour representations have been received to date in connection with this application.

## **POLICIES:**

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

H\_15\_ Encourage / negotiate for accessibility standards in housing developments  
H\_21\_ Open space requirements in new residential developments (over 40 bed spaces)

EN\_10\_ Proposals for unallocated sites to be compatible with the neighbourhood  
CN\_15\_ Creation of the Great North Forest

H\_1\_ Provision for new housing

H\_6\_ Considerations in area based housing distributions

H\_8\_ Windfall sites to accord with other policies unless specific benefits are provided

NA\_7\_ Allocated sites for more than 10 dwellings

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

## **COMMENTS:**

The proposed development is for outline planning permission, therefore the principle of the development is the main consideration in determining this application. In addition to the principle of the development an indicative site layout for the proposal has been submitted with the application. This will be considered in addition to the principle of the development.

### **Principle of the Development**

The principle of residential use on the site requires the consideration of policies in the approved UDP and the Interim Strategy for Housing Land.

In considering the approved UDP it should be noted that the application has highlighted an anomaly between the adopted UDP written statement and the proposals map. The proposals map illustrates both the former Dagmar Public House and the areas directly north and east as being subject to Policy NA7.5, however the UDP written statement details the site as 0.76ha, while the application site is 0.75 has. The allocation however includes part of the public house building, which is not within the application site and excludes the southern half of the southern arm of the application site. In relation to anomalies between a written statement and a proposals map, PPG12 Development Plans states "In the event of a contradiction between the written statement and the key diagram, the written statement prevails." (Annex A Types and Forms of Plans; Paragraph 20)

Consequently, the considerations below include policy guidance for both the allocated and unallocated parts of the site.

The northern part of the proposed development site is covered by Policy NA7.5 of the adopted UDP, which allocates the site for more than 10 dwellings. Whilst the proposed development accords in principle with the adopted UDP allocation the proposal to develop 42 dwellings significantly exceeds the estimated dwelling capacity of the site as detailed within the UDP (30 dwellings).

The justification for policy NA7.5 indicates that the site is suitable for use for special needs housing in accordance with policy H15. As this outline application reserves all matters for future consideration any requirement for special needs housing may need to be the subject of a condition on any consent issued. The design and access statement provided in connection with the application indicates that the houses provided would be intended for "mainly family housing with some flats". However, it should be noted also that an application for the erection of a 60 bed care home is current under consideration (App. No. 06/04717/FUL). Policy H21 (Open Space in Residential Areas), requires all new housing development of more than 10 dwellings to make provision for open space and children's play in accordance with the council's standards. A condition to this effect would need to be imposed on any consent granted.

#### | Interim Strategy for housing Land

Consideration needs to be given to the Interim Strategy for Housing Land (Feb 2006) which provides strategic guidance for house building to the period 2016. Chapter 4 of the ISHL provides policies relating to the strategy for the amount, type and location of new housing.

##### Strategic Policies:

Policy SP1 states the council will protect and encourage the development of the strategic sites identified in Appendix 1 of the ISHL. The proposed development is located within a close radius of three strategic sites identified within the ISHL:

Site name	No. of dwellings	Expected delivery period
Carley Hill Road, High Southwick	79	2011 – 2016
Carley Hill School	42	2004 – 2011
Southwick Primary	56	2004 – 2011

It is considered that the proposed development has potential to be detrimental to and impact upon the successful delivery of the strategic sites illustrated above.

The proposed development site falls within 2 categories of sites addressed by the ISHL: sites to be reviewed (North area of site) and windfall sites (South area of site). Policy SP2 of the ISHL states that sites included in the review category are not anticipated to be released before 2016. Review sites that come forward before 2016 and windfall sites must be able to meet the following main criteria to justify their release:

- (ii) For all sites proposing 10 or more dwellings, the number of dwellings on the site or cumulatively in conjunction with other potential housing sites in the area, do not adversely affect the achievement of the ISHL.

- (iii) The development provides for high value housing (defined within the ISHL) or some other clearly identified need.
- (iv) In all cases the proposal must demonstrate that consideration has been given to the sequential approach set out in RPG Policy DP1 and the sustainability criteria of Policy DP2 of the ISHL.

The proposed development should aim to comply with Policy SP2 of the ISHL demonstrating no adverse affect to the achievement of the ISHL, deliver a required housing type, and provide a sequential test. In this instance the applicant supplied a sequential test relating to the adjacent site (the site of the Dagmar Public House). The information contained within the submitted sequential test is not considered relevant to the application site being considered. The application can not be considered therefore to comply with policy DP1 of Regional Planning Guidance or DP2 of the ISHL as insufficient information has been supplied to adequately assess the proposal against the policies set out in policies DP1 and DP2.

The ISHL provides guidance relating to the allowance for windfall sites, and includes an allowance for small sites (less than 10 dwellings) but not specifically for larger sites.

The southern area of the proposed development site is regarded as windfall as the area is not specifically allocated within the adopted UDP, the development proposes 12 dwellings which exceeds the allowance included within the ISHL. This is therefore considered unacceptable.

#### Greenfield Development:

The southern area of the site is considered greenfield and relates to Policy SP4 which states housing development on greenfield land will only be supported;

- (i) Where it can be shown that the release of the site can be justified on the basis of a sequential search and sustainability assessment in accordance with DP1 and DP2 of RPG1; and
- (ii) Where it can be demonstrated that it contributes to the objectives of the ISHL.

The southern area of the proposed development is located on greenfield land, and subsequently sub-sections (i) and (ii) of Policy SP4 should be met. However, it is not considered that the application meets the criteria set out in Policy SP4.

Policy SP5 of the ISHL requires development to achieve a minimum density of 30 d.p.h. and the proposed development delivers in excess of this target and subsequently adheres with Policy SP5.

The proposed development relates to Policy EN10 as all proposals for new development will be judged in accordance with the policies and proposals of the UDP. The southern section of the proposed development concurs with Policy EN10 as the plan does not indicate any proposals for change (white land), would continue the existing pattern of land use, and the principal use would be compatible with the adjacent neighbourhoods.

The proposed development is located in an area within the adopted UDP subject to policy CN15 providing guidance relating to schemes and other initiatives which assist in creating and supporting the Great North Forest. It is not considered that

the proposed development will compromise the creation of the Great North Forest.

#### Indicative Layout

There is an indicative layout provided with the planning application, however, all matters concerning design and layout of the site have been reserved at this stage. As the principle of the development is considered to be unacceptable for the reasons set out above it is not considered appropriate to comment in detail on the sketch scheme other than to note that only 32 of the proposed 34 house indicated on the application form have been indicated thereon

#### Conclusion

Whilst an area of the site is allocated for housing in the UDP, the site is considered to be greenfield and is under review within the ISHL, additionally, the number of dwellings (42) is considered to be detrimental to the successful delivery of strategic housing sites within North Sunderland (as defined in the ISHL). Furthermore, the applicant has failed to supply sufficient information, in the form of a sequential test, in connection with the application. This is contrary to the requirements of Policies H1; H6; H8. The principle of development therefore is not considered to be appropriate and it is recommended that the application be refused accordingly.

#### **RECOMMENDATION: Refuse**

#### **Reasons:**

- 1 The proposed development is considered likely to undermine the delivery of the strategic housing sites as defined in the Interim Strategy For Housing Land contrary to the requirements of policies SP2 and SP4 of the adopted UDP.
- 2 The proposed development is located on an area of Greenfield Land and is unsupported by an appropriate sequential test contrary to the requirements of policies H1 and SP4 of the adopted UDP and policies DP1 and DP2 of RPG1.

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION No. & Ward	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
04/01568/OUT  Southwick	Sunderland Association Football Club Stadium Of Light Sunderland	<b>Sunderland AFC</b> Erection of ten storey hotel incorporating two storey academy in existing parking area.	04.03.2005	03.10.04	Awaiting further Information
06/02899/FUL  St Peters	Roker Hotel 9-13 Roker Tce Sunderland SR6 9ND	<b>Durham Estates Ltd</b> Increase in height of second floor to include raising roof line of main building and rear offshoot, to include 11 no. dormer windows to front. (14 no. additional bedrooms in roof space).	N/A	N/A	Awaiting further Information
06/03693/CON  St Peters	South Lodge 12-13 South Cliff Sunderland	<b>Durham Estates Ltd</b> Demolition of South Lodge 3 storey nursing home	N/A	N/A	Pending further consideration

## ITEMS FOR INFORMATION

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06/03694/FUL  St Peters	South Lodge 12-13 South Cliff Sunderland	<b>Durham Estates Ltd</b>  Demolition of existing 3 storey nursing home end erection of block of 16 no. flats and block of 4 flats to rear in current car park.	N/A	N/A	Pending further consideration
06/04717/FUL  Southwick	The Dagmar Emsworth Road Sunderland	<b>GLCC (Northern) Pension Scheme</b>  Demolition of existing redundant public house and the construction of a new 60 bed residential care centre.	N/A	N/A	Pending further consideration
06/04922/FUL  Redhill	Land off Kingsway Road, Downhill, Sunderland	<b>The Ladhar Group</b>  Erection of 69 bed residential care home and 4 bed residential care house.	N/A	N/A	Pending further consideration

## Appeals Received North Sunderland

Between 01/10/2006 and 31/10/2006

Ref No	Address	Description	Date Appeal Lodged
06/00070/REF	5 Bruce Street☐Southwick☐Sunderland☐S R5 1RY☐	Erection of dormer to rear.	04/10/2006
06/00071/REF	17-19 Carlisle Terrace☐Sunderland☐SR5 2DF☐	Erection of single storey flat roof workshop extension for tyre repair and fitting.	02/10/2006

## Appeals Received North Sunderland

Between 01/11/2006 and 30/11/2006

Ref No	Address	Description	Date Appeal Lodged
06/00076/REF	Land To Rear 1 Givens Street Sunderland	Erection of a freestanding hoarding (retrospective).	02/11/2006
06/00087/REF	6 Ravine Terrace Sunderland SR6 9LZ	Replacement UPVC Windows to the front and rear (RETROSPECTIVE).	17/11/2006

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## Appeals Determined North Sunderland

Between

and

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Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
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