

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

**2nd February 2010**

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### **REPORT ON APPLICATIONS**

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

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

This report includes recommendations on all applications other than those that are delegated to the Director of Development and Regeneration Services 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.

##### **South Area**

1. Belford Sports Ground, Belford Road
2. Land At, Wessington Way, Timber Beach Road, Hylton Park Road, European Way And Groves Coles Site, 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 Deputy Development Control Manager (ext. 1552) 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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

**Reference No.:** 09/04737/LAP Development by City(Regulation 3)

**Proposal:** **Partial replacement of existing fencing, supply of ball stop fencing, and installation of 2 gates to the southern end of site**

**Location:** Belford Sports Ground Belford Road Sunderland

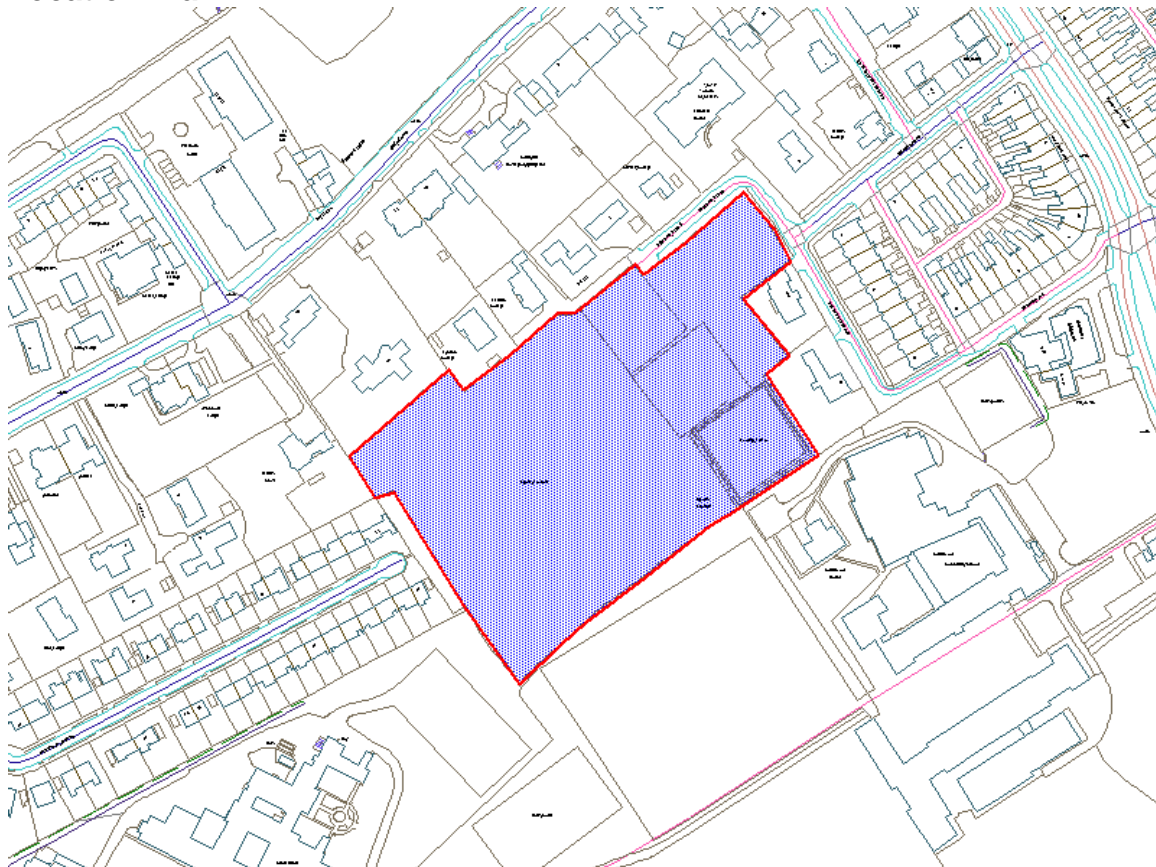
**Ward:** St Michaels

**Applicant:** Sunderland City Council

**Date Valid:** 8 January 2010

**Target Date:** 5 March 2010

### Location Plan



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### PROPOSAL:

The proposal relates to the erection of replacement fencing to the west and east boundaries of the sports ground at 2.4m high. Two sets of gates will be inserted into the existing fence to the southern boundary. To the north, two sections of 6m high ball stop fencing are proposed 4.5m and 7.5m in from the existing boundary. The new fencing sections and ball stops are proposed to be steel posts with weldmesh panels, the gates are proposed to be palisade to match the existing fence.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

Final Date for Receipt of Representations: **02.02.2010**

## **REPRESENTATIONS:**

Neighbours

To date, no representations have been received, although it should be noted that the consultation period does not expire until after the deadline for preparation of this report. Any representations received will be reported in advance of the Sub-Committee Meeting by way of a supplement report.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_3\_Protection of public/ private open space (urban green space)  
L\_1\_General provision of recreational and leisure facilities  
L\_7\_Protection of recreational and amenity land  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

## **COMMENTS:**

The main issues to consider in this case are

- The Principle of the Use.
- Residential / Visual Amenity.
- Highways / Transportation.

In determining the application the LPA had regard to policies within the adopted UDP that are on the list of 'saved' policies submitted to the Secretary of State via Government Office for the North East. Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007. All the policies referred to in the following assessment have been saved.

The Principle of the Use.

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.

L1 relates to the Council's commitment to the provision of recreational and leisure facilities. L7 seeks the protection of land allocated for open space or outdoor recreation, whilst B3 seeks to protect open space from inappropriate development. Given that the sports ground will remain in use as a sports ground, and the proposed development will improve its use as such, it is considered that the proposal complies with the above policies within the UDP and is acceptable in land use terms.

Residential / Visual Amenity.

Policy B2 of the adopted Unitary Development Plan (UDP), 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'.

The issues relating to amenity are still being assessed.

Highways / Transportation.

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.

The issues relating to highway safety are still being assessed.

## CONCLUSION

The impact of the development upon the amenities of the area and nearby residential properties and the highway safety implications of the development are still under consideration pending the expiry of the consultation period on 11 February 2010. It is hoped to be report further on these matters and to make a recommendation on a supplementary report.

**RECOMMENDATION: Deputy Chief Executive to Report**

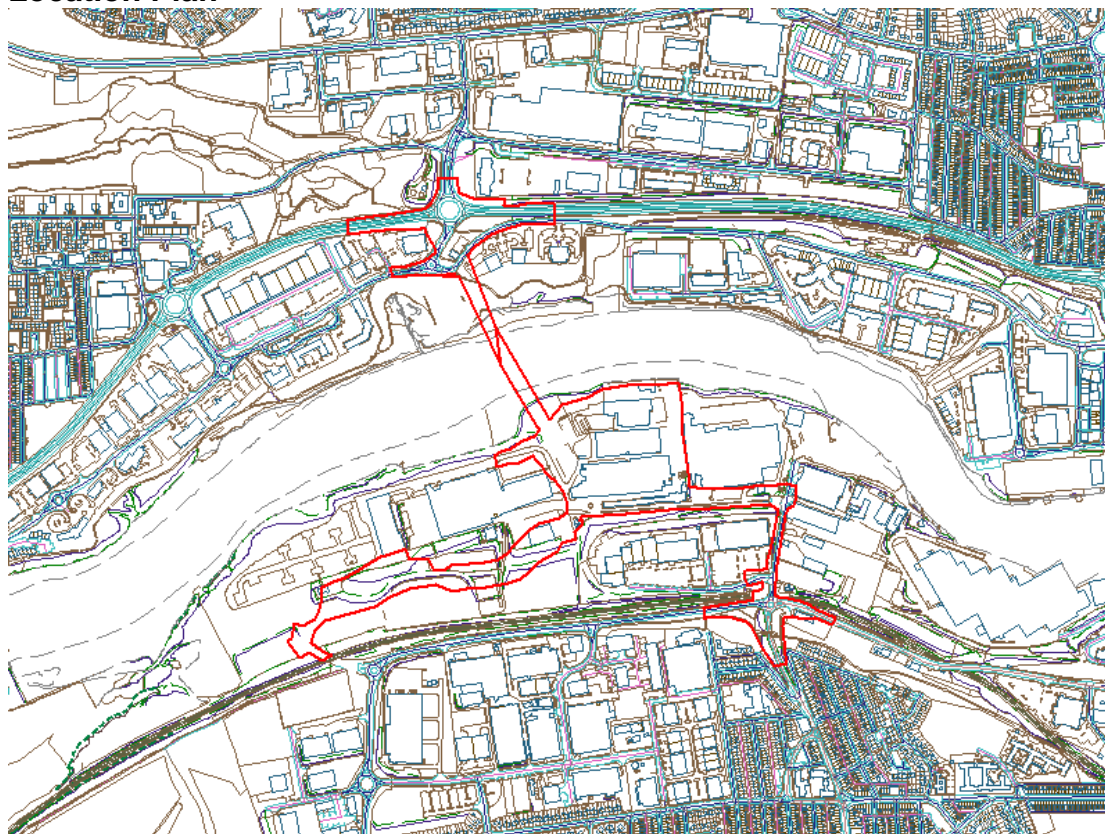
Reference No.: 09/04661/LAP Development by City(Regulation 3)

**Proposal:** Erection of new highway bridge, with two columns of maximum height of 190m and 140m respectively, and associated highway infrastructure, connecting Wessington Way in Castletown and European Way in Pallion, with associated landscaping and engineering works, together with a temporary bridge to facilitate bridge construction; Stopping-Up of highways, change of use of land and inclusion of additional land as new highway and highway infrastructure at and in proximity to Hylton Riverside, Hylton Park Road, Timber Beach Road, Wessington Way and European Way and Crown Works and Groves/Coles Site, Sunderland.

**Location:** Land At, Wessington Way, Timber Beach Road, Hylton Park Road, European Way And Groves Coles Site, Sunderland.

**Ward:** Pallion  
**Applicant:** City Services  
**Date Valid:** 22 December 2009  
**Target Date:** 23 March 2010

#### Location Plan



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## PROPOSAL:

The development comprises a new bridge over the River Wear between Pallion and Castletown together with new and improved highway connections to the bridge from the wider highway network. It is proposed that construction would begin in 2012 with the bridge operational in 2015. The overall scheme comprises Phase 2 of the Sunderland Strategic Transport Corridor which seeks to improve links between The Port, the City Centre, the A19 and the Southern Radial Route. The SSTC is a key facet of attempts to regenerate the City and provide a high quality road network over the period 2012 - 2021. The aim is to provide improved facilities for vehicular (private and freight) cycle and pedestrian movement.

The new bridge is proposed to cross the River Wear to the west of the existing Queen Alexandra Bridge, linking Sunderland Enterprise Park (off Wessington Way) on the north bank with the former Groves Coles site at Pallion on the south bank. The bridge consists of two independent curving steel towers the smaller one being no higher than 140m and the taller one no higher than 190m. The main feature of bridge, which is unique amongst cable stayed bridges, is that the stays support the deck from one side of each mast only. The end spans of the bridge are supported on inclined piers at each end. The north and south abutments are expected to be earth embankments with a piled foundation supporting the bridge bearing. The suspended deck will span 336m to the abutments and deck supports which will be located out of water on either bank. The 24.5m wide deck will consist of pedestrian and cycle access on one side, two 7.3m wide carriageways and another 2m wide pedestrian walkway on the other side. The deck surface is some 16 - 20m above the River Wear. Lighting of the roads, and cycle/footpath is proposed by low level recessed luminaries, with feature lighting to illuminate the mast facades.

It is proposed that a temporary bridge, from the south bank to the centre of the river, be constructed to enable construction of the central foundations and masts within the river bed.

Six highway linkages are proposed to the bridge, all incorporating pedestrian, cycle and vehicle access:

- i) New Wear Crossing Northern Approach - connecting Wessington Way to the new bridge incorporating improvements to Wessington Way including the conversion of the at grade 4 arm roundabout to a four way signalised junction.
- ii) Orange link - a secondary route on the north bank of the River Wear proposed to pass under the Northern Approach to connect Timber Beach Road to Hylton Park Road, essentially a re-alignment of the existing highway, providing improvements for motorists and pedestrians alike.
- iii) New Wear Crossing Southern Approach link - connecting the new bridge to Woodbine Terrace on the southern bank of the River Wear.
- iv) The Blue Link - a secondary route connecting European Way to the new Southern Approach link passing under the existing Metro bridge.
- v) The Yellow Link - a secondary route connecting the Southern Approach to the existing riverside, providing access to Ditchburn Terrace and the development area to the west of the new bridge.
- vi) Woodbine Terrace - connects the Southern approach to European Way and is proposed to improve the vertical alignment of the existing highway with new retaining walls to either side.



## Site Description

The development site extends to some 16.6 hectares (41.02 acres) straddling the River Wear between Pallion and Castletown. It is predominantly industrial and retail in nature with large warehousing type sheds and extensive car parking and highways. The area is also interspersed with areas of open space and woodland particularly on the north bank. There the area known as Timber Beach falls within the site, this is a nature conservation site of local importance. It comprises a complex area of meadows, scrub, riverbank and plantation woodland, which offers feeding grounds for seasonal migrating birds.

There are existing road links to the A1231 (Wessington Way) and from there to the A19 and beyond on the north bank, while to the south European Way and Pallion Road (B1405) link with Durham Road A690 and the City Centre and The Port

The application is supported by a wide range of documents including:

- Environmental Impact Assessment (5 volumes + appendices)
- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessments
- Construction Report
- Contaminated Land Desk Based Assessment
- Concept Report
- Archaeological Monitoring Report
- CPO Report
- Site Waste Management Framework
- Sustainable Transport Assessment
- Construction Traffic Assessment
- Transport Impact Assessment (+ Appendices)
- Arboricultural Report
- Lighting Assessment
- Construction Report (Highways)
- Drainage Impact and Utilities

Members may be aware that the scheme is the subject of a Planning Performance Agreement (PPA). A PPA is a framework agreed between the local planning authority and a planning applicant for the management of complex development proposals within the planning process. It allows the two parties to agree a project plan and programme which includes the appropriate resources to determine the planning application to a firm timetable. This approach puts more emphasis on the quality of the decision and the outcomes than its speed and forms part of the government's push towards a "Development Management" approach to planning. In this instance a number of consultees have also signed up to the agreement which envisages that a decision will be made on the scheme by 31st May, unless it is called in by the Secretary of State for his determination.



## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Wear Rivers Trust  
English Heritage  
National Grid Transco  
Chester Le Street District Council  
Durham County Council  
Sport England  
Fire Prevention Officer  
British Telecommunications  
The Coal Authority  
SUSTRANS  
Northumbria Police (Sunderland Area Command)  
ARC  
Northumbrian Water  
Environment Agency  
The Highways Agency  
County Archaeologist  
Durham Bat Group  
Community and Cultural Services - Parks \_ Open Space  
Durham Wildlife Trust  
Business Investment  
Northern Electric  
UK Gas Business  
NATS Safeguarding Officer  
Nexus  
One North East  
Director of Community and Cultural Services  
Force Planning and Police Architectural Liaison Officer  
Port Manager  
The Royal Society for the Protection of Birds

Final Date for Receipt of Representations: **29.10.2010**

## **REPRESENTATIONS:**

Neighbours

To date one letter of support has been received emphasising the attractiveness of the design of the bridge and its improvement of transport links and the regenerative effect for employment in the area.

Consultees

Civil Aviation Authority - has no objections, but requires navigation warning lights on structures taller than 150m.

Coal Authority - has no objections but has indicated that surface coal deposits should not be sterilised by development, the stability of the structure should be ensured given the history of mine workings in the area. A reminder has also been provided about the Authority's standing advice and the need for its consent should any old coal workings need to be examined.

Durham County Council - has no objections.

N.A.T.S. - has indicated that the scheme does not conflict with its safeguarding criteria.

Ministry of Defence Safeguarding - has no objections

County Archaeologist - has no objections but has proposed seven conditions which should be imposed on any consent issued. Those conditions are in respect of the further archaeological works which would be required and the reporting thereof, should consent be granted.

Durham Bat Group- has indicated that it supports the scheme but has raised concerns in respect of the inadequate bat emergence surveys undertaken, resulting in suggested impacts which are not well informed and thereby leaving the council vulnerable to prosecution should bats or a roost be damaged during the construction phase. It is suggested that further survey work be undertaken before the application is determined and appropriate mitigation/remediation measures be then incorporated into the scheme.

Sport England - understands that part of the site was once playing fields containing a two pitches and a bowling green (adjacent to Coles Cranes). These facilities have been out of use for over five years and therefore cannot trigger a statutory consultation with Sport England. It understands that Sunderland City Council have produced a Playing Pitch Strategy, but is not aware that this is in the public domain yet. The Council needs to consider the potential demand that these facilities could serve if they were bought back into use in relation to the findings in the Playing Pitch Strategy. If they look like they could serve demand, they should be safeguarded or reprovided to an alternative site. Provided that the Council considers the above as part of the assessment, Sport England would have no objection to this application.

## **POLICIES:**

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

R\_1\_Working towards environmentally sustainable development

R\_4\_Incorporation of energy saving measures

B\_2\_Scale, massing layout and setting of new developments

EC\_1\_General Support for economic development proposals and initiatives

EC\_2\_Supply of land and premises for economic development purposes

EC\_4\_Retention and improvement of existing business and industrial land

EC\_5\_Sites for mixed uses

S\_2\_Encouraging proposals which will enhance / regenerate defined existing centres.

L\_1\_General provision of recreational and leisure facilities

L\_12\_Promotion of the recreational and tourist potential of the coast and riverside

SA\_1\_Retention and improvement of existing employment site

SA\_50\_Implementation of new roads / road improvements

SA\_52\_Safeguarding of land corridors for roads and associated works

T\_1\_Promote the development of a varied, balanced, integrated & sustainable transport system

T\_2\_Promote the role of public transport, improving quality, attractiveness and range

T\_4\_Maintain and improve a comprehensive network of bus routes

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

T\_13\_Criteria influencing proposals for highways improvements including new road construction.

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_18\_Design of street furniture and landscaping associated with highways schemes

T\_20\_Manage the highways system by regulation and physical improvement.

T\_25\_Support improvements to the national highway and rail network

T\_26\_Assist operation of the Port by enhanced access and control of development

NA\_32\_Designation of Local Nature Reserves

EN\_12\_Conflicts between new development and flood risk / water resources

EN\_15\_Promoting / encouraging the reclamation of derelict land for appropriate uses

SA\_38\_Protection and enhancement of important views of the City

CN\_13\_Protection and enhancement of important views

CN\_16\_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN\_18\_Promotion of nature conservation (general)

CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN\_22\_Developments affecting protected wildlife species and habitats

CN\_23\_Measures to conserve/ improve wildlife corridors

B\_3\_Protection of public/ private open space (urban green space)

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

B\_13\_Sites and monuments of local importance affected by development

B\_14\_Development in areas of potential archaeological importance

In addition to the policies listed above it is considered that the following national, regional and local supplementary policies are of relevance to the consideration of this application.

PPS1 - Delivering sustainable communities

PPS9 - Biodiversity and Geological Conservation

PPG13 - Transport

PPG16 - Archaeology and Planning

PPS23 - Planning and Pollution Control

PPS24 - Planning and noise

PPS25 - Planning and Flood Risk

## Policies of the Regional Spatial Strategy for the North East:

Policy 1 - North East Renaissance  
Policy 2 - Sustainable Development  
Policy 3 - Climate Change  
Policy 4 - Sequential Approach to Development  
Policy 7 - Connectivity and Accessibility  
Policy 8 - Protecting and Enhancing the Environment  
Policy 9 - Tyne and Wear City Region  
Policy 12 - Sustainable Economic Development  
Policy 16 - Culture and Tourism  
Policy 32 - Historic Environment  
Policy 33 - Biodiversity and Geodiversity  
Policy 34 - The Aquatic and Marine Environment  
Policy 35 - Flood risk  
Policy 36 - Trees and Woodlands  
Policy 37 - Air Quality  
Policy 38 - Sustainable Construction  
Policy 49 - Regional Transport Corridors  
Policy 55- Accessibility within and between the City Regions.

## Alteration No. 2 to the Sunderland Unitary Development Plan:

EC5A - Comprehensive Development sites  
EC5B - Strategic Locations for Change  
EC10A - Regeneration of Central Sunderland  
H5A - Housing Allocations in Central Sunderland  
SA6A.1 - Former Grove site  
SA6B.3 - Pallion Retail Park  
SA52A - New Routes  
T1A - New Transport Investment

## COMMENTS:

It is considered that in determining this application the following main issues will need to be considered:

- Principle of the development
- Design of the bridge structure
- Impact on ecology of the area, including terrestrial, fluvial and marine environments
- Visual impact of the proposal
- Highway implications of the proposal
- Contaminated land issues
- Flood Risk Issues
- Tree Issues
- Impact on the Historic Environment.

The consultation period for the proposal is not yet complete and the mitigation strategy particularly for the fluvial and marine habitats has still to be submitted. The submitted information together with the above issues are still being given consideration.

However, it is clear that the scheme, which would create a landmark structure for the city, raises issues of more than local significance:

- It straddles the boundaries of two of the Development Control Sub Committees (North Sunderland and South Sunderland)
- It forms part of the City's future strategic road network with impacts on traffic movements and highway improvements well beyond either area.
- It impacts on the regeneration of key development sites in the City (e.g. Vaux, Groves -Cole)
- It has the potential to generate new interest in the area and to boost tourism in the city.

Accordingly, it is considered that it is appropriate that the development be referred to the Planning and Highways Committee for determination. If Members agree to the recommendation the PPA programme proposes that the matter be reported to the meeting of that Committee on 29th April 2010.

**RECOMMENDATION: Refer to Planning and Highways Committee**

## 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 NUMBER		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	09/04379/OUT	Site of The Forge, Neville Road, Pallion.	<b>University Of Sunderland</b>  Outline Planning Application for the erection of 66no residential dwellings and creation of new access from Neville Road.	N/A	N/A	Pending Further Consideration
2	09/04738/FUL	Hylton Road Sunderland SR4 7XF	<b>Pallion Health Centre</b>  Temporary decant accommodation for existing GP surgeries from Pallion Health Centre during duration of construction work on new health centre building. Temporary accommodation to consist of a two storey modular building with external lift and entrance ramp located on site of existing car park. Parking provision for 40 parking bays and cycle storage included in development	N/A	N?A	Pending further consideration.

## 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

3.	09/04585/FUL	Durham Road Sunderland SR3 4AH	<b>City Of Sunderland College Wearside Tertiary College</b>  Erection of new sports pavilion, 10 no artificial sports pitches plus associated fences and lighting. Re-use of existing car parking, new pedestrian links and landscaping.	N/A	N/A	Pending further consideration.
4	09/04013/FUL	Tunstall Road Sunderland SR2 7RU	<b>Ingleside</b>  Change of use from residential care home to supported housing for homeless people (Retrospective).	N/A	N/A	Pending further consideration
5.	09/04607/REN	17 Mowbray Road Sunderland SR2 8EW	<b>Oakwood House</b>  Renewal of planning application 07/05332/FUL to continue temporary use as supported residential accommodation.	5.1,09	N/A	Pending further consideration.



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Items Delegated to  
The  
Deputy Chief Executive

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## Items Delegated to the Deputy Chief Executive Development Control (South ) Sub Committee

1.                      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)

09/03839/FUL        Mill Hill Road Doxford Park Sunderland

19/10/09             Gentoo Homes Ltd

**Decision:**            Approved

**Date of Decision:** 18 Jan 2010

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## Appeals Received South Sunderland

Between 01/11/2009 and 30/11/2009

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Ref No	Address	Description	Date Appeal Lodged
09/00042/REF	76 Park Lea Sunderland SR3 3SZ	Erection of new fence to rear and side (Retrospective)	09/11/2009

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## Appeals Determined Sunderland South

Between 01/11/2009 and 30/11/2009

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TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00024/REF	MGT Paving And Garden Ltd Pallion New Road Sunderland SR4 6UA	Retrospective change of use from waste transfer station to garden and block paving supplies but keeping existing non ferrous metals operation and erection of portacabin.	DISMIS	05/11/2009
	09/00038/REF	44 Gayhurst Crescent Sunderland S R3 2TB	Erection of single storey extension to front and side and new boundary wall.	ALLOW	17/11/2009



# Appeal Decision

Site visit made on 18 September 2009

by **Keith Manning BSc (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
5 November 2009

**Appeal Ref: APP/J4525/A/09/2107196**

**MGT Paving & Garden Ltd, Pallion New Road, Sunderland, Tyne & Wear  
SR4 6UA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by MGT Paving & Garden Ltd against the decision of Sunderland City Council.
- The application Ref 08/03674/FUL, dated 23 September 2008, was refused by notice dated 6 January 2009.
- The development proposed is change of use from waste transfer station to garden and block paving supplies but keeping existing non-ferrous metals operation and erection of portacabin.

## Decision

1. I dismiss the appeal.

## Procedural Matter

2. The appeal concerns a development that has already taken place. I therefore treat it as an application for retrospective planning permission.

## Main issues

3. I consider the main issues to be whether the proposed development would conflict harmfully with the intentions of relevant policy concerning industrial, retailing and mixed uses and whether it would be harmful to highway and pedestrian safety.

## Reasons

4. The appeal site is a parcel of land close to a roundabout connecting principal thoroughfares through an area shown on the Council's Unitary Development Plan proposals map as a business/industrial area to be retained and improved and therefore subject, inter alia, to saved policies EC4 and S13. The Council says that saved policy EC5 on mixed use is also relevant and on that basis it seems to me that, in principle, the proposed use would be compatible with the intentions of that policy, if not on its specific merits those of EC4, insofar as the display and retail sale of paving, aggregates and certain gardening supplies is not something that may readily be accommodated in an existing shopping centre. The retention of the existing non-ferrous metals operation in the existing industrial unit is not, in land use terms, necessarily incompatible with such a use, albeit that there are distinguishing operational differences.





5. One such difference is that the proposed retail operation would necessarily attract visiting members of the public in some numbers and on an uncontrolled basis, with the consequential potential for conflict between heavy traffic and pedestrians in particular. That conflict would be exacerbated by the inability of pantechnicons and similar vehicles to turn within the site owing to the extent and disposition of the display areas, as reversing in close proximity to members of the public on foot within the site would be inherently unsafe. Moreover, reversing out of the site on a routine basis would create unacceptable highway safety problems, especially bearing in mind the geometry of the existing entrance, its relationship to the nearby roundabout, and the necessity for car-borne retail customers to share the same entrance. For these reasons I consider that the proposed development would conflict harmfully with the intentions of saved UDP policy T14, which is comprehensively concerned with safety considerations of this nature.
6. The appellant maintains that smaller vehicles would be used to service both the non-ferrous metals operation and the retail operation. However while that may be the current practice and intention, a future operator of the site could deploy different practices, less considerate of safety, and I do not consider that a readily enforceable condition could be attached to a grant of planning permission to ensure that did not occur.
7. Nor am I satisfied on the basis of my site visit and the plans and evidence before me that proper pedestrian segregation and adequate turning for large vehicles could simultaneously be achieved within the context of the retail use and layout of the site as currently conceived and proposed. The Council suggests that conditions could be imposed requiring parking, turning and pedestrian segregation to be subsequently approved. However, given the extent, nature and arrangement of the proposed retail display, I have no firm evidence to demonstrate that such detailed arrangements could be implemented without substantially and unreasonably modifying the nature of the permission sought, contrary to the advice of Circular 11/95.
8. For the reasons given above I conclude that the appeal should be dismissed.

*Keith Manning*

Inspector





# Appeal Decision

Site visit made on 11 November 2009

by **N R Taylor** BSc CEng MICE MIHT

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:

17 November 2009



**Appeal Ref: APP/J4525/D/09/2114606**

**44 Gayhurst Crescent, Sunderland SR3 2TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Margaret Barks against the decision of Sunderland City Council.
- The application Ref 09/02676/FUL, dated 14 July 2009, was refused by notice dated 27 August 2009.
- The development proposed is described as a single storey extension to front and side of property. New garden wall.

## Decision

1. I allow the appeal, and grant planning permission for a single storey extension to front and side and new boundary wall at 44 Gayhurst Crescent, Sunderland SR3 2TB in accordance with the terms of the application, Ref 09/02676/FUL, dated 14 July 2009, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## Procedural matter

2. The planning application form describes the proposal as a single storey extension to front and side of property. New garden wall. I consider that the description set out in the refusal notice and appeal form, which I have repeated in my decision above, is a more accurate description of the proposal and it is on this basis that I have considered the appeal.

## Main issue

3. The main Issue is the likely impact of the proposed development on the street scene and on the character and appearance of the area.

## Reasons

4. The appeal property is situated in an estate of mostly semi-detached houses of generally similar styles. It occupies a corner plot at the junction of Gayhurst Crescent and Lawnhead Square.



5. Whilst I note that the proposed development would extend beyond the building line of the properties along Lawnhead Square, the appeal building is separated from these properties by its rear garden and garage, and the garage of No 11 Lawnhead Square. It is also clearly orientated differently from them. As a result, the gable end of No 44 does not, in my view, relate visually to the front of the properties in Lawnhead Square.
6. Lawnhead Square is a street of generous proportions, having wide footways, grass verges and parking areas in front of the dwellings. It has therefore a very spacious aspect. The proposed single storey extension, which would be of limited proportions in relation to this space, would intrude little into this area. Moreover the elevation facing on to Lawnhead Square is shielded from the street to some extent by a mature tree located in the grass verge. I have therefore formed the opinion that the development would not cause significant harm to the street scene or surrounding area.
7. My attention has been drawn to other extensions in Gayhurst Crescent; one in particular, at No 47, is similar to the proposed development at No 44 in a similar situation. In my view this demonstrates that, with sympathetic materials, such extensions can be successfully set in the street scene, and be subordinate and in harmony with the host property.
8. I therefore consider that the proposal, subject to a condition to ensure materials match the existing dwelling, would not conflict with Policy B2 of the City of Sunderland Unitary Development Plan which seeks to ensure that extensions to existing buildings respect and enhance the best qualities of nearby properties and the locality. I have noted the Council's reference to the emerging Supplementary Planning Document (SPD). However, this does not appear to have been adopted by the Council. Planning Policy Statement 12: *Local Development Frameworks* indicates that on commencement of the new planning system, existing supplementary planning guidance will not automatically lose its status and will continue to exist as non-statutory guidance whilst the relevant saved policies are in place. I have therefore noted its content but have not given significant weight to the SPD.
9. The Council has suggested one condition, in addition to the standard one on timing, seeking to ensure that the materials used match those of the existing building. As I have indicated above, I consider that this is necessary to ensure that the development would comply with Local Plan Policy B2 and I attach a condition to this effect.
10. For the reasons given above I conclude that the appeal should be allowed.

*NR Taylor*

INSPECTOR

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## Appeals Received South Sunderland

Between 01/12/2009 and 31/12/2009

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Ref No	Address	Description	Date Appeal Lodged
09/00045/REF	Silksworth Video Centre Unit 1 Tunstall Village Road Sunderland SR3 2AZ	Change of use to hot food takeaway (Use Class A5) to include extraction facilities to rear elevation.	03/12/2009
09/00046/REF	28 Bishops Way Sunderland SR3 2SJ	Erection of 2 storey front extension and increase in height of dwelling	04/12/2009
09/00047/REF	12 Estuary Way Sunderland SR4 0RS	Erection of a conservatory to the rear.	16/12/2009

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## Appeals Determined Sunderland South

Between 01/12/2009 and 31/12/2009

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TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
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