

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

AGENDA

**Meeting to be held in Committee Room No. 6 on Tuesday 3rd
September, 2013 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith).	17

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

22nd August, 2013

Item 3

Development Control (South Sunderland) Sub-Committee

3 September 2013

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive 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 & City Centre Area

1. Mill House The Broadway Grindon Sunderland
2. Land Off Burdon Road Adjacent To The Fold Burdon Road Tunstall 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 email Development Control 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 (Development Management Procedure) (England) Order 2010

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

residential area of semi-detached dwellings, access to the site is taken off Grindon Court. The site is sloping from north to south, and enclosed behind a front and side brick wall with metal railings on top. The rear boundaries are 1.5 metres high close boarded fencing.

The proposal has been subject to pre-application discussions with the applicant where it was established that due to ill health the applicant was proposing to move into the annexe, all contained within one curtilage with the donor property being occupied in the future by the applicant's daughter and family, thus enabling long term care requirements within the curtilage.

The proposed bungalow provides a footprint that measures 10.8 metres in width, 6.5 metres in depth providing two bedrooms, a wetroom, kitchen and living room. Reaching 2.4 metres in height at eaves level and 3.9 metres in height at ridge level, the bungalow is designed with a hipped roof. Set back from the highway by a distance of 8.5 metres and 2.5 metres from the side elevation of the donor property a small gap of 1.4 metres is retained between the rear elevation and the shared common boundary with No.1 Grindon Park.

The existing garage to be demolished provides a footprint measuring 6.2 metres in length by 6.2 metres in width with a hipped roof reaching 3.9 metres in height above ground level. The removal of the existing structure allows the extension of the existing driveway and landscaping to the perimeter borders.

In the interest of clarity it is important to outline the history of the site, and highlight previous planning decisions on the land. The donor property was granted planning permission dated 30.10.1981 (ref.80/0991A), two further planning applications were later submitted and refused for the erection of a detached bungalow (ref 94/1093 and 97/00428/FUL) each of the refusals were subsequently dismissed at appeal. In each instance the main reason for refusal related to the overdevelopment of the site to the detriment of the residents of Mill House due to a reduction in garden area.

The planning inspectors decision notice in each occasion indicated that whilst the site could accommodate a further dwelling, the remaining amenity space around the property would be inadequate for a house of its size.

With the above in mind the current application has been designed to retain one single curtilage, whilst minimising the overall size of development on the site to an additional 32 square metres.

This application is being reported to Committee following a request from a local ward Member, following issues raised by previous applications, previous history and local representations to the development in general.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Sandhill - Ward Councillor Consultation

Final Date for Receipt of Representations: **08.08.2013**

REPRESENTATIONS:

One letter of representation was received from a neighbouring property drawing attention to the previous refusals for the erection of a detached bungalow on the site and the subsequent dismissed appeals and has stated the following reasons for objection:

- 1: The proposal would be an overdevelopment of the current site.
- 2: The proposal would be detrimental to the visual amenities of adjacent residents by reason of its size, position and materials used in its construction.
- 3: The proposed developments would lead to the attraction of vehicles to and from the site and without adequate off street parking facilities would lead to the creation of conditions prejudicial to road safety.

Taken each of the historical reasons for refusal in turn.

1. In each of the previously refused planning applications for a detached bungalow, the proposals were of a size substantially larger than that currently proposed, however it must be noted that each of the previous applications sought to provide a separate curtilage with new boundary enclosures and intensification of the use of the site. In this particular instance and taken note from previous inspectors comments, it has always been intimated that the site could accommodate a further dwelling, however it was the relationship with the donor property that provided the stumbling block in reaching an achievable and suitable solution.

In this particular instance, the current proposal seeks to build a property with a footprint of 70.2 square metres in area on a side garden plot of 270 square metres in area, equating to approximately 26% of the garden, which in terms of the additional build over and above the existing garage equates to an increase in build area of approximately 12%.

With the above in mind, the shared garden area, shared driveway and increase in build of only 32 square metres the proposal is not considered to represent an overdevelopment of the site.

2. The proposed bungalow has been significantly reduced in overall size compared with the previous refusals, both in terms of floor area and height. Furthermore the amended drawings have reduced the overall height of the building in line with the existing garage so that in terms of visual impact the proposal is no more significant than the existing detached garage. The proposal is also significantly set back from the highway and is sited to comply with the City Council's adopted spacing standards.

3. There is no intensification of use on the site and as such the development is not considered to lead to conditions prejudicial to highway safety.

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

COMMENTS:

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

- The suitability of the site for residential development .
- The impact of the development on residential and visual amenity.
- Highway/Parking implications.

Policy Considerations

In determining the application due consideration has been given to paragraphs 17, 49, 53, 56 and 64 of the National Planning Policy Framework (NPPF), policies B2, EN10 and T14 of the saved adopted Unitary Development Plan (UDP) and guidance provided within the Residential Design Guide Supplementary Planning Document (SPD).

UDP policy B2 seeks to ensure that the scale, massing, layout and/or setting of new buildings respect and enhance the best qualities of nearby properties and the locality as well as retaining privacy levels.

The site does not have any specific land use allocation in the UDP and as such policy EN10 applies. Policy EN10 sets out that where there is no specific land use designation, any new form of development should respect the principle of the existing land use in the area.

T14 of the UDP is concerned with ensuring that proposals for development are not prejudicial to highway safety or pedestrian safety, with a requirement for new developments to provide adequate parking within the site.

Principle of the site for residential development

The predominant land use within the surrounding area is residential and therefore it is considered that the principle of residential is acceptable on the site. As such, the proposal accords with policy EN10 of the UDP.

The impact of the development on residential and visual amenity.

The development proposed seeks to site the annexe dwelling a distance of 2.5 metres south east of the donor property, with 4.4 metres of the proposal sitting in front of the rear building line of the donor property, in front of what is an existing side entrance door and lower ground floor utility room / staircase. The upper floor south east facing windows of the host property are not affected by the introduction of the proposed annexe. The siting of the proposal is in general conformity with the minimum 21 metres spacing requirements between

neighbouring properties, particularly No.1 Grindon Court, however it is acknowledged that the side entrance and utility area windows of the donor property will be impacted upon by the siting of the building, although on balance it is recognised that these windows do not serve main habitable rooms.

The shared curtilage retains a front garden that measures 16.2 metres in width and 8.5 metres in overall depth and is to provide a mix of hardstanding and soft landscaping, with existing high boundary enclosures retained to ensure privacy levels of the adjoining gardens, particularly at No.1 Grindon Park. The principle elevation of the annexe fronts Grindon Court.

In terms of the external visual appearance of the annexe, the proposal indicates that materials used shall be similar in appearance to that of the donor property, reflecting also the materials of the garage to be demolished. The design of the proposal is considered to be plain and not over elaborate, however it is noted that the building could easily be converted to a large double garage were the annexe no longer required for accommodation. Internally the dwellings has been configured to allow medium distance views from the front elevation windows, however the constraints of the site limit outlook from the rear elevation.

In summary, the amended plans and elevations which have lowered the overall height of the proposal are considered to provide a form of development that meets the needs of the applicant, whilst respecting the overall character of the donor property, the wider street scene and levels of residential amenity afforded surrounding properties.

Highways/Parking Implications

The Network Management Section (Highways Engineer) have noted that should Members be minded to approve the application a condition is imposed that the annexe is ancillary to Mill House so as to ensure that it does not become a second residence.

Conclusion

The proposed erection of an annexe bungalow within the existing curtilage of Mill House is considered to be an acceptable size and form of development that ensures that the site is not overdeveloped to the detriment of the donor property, whilst also providing accommodation for the current owner in close proximity to his immediate family. The siting of the bungalow is sympathetic to the built form within the street scene and is not considered to lead to conditions prejudicial to residential amenity in accordance with national guidance and Council policy and therefore it is recommended that Members approve the application to the conditions listed below.

RECOMMENDATION: Approve

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:

Drawing No.03, Existing Plan received 12.06.2013.

Drawing No.04, Proposed Plan received 12.06.2013.

Drawing No.05 rev A, Existing and Proposed West Elevation received 23.07.2013.

Drawing No.06, Proposed Plan received 12.06.2013.

Drawing No.07 rev C, Proposed Elevations and Roof Plan received 23.07.2013.

Drawing No.08, Location Plan received 12.06.2013.

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 The development hereby permitted shall be used only insofar as it forms an annexe/extension to the dwellinghouse and shall at no time be occupied as a separate or self-contained dwelling unit, in order to achieve a satisfactory form of development and to comply with policy(ies) B2 and T14 of the UDP.
- 4 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.
- 5 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions or other development shall be undertaken to the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.
- 6 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 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
- 7 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.

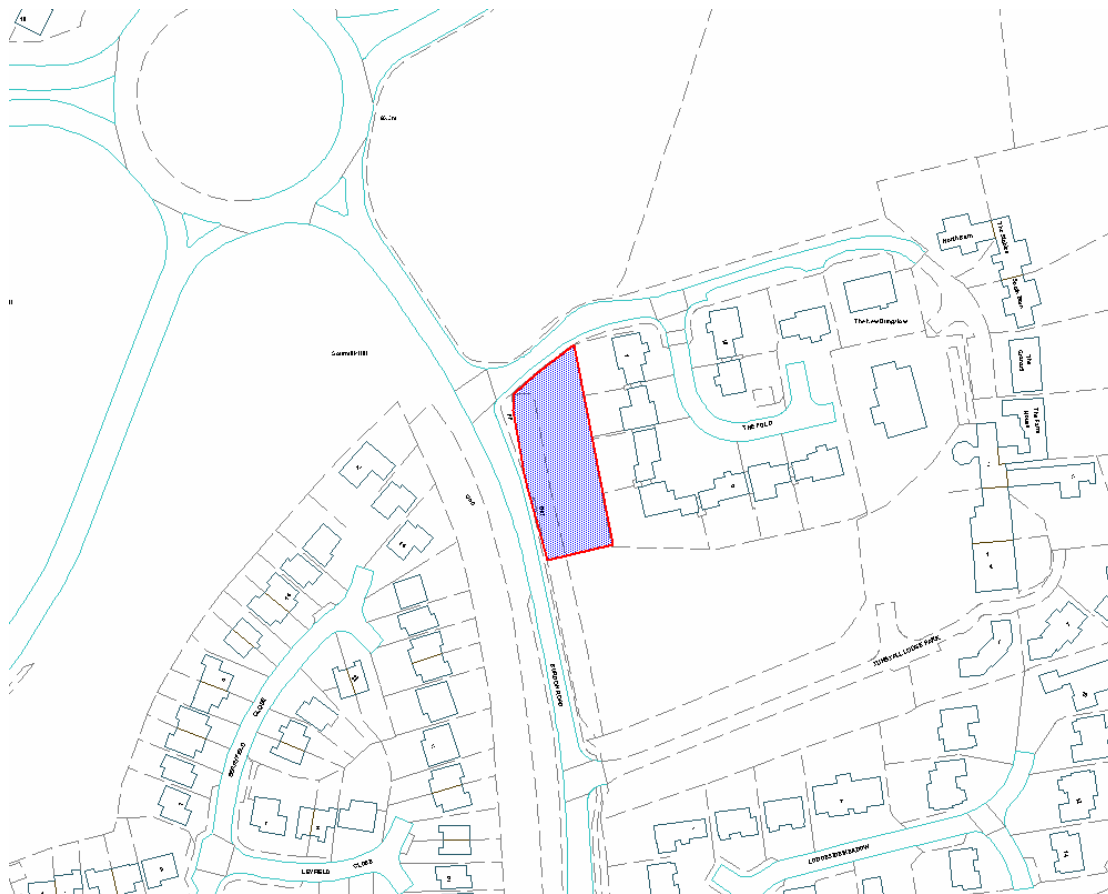
Reference No.: 13/01585/FUL Full Application

Proposal: **Erection of a detached dwelling.
(Reconsultation due to amended valid date)**

Location: Land Off Burdon Road Adjacent To The Fold Burdon Road
Tunstall Sunderland SR3 2QB

Ward: Doxford
Applicant: Mr David Bradford
Date Valid: 18 July 2013
Target Date: 12 September 2013

Location Plan



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PROPOSAL:

Site and historical context

The application proposes to erect a single dwelling on a plot of land to the east of Burdon Road and west of The Fold residential development in Sunderland.

The host site forms part of a paddock associated with the former Tunstall Lodge Hotel located to the south east of the land. The former Tunstall Lodge Hotel is a

Grade II Listed Building constructed in 1807. The Lodge was successfully converted into residential accommodation following full and listed building consents in 2003.

To the immediate north, east and west of the Lodge, the former barns associated with the historical farmstead have been converted in to executive residential accommodation and help to make up the wider Tunstall Lodge Park development. The Lodge is accessed via a long tree lined driveway which leads onto Burdon Road. The wider site is home to numerous sycamore trees which are afforded protection through preservation orders.

To the north sits the residential development known as The Fold. The development which comprises of 10no residential units was approved in 1998 under planning ref: 98/01332/LEG. To the immediate west of The Fold lies the site subject to this application.

The host site runs adjacent to the rear gardens of No's 1, 2, 3 and 4 The Fold and is accessed from Burdon Road which links to Burdon Lane to the south and Doxford Park Way which provides the main vehicular route through the predominantly residential area of Doxford Park to the north. On the approach from Doxford Park Way the context of the streetscene changes somewhat giving way to a more rural feel due to a combination of the relative openness, the presence of post and rail fencing and the tree lined verges.

In contrast to the relatively lush and green paddock to the front of the Lodge, the host paddock has been allowed to grow naturally and appears rather more unkempt with longer grasses and vegetation present. This land also houses(ed) protected trees although the majority have been removed in recent times as they were identified as being dead or dying.

When outline planning permission for The Fold was originally approved in 1997, the scale of the built development was confined to retain the remainder of the paddock to the west and south as open space. Members resolved at the Development Control (Sunderland South) Sub-Committee meeting of 20 November 1997 to grant outline planning permission subject to the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the retention of the remainder of the paddock as open land and to protect the setting of the adjacent Listed Building.

In respect of the above, it is evident that the applicant proposes to erect the dwelling on land which is currently subject to the existing S106 Agreement.

In 2005, the applicant submitted an application which proposed a 'gatehouse' development on the paddock land to the front of the Lodge but subsequently withdrew the scheme when he became aware of the existence of the S106 Agreement.

In 2011 (Planning ref: 11/03669/FUL) the applicant submitted an application for two dwellings. One dwelling was proposed on the paddock to the front of the Lodge whilst a further dwelling (described as a gatehouse) was proposed on the site adjacent to the properties on The Fold. The application was refused by the Local Planning Authority in April 2012 and was subsequently dismissed by the Independent Planning Inspectorate in December 2012 following an unsuccessful appeal by the applicant.

The proposed dwelling would be located within the 1174 sq metre rectangular strip of relatively flat land to the west of the properties of The Fold. The dwelling would be sited on a north to south axis with vehicular access taken from the Fold to the north. The 3no bedroom development would present a hipped roofed two storey dwelling complete single storey additions to the east encompassing a car port. Access to the property would be achieved via a lobby to be constructed on the northern elevation.

The property would be constructed out of a mixture of red-multi brick, render and cedar cladding with slate to be utilised on the roof. The application proposes to retain the existing post and rail boundary treatment to the western and northern curtilage of the site whilst the existing boundary treatment to the east and south would also be maintained in its current form

The Arboricultural Implications Assessment submitted with the application (dated December 2011) proposed the removal of 11 Sycamore trees all of which are protected under preservation order (TPO 68). The majority of these have previously been removed prior to submission of the application as they were considered to be dead or dying. The site plan submitted with the application indicates that 7 new specimens are proposed to replace the previously felled trees and the remaining specimens on the site.

Representations

The public consultation period has yet to expire and to date no representations have been received. Should any representations come forward they shall be reported in a supplementary report prior to the Development Control Sub-Committee.

Consultation responses -

Environment Agency

The proposal is considered to represent a low environmental risk

Northumbrian Water

No objections received

Executive Director of City Services (Network Management)

No observations or recommendations have been made in relation to the proposal

Executive Director of City Services (Environmental Health)

Given the evidence from the site walk-over and the non-contaminative history of the site and the environs, Environmental Health considers that ground contamination should not be an obstruction to planning permission on the basis that no sampling and testing of soils has been carried out. However it is recommended that the standard Condition for unexpected contamination be imposed so that Sunderland is informed if ground conditions are not as expected.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
Environment Agency

Final Date for Receipt of Representations: **28.08.2013**

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)
B_10_Development affecting the setting of listed buildings
CN_17_Tree Preservation Orders and replacement of trees
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
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 determining this application are:-

1. the principle of the proposed development;
2. the impact of the proposed development on visual amenity;
3. the impact of the proposed development on the amenity of existing residential dwellings;
4. the impact of the proposed dwelling of the setting of the listed building
5. the impact of the proposed development on highway and pedestrian safety;
6. the impact of the development on trees
7. potential land contamination concerns

As the public consultation period has yet to expire, full consideration of the above issues can not yet be fully determined. It is therefore anticipated that a recommendation will be presented to members in a supplementary report prior to the committee meeting.

RECOMMENDATION: Deputy Chief Executive to Report

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

[illegible]

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 AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
2.	13/00544/FUL Doxford	Land at Croftside House Knollside	Aldi Stores Ltd Demolition of existing care home and erection of a foodstore with associated vehicular and pedestrian access, car parking and landscaping	May	N/A	Pending further consideration of retail impact No Section 106 Agreement required at this time
3.	13/00799/FUL Doxford	Land at Burdon Lane, Burdon, Sunderland	Bellway Homes (NE) Ltd Erection of 118 dwellings, formation of access, provision of landscaping and associated works	N/A	N/A	Currently out to consultation. Section 106 required, however to date no discussions have take place in this regard

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

4	13/02208/VAR St Annes	Grindon Hall Christian School Grindon Hall Nookside Sunderland	Mr Chris Grey Variation of Condition 2 (Approved Plans) of planning permission 12/02890/FUL to allow location of games area in north western corner of the site, provision of additional hard play space and minor modifications to the car park/drop off area to allow fire appliance access and addition of additional windows to north eastern elevation and south western elevation of building and addition of an additional door to south eastern elevation of the building.	N/A	N/A	Pending further consideration
5	13/01337/FUL Doxford	Land at Mill Hill Road, Doxford	Gentoo Erection of 155 No. residential units with associated access roads, landscaping and infrastructure works, including stopping up of highways.	N/A	August 2013	Pending further consideration

No Appeals Received In August For
Sunderland South

Appeals Determined Sunderland South

Between 01/08/13 and 31/08/13

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	13/00013/REF	37 Crosslea Avenue Sunderland SR 3 1LT	Replacement boundary wall and fencing to front and side and erection of bin store to rear.	DISMIS	05/08/2013