

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 2015.

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

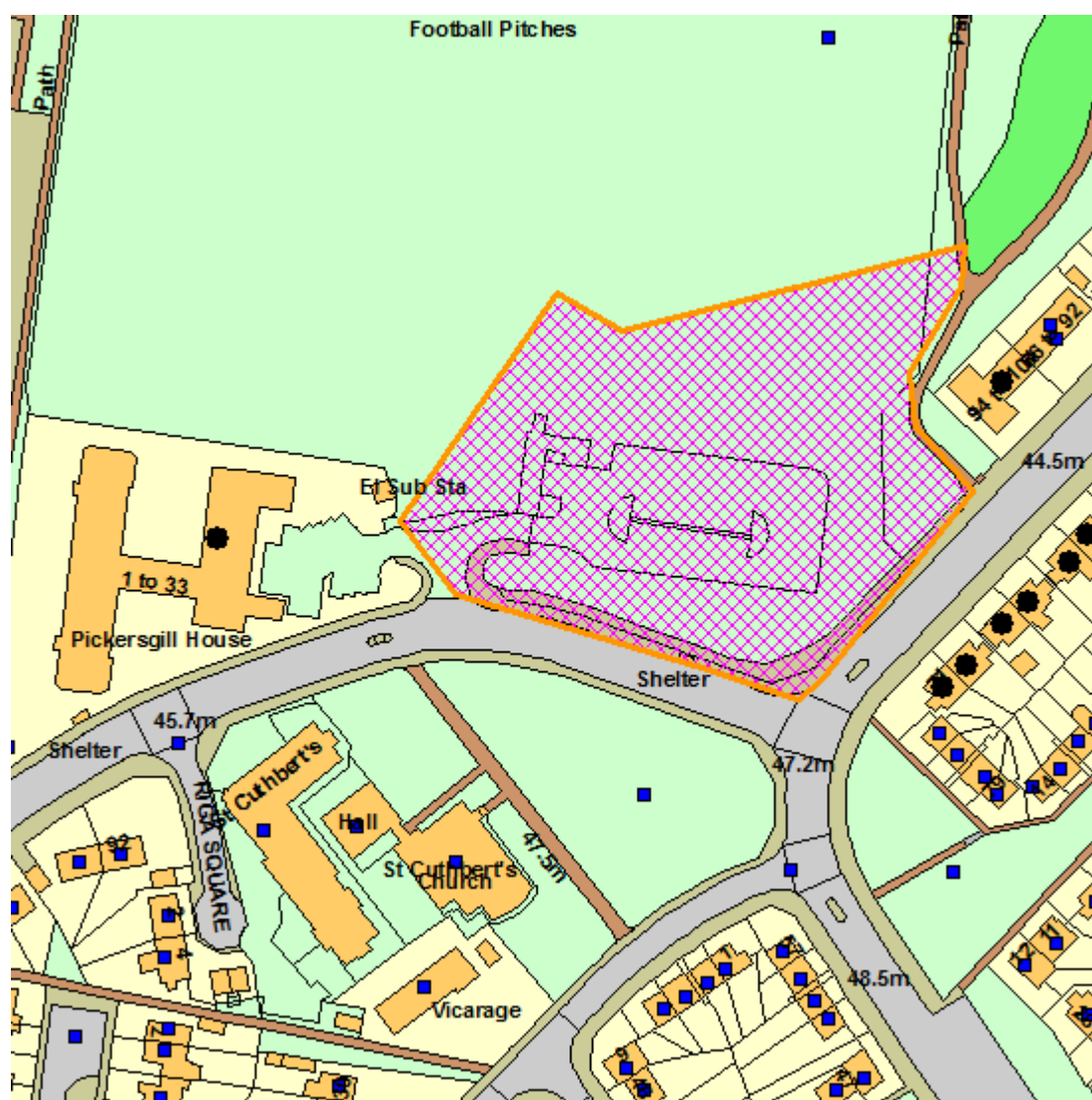
Reference No.: 19/00211/LP3 Local Authority (Reg 3)

Proposal: **Reduction in size of existing car park and installation of a fixed play area with installation of new railing fence**

Location: Land Adjacent To Car Park And Football Field Rotherfield Road Sunderland

Ward: Redhill
Applicant: Sunderland City Council
Date Valid: 25 February 2019
Target Date: 22 April 2019

Location Plan



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PROPOSAL:

Planning permission is sought for the reduction in size of the existing car park and the installation of a fixed play area at land adjacent to the car park and football field at Rotherfield Road, Sunderland.

SITE DESCRIPTION

The application site comprises part of the car park and an area of grassed open space adjacent to the football field located off Rotherfield Road. The site area measures 0.5 hectares and has a maximum length of approximately 120 metres and a maximum width of 90 metres with an irregular shape. The site is located within an area which is predominantly established residential.

The application site lies to the south of the football field. To the east is Pickersgill House which provides retirement accommodation and this property shares an access to the parking area associated with the football field and the application site. To the north east of the application site are residential flats located in Rhodesia Road, the closest properties include nos. 94-104 (even) Rhodesia Road. To the south east there are residential properties located on the opposite side of the road including 63-71 (odd) Rhodesia Road which include semi-detached dwelling houses and to the south west is St. Cuthbert's Church and Church Hall.

The existing car park area is enclosed along Rotherfield Road by a dwarf brick wall and high brick piers with railings between. A small metal railing defines the boundary of the car park to the east and north of the parking spaces.

PROPOSAL

The play area would be developed on the car park and grass adjacent to the car park and further equipment would be installed in the area in front of the football field.

A total of 10 pieces of play equipment would be installed within the play area including amongst other things, swings, climbing frame and roundabout which would be colour finished in green, red, yellow and blue. The tallest piece of equipment to be provided on the site would be the toddler multi-play which would have a maximum height of 3.06 metres. The play area would be divided into 2 distinct sections, to the south of the playing field would provide a junior multi-play and 5-way swing and to the east of the car park the remaining equipment would be located on an area of grass mattiss on subsoil/topsoil and turf.

The plan area would be enclosed by a 1.2 metre high bow top railings with a self-closing gate adjacent to the car park. A footpath would be provided to link the play area to the car park and the footpath would continue around the northern edge of the car park area.

The proposal would result in the loss of car parking spaces. At present there are 53 car parking spaces and 10 spaces would be lost as part of the proposal. Also, there are currently no disability parking spaces and 2 would be created.

Kerb bays would also be provided within the car park area which would be decorative and would be in place to stop people parking in these areas.

The play area would be developed using funding obtained from Section 106 contributions, Strategic Initiatives Budget (SIB) and Community Funding.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Redhill - Ward Councillor Consultation
Redhill - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Sport England

Final Date for Receipt of Representations: **03.04.2019**

REPRESENTATIONS:

Neighbour Consultations

The occupiers of 44 properties in close proximity to the site were consulted with regard to the proposal along with site notices being posted.

No letters of representation from the occupiers of the neighbouring properties have been forthcoming with regard to the proposal.

Internal Consultees

Local Highways Authority

Initial Comments Received

- It is understood that the football pitches are still used at a weekend therefore it is recommended that no parking is removed within the car park.
- It is understood that 10 car parking spaces are to be lost as a result of the proposal. The existing spaces should be retained.
- It is recommended to relocate the play area onto the grassed area to the side of the football pitch to avoid the loss of the car parking spaces.
- If this cannot be achieved the applicant would need to demonstrate that the loss of parking spaces would not be detrimental to highway safety or that vehicles would not be parked in surrounding streets or the adopted highway.
- A parking survey would be required to demonstrate the usage of the car park for the removal of the spaces.

Case Officer Comment - following the initial comments received from Highways further information was provided in relation to the current usage of the football pitches and following the additional information being provided the final comment below with regard to the proposal has been received from Highways.

Final Comments Received

Having reviewed all the information submitted the following comments are made.

Although the loss of parking spaces does raise some concerns it is considered that as over 40 parking spaces will remain this is satisfactory to serve the playing fields and the proposed development.

Transportation Development therefore raises no objection to the planning application.

External Consultees

Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

Sport England also opposes development that leads to the loss of ancillary facilities at playing field sites if this ultimately prejudices the long-term use of the playing field. In this instance,

provided the Highways Engineers are satisfied that the number of parking spaces left will be sufficient to allow the playing pitches to be used simultaneously, then Sport England would also be satisfied that the proposal would not prejudice the use of the playing field.

This being the case, Sport England does not wish to raise an objection to this application.

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)
CN_15_Creation of the Great North Forest
L_4_Standards for outdoor sport and recreation
L_5_Ensuring the availability of Public Parks and amenity open space
L_6_Development of a hierarchy of playspace provision for children
L_7_Protection of recreational and amenity land
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

PLANNING POLICY

In considering the proposed development both National and Local Planning Policy are relevant.

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) was revised in February 2019 and is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

The Council's saved Unitary Development Plan (UDP) adopted in 1998 is the statutory development plan for Sunderland. The relevant guidance of the NPPF as detailed above feeds into Policies B2, B3, CN15, L4, L5, L6, L7, T14 and T22. The UDP remains the Council's adopted development plan and the policies referred to within this report are considered to remain consistent with the NPPF's objectives.

The Council is also currently in the process of delivering a Core Strategy and Development Management Policies (CSDMP) document which, as part of a wider Local Development

Framework, will serve to replace the current UDP. With regard to 'emerging' plans, paragraph 48 of the NPPF states that:

'Local planning authorities may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).
- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

In terms of the above advice, the Draft Plan was prepared prior to the publication of the revised NPPF but is considered to be consistent with the previous NPPF which was in place at the time of publication. It is considered that the weight that can be given to the draft CSDMP is limited to the extent that in considering the merits of the application in question, priority will be given to the aforementioned relevant policies within the Council's adopted Unitary Development Plan.

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of the proposal include:

- Principle of the proposed development.
- Character and appearance.
- Impact on residential amenity.
- Pedestrian and highway safety.

Principle of Development

The application site is allocated on the proposals map of the adopted Unitary Development Plan as an area of new and upgraded open space / leisure use. The site also forms part of the Great North Forest. The following UDP Policies are therefore relevant.

Policy L4 states that the City Council will aim to achieve a standard of 1.6-1.8 hectares per 1000 population for outdoor sport and recreation for young people and adults.

Also, Policy L5 seeks to ensure that public parks and amenity open spaces are available to the public.

Whilst Policy L6 states that the City Council will seek to develop a hierarchy of play space provision for children on the basis of:

- i. a minimum of four district play areas.
- ii. satellite play areas to be provided within 1km of every child in the City.
- iii. local doorstep play areas provided, where practicable, within pocket parks and on other sites within housing areas throughout the City (as identified in policy L5).

Furthermore, Policy L7 advises that land allocated for open space or outdoor recreation, will be retained in its existing use.

Policy B3 states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value.

Whilst Policy NA21 outlines that land at Downhill (55 hectares) will be maintained and enhanced for outdoor sports facilities in a landscaped amenity setting within the northern urban fringe area between Town End Farm and Hylton Red House Comprehensive School.

Also Policy CN15 confirms that the City Council will permit developments, schemes and other initiatives which assist in creating the Great North Forest.

The proposal would maintain existing outdoor sport provision by way of the retention of the existing football field and it would create an additional play park and amenity space adjacent to the football field, the proposal would therefore satisfy Policies L4, L5 and L7 of the adopted UDP.

The creation of the play park would also contribute to the hierarchy of play space provision for children in line with Policy L6 of the adopted UDP.

In addition, it is considered that the proposal would protect the open space and it would not have an adverse effect on its amenity or recreational value which accords with Policy B3 and NA21 of the adopted UDP.

Furthermore, Sport England have confirmed that provided the Highways Engineers are satisfied that the number of parking spaces left will be sufficient to allow the playing pitches to be used simultaneously, they would be satisfied that the proposal would not prejudice the use of the playing field and would provide no objection to the proposal.

It is considered, based on the above, that the principle of the proposed development which comprises a fixed play area would be broadly in line with the land use designation of new and upgraded open space / leisure use and as allocated on the proposals map of the adopted UDP.

Character and Appearance

Chapter 12 of the new NPPF places emphasis upon achieving well designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

On a local level, UDP Policy B2 reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect visual amenity and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The development would comprise a fixed children's play area and the most visible structures on site would be the lightweight, freestanding items of play equipment. These structures would not be unduly prominent within the street scene and would be in keeping with the character of the open sports area.

It is considered that the design and layout of the proposed development would be in keeping with the character and appearance of the site itself and the area as a whole and the proposal

therefore complies with Policy B2 of the adopted UDP and the objectives of the NPPF with regard to its visual impact.

Impact on Residential Amenity

The NPPF is clear in requiring new development proposals to retain an acceptable standard of amenity to existing surrounding properties, an aim which is echoed by UDP Policy B2.

The nearest residential dwellings to the development are those to the north east, 94-102 (even) and to the south east residential properties located on the opposite side of the road, 63-71 (odd) Rhodesia Road.

The canti-lever swing would be the closest piece of equipment to 94-104 Rhodesia Road and these properties are located 35 metres from the proposed equipment. There is a public footpath between the play park area and these properties have a hedge along the boundary facing the football field.

To the south east residential properties are located on the opposite side of the road, 62-71 Rhodesia Road, and the nearest play equipment to these properties would be the multi-play unit which would be located 29 metres from the front elevation of these properties.

It is considered that given the distance of the play equipment from the nearest residential properties and since the dwellings face onto existing football playing fields, the impact of the proposed play equipment would not be significantly detrimental on the residential amenities of the occupiers of these properties over and above the existing situation and to warrant the refusal of planning permission in this regard.

Therefore, in terms of the impact of the development on the amenity of existing nearby residential dwellings, it is considered that the development is acceptable and in accordance with the requirements of UDP Policy B2.

Highway Considerations

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On a local level, Policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking.

The proposal involves the loss of 10 car parking spaces to provide space for the fixed play equipment. The initial response received from the Council's Highways Officers stated that the play area should be relocated to the grassed area to the side of the football pitch to avoid the loss of car parking spaces and if this could not be achieved the applicant would need to demonstrate the loss of parking spaces would not be detrimental to highway safety or that vehicles would not be parked in surrounding streets or the adopted highway.

Further information and discussion was undertaken between the applicant and the Council's Highways Officers and a subsequent response has been received which confirms that although the loss of parking spaces does raise some concerns it is considered that as over 40 parking

spaces would remain this would be satisfactory to serve the playing fields and the proposed development.

Therefore, the Council's Highways Team has raised no objection to the planning application.

Following the comments provided by the Council's Highways Team and for the reasons set out above, it is considered that on balance, the proposed development does not give rise to any significant highway safety concerns and as such, the development is compliant with the objectives of paragraph 109 of the NPPF, Policies T14 and T22 of the UDP.

CONCLUSION

The proposed reduction in the size of the existing car park and the installation of a fixed play area would be acceptable in principle given that the site is allocated within the adopted UDP as an area of upgraded open space / leisure use.

It is not considered that the proposal would be harmful to the visual amenity of the area and it would not significantly detrimentally impact upon the residential amenities of the occupiers of nearby properties.

Furthermore, it is considered that, on balance, the proposed development would not give rise to any significant highway safety concerns.

As a consequence, it is considered that the proposal would comply with the relevant Policies contained within the adopted UDP and the NPPF.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to:

- a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) Tackle prejudice, and
- (b) Promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION:

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 Consent for the proposal subject to the conditions listed below:

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drg No. LS000110/102, proposed site layout, received 21.05.19.

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.