

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

**AGENDA**

**Meeting to be held in Committee Room No. 2 on  
Thursday, 5<sup>th</sup> January, 2012 at 4.45 p.m.**

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

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

Civic Centre,  
SUNDERLAND.

22<sup>nd</sup> December, 2011

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

**05 January 2012**

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### **REPORT ON APPLICATIONS**

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#### **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.

1. Land at Rockingham Road, Sunderland.

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Technical Manager ( Development Control) (561 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 (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/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

North  
Sunderland

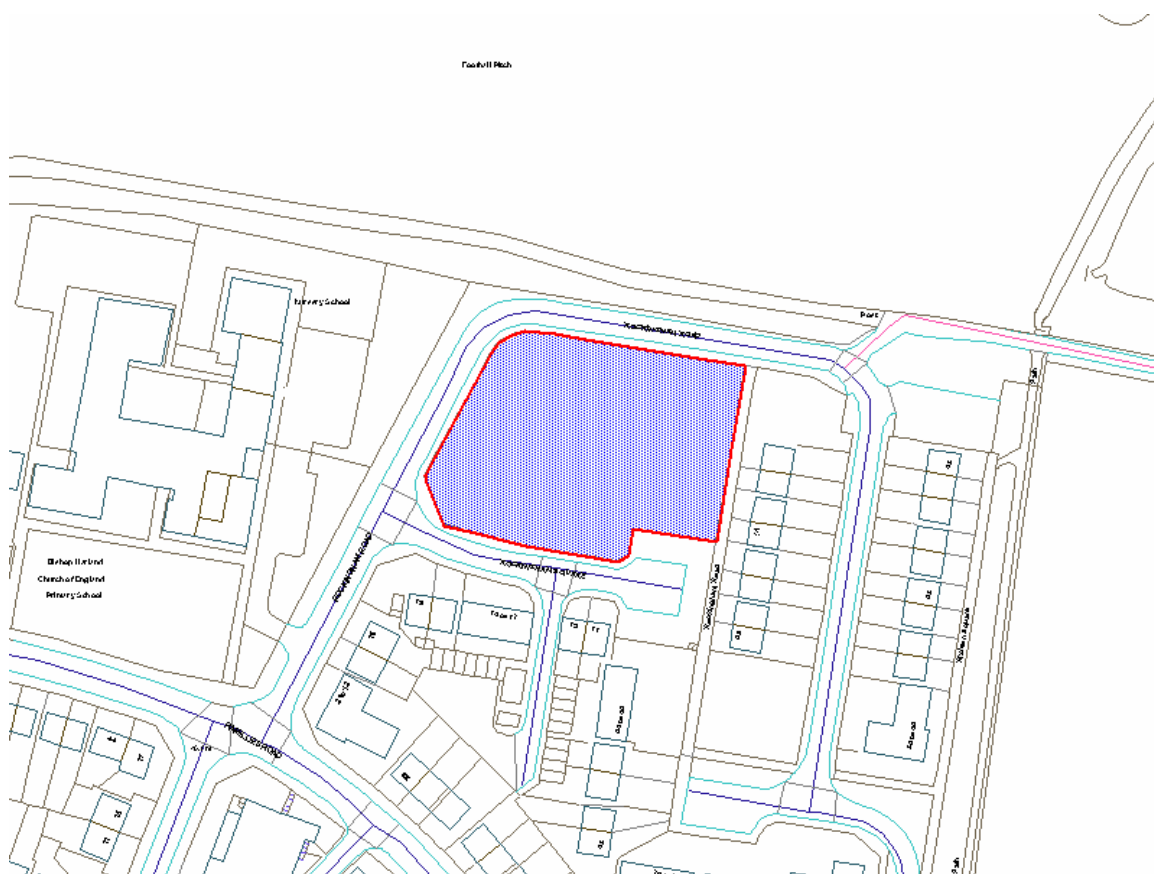
Reference No.: 11/03109/FUL Full Application

**Proposal:** Erection of 14 no 2 and 3 bed, 2 storey dwellings with incurtilage parking spaces and 4 no. visitor parking spaces.

**Location:** Land At Rockingham Road Redhouse Sunderland

**Ward:** Redhill  
**Applicant:** Gentoo Sunderland  
**Date Valid:** 27 October 2011  
**Target Date:** 26 January 2012

### Location Plan



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### PROPOSAL:

The application is for the erection of 14 dwellings on vacant land bounded by Rockingham road and Rockingham Square, Red House Sunderland . The scheme comprises 10 no. 3/4 bed roomed semi-detached houses, 2 no. 3/4 bed roomed detached houses and 2 no. 2/3 bed roomed semi-detached houses each with 2 car parking spaces to the side and gardens to the rear and a total of 4 visitor car parking spaces. The site was previously occupied by 6 blocks of

maisonettes, providing 28 units, arranged around a central square. The maisonettes were demolished in 2006.

In terms of sustainability the scheme incorporates photovoltaic/solar panels on the roof of each dwelling.

The application is accompanied by the following documents:

- a Design and Access Statement
- a Flood Risk Assessment
- a Geo- Environmental Appraisal
- an Extended Phase 1 Habitat Survey.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

City Services - Network Management  
Director Of Children's Services  
Street Scene (Environmental Service)  
Force Planning and Police Architectural Liaison Officer  
Northumbrian Water

Final Date for Receipt of Representations: **08.12.2011**

#### **REPRESENTATIONS:**

Neighbours

One representation has been received from the Headmistress of the Bishop Harland CE Primary School which lies immediately to the west of the site on the opposite side of Rockingham Road. The concerns expressed are in relation to the maintenance of safety of staff pupils and parents during the construction phase of the project, as a result of the entrance to the Foundation Year and Year 1 section of the school being directly opposite the site. She requests that full consideration be given to those factors when determining the conditions required to keep school traffic separate from the construction traffic, while maintaining access to the staff car park at all times. Further she requests that she be kept informed of any potential works which might affect the school's Gas/ Electricity/Water supplies.

Consultees

Executive Director of City Services - Network Management - has indicated that he has no objections or comments on the proposal.

Director of Children's Services - has commented that there is no objection to the proposal as there are sufficient school places available in the area.

Executive Director of City Services - Street Scene (Environmental Services) - comments awaited.

Northumbria Police, Architectural Liaison Officer - has indicated that he has no objections to the proposal but would like to see the development incorporate Secured by Design measures.

Northumbrian Water - has indicated that it has no objections to the proposal.

## **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

H\_21\_Open space requirements in new residential developments (over 40 bed spaces)

## **COMMENTS:**

The main issues to be considered in determining the application are:

- The principle of the development;
- The ecological and landscaping implications of the development;
- The provision of children's play facilities;
- The design of the proposal; and
- The impact on the amenities of nearby residents.
- The risk of flooding

The Principle of the Development;

The site is not allocated for any particular use in the approved Unitary Development Plan (UDP), consequently it is subject to policy EN10 which seeks to ensure that any new development proposal is designed so as to be compatible with the predominant use in the locality. The predominant land use to the south and east of the site is residential, while there is a primary school to the west and open space to the north. The site was previously occupied by residential properties.

In light of the above it is considered that the construction of houses on the site would be acceptable in principle and would not cause any significant conflict with adjacent uses and would therefore comply with the requirements of policy B2 of the adopted UDP..

## The Ecological and Landscaping Implications of the Development;

The application site lies immediately to the south of the Green Belt which extends around the northern edge of the city. Consequently the site is subject to policy CN4 of the adopted UDP, which seeks to ensure that its visual amenities are not injured by development conspicuous from within the Green Belt. In addition policy CN18 seeks to promote the interests of nature conservation in new development.

As regards the impact on the Green Belt it is considered that this is likely to be minimal. To the north of the site on the opposite side of the Rockingham Road carriageway is a tree belt with a surfaced walkway through it. Those trees are likely to mask views of the site from the Green Belt and therefore the development would not contravene the aims of policy CN4 of the adopted UDP.

The application is accompanied by an extended Phase 1 Habitat Survey which indicated that there was little of ecological significance on the site. Neither the desktop searches nor the scoping survey indicated the presence of any species of interest/importance within the survey area. the flat site showed little potential for ground nesting birds to use the area. whilst there are areas of ecological interest within the identified 2km search zone the survey concludes that they are unlikely to have any impact on the application site and the development of the site is unlikely to impact on those areas. further it advises that no additional surveys are considered necessary given the sites limited wildlife interest. However, it is recommended that the development of the site should include features to enhance the biodiversity of the area in accordance with policy CN18

The scheme is also accompanied by a landscaping scheme which proposes the introduction of ten trees within the site to help increase the biodiversity of the site. Comments on those details are awaited.

## The Provision of Children's Play Facilities

The adopted UDP at policy H21 requires that developments of more than 40 bedspaces (10 houses) should make provision for children's play. the applicant has indicated that in line with current practice it is not proposed to provide on site play facilities. Rather, the applicant is seeking to enter an agreement under s106 of the Town and Country Planning Act 1990 which would result in the applicant making a financial contribution of £9814 towards new or upgraded play facilities off site, at the Community north wheeled sports Project (Redhill ward) as requested by the Executive Director of City Services - Community Services (Sport, Leisure and Community Development).

It is considered that on completion of such an agreement the proposal would comply with adopted UDP policy H21.

## The Design of the Proposal

The adopted UDP seeks to ensure that new development is of an acceptable quality via policy B2 which requires new development to respect and enhance the best qualities of nearby properties.

The submitted Design and Access Statement (DAS) indicates that the development is laid out to respond to the constraints of the site, which is an essentially square piece of land enclosed to three sides by vehicular highway (north, south and west), on two of those sides by semi-detached housing (east and south), a school on the third (west) and a tree belt on the edge of the Green Belt to the north. The development seeks to comply with the minimum spacing distances set out in the council's Residential Design Guide. This has resulted in a scheme which with a density of 49 dwellings per hectare provides generous gardens and parking provision within the curtilage of each dwelling. The development seeks to provide high levels of natural surveillance with the front elevation of each dwelling facing towards the boundary of the site and minor windows inserted in to some of the gable elevations at first floor levels to provide further potential surveillance. The provision of private rear gardens and small walled front gardens provides each property with defensible space. Access to the properties is proposed direct from the existing carriageways.

It is considered that the design of the scheme follows a perimeter block approach which along with the proposed massing is compatible with the locality. However in some instances the council's minimum spacing standards as set out in the council's Residential Design Guide have not been met and the impact of this is considered below in respect of the impact on residential amenity. In respect of the layout it is considered that plot 7 on the west edge of the site should be moved further west to remove/reduce the set back relative to plots 6 and 8 and thereby reduce the impact of the in- curtilage parking spaces in the street scene and also improving the outlook in the rear garden of plot 6.

Generally the architectural character and elevational composition of the house types is well ordered and reflects the general character of the area. However two minor concerns have been raised with the applicant in terms of the fenestration in one of the house types and the form of the porches. These concerns have been passed to the applicant and a response is awaited.

It is also considered that the use of buff brick and red roof tiles as proposed in the DAS would not be compatible with the local vernacular and that alternatives to those materials should be used. The applicant has accepted the imposition of a condition to agree the bricks, roof tiles and other materials on any consent issued.

### The Impact on the Amenities of Nearby Residents

Policy B2 of the adoptee UDP seeks to ensure that new developments result in satisfactory levels of privacy.

The scheme, as indicated in the DAS seeks to meet the council's minimum spacing distance of 14m between a gable wall and a facing main window and 21m between main facing windows. Only 6 of the 14 plots face existing dwellings and 5 fail to meet one of the minimum spacings, in each case by less than 1.0m. The applicant has been requested to adjust the layout to meet those standards whilst being aware that this may have implications for the spacing within the site. Revised plans are awaited.



## The Risk of Flooding

Policy EN12 of the adopted UDP seeks to ensure that new development does not increase the risk of flooding nor adversely affect the quality of ground or surface water.

The applicant has submitted a flood risk assessment which has been carried out against the criteria set out in Planning Policy Statement no. 25 (PPS25) Development and Flood Risk. The site is within Flood Zone 1 with the chance of flooding being 1 in 1000 or less than 0.1%. The assessment indicates that the nearest surface water is an un-named pond located 83m north east of the site, 1.5m below the level of the site, which is the source of a stream which flows east and north to the River Tyne. The river Wear is the nearest river, some 1500m to the south while Hylton Dene Burn is the nearest watercourse situated south of Wessington Way. Investigations have revealed no record of flooding in the area.

The assessment concludes that the site is not at risk of flooding from either rivers or land. The development of the site for residential purposes is not considered likely to have any significant impact on the principal aquifer which lies below as it is not within a source protection zone and not within 1000m of a recorded groundwater abstraction. As regards flooding from sewers there are no records of any instances at the site. However records show that the bishop Harland CE Primary school to the west experienced flooding from that source over 10 years ago. As a result of that incident a relief scheme was installed by Northumbrian Water comprising of a balancing tank and a throttle pipe which appears to have alleviated the problem with no further incidents reported. The site is bordered by a combined foul and surface water drainage system.

In light of the above it is considered that the development of the site would not increase the risk of flooding either on the site or elsewhere. Consequently, it is considered that the development of the site would not compromise the requirements of adopted UDP policy EN12.

## Other Issues

The comments of the Headteacher of the adjacent primary school have been passed to the applicant. It is considered that the concerns raised in respect of traffic separation and service disruptions can be addressed in the detailed scheme of working which will be the subject of a condition on any consent issued.

## Conclusion

Comments on the ecological and landscape proposals and revised plans (to address the issues raised in respect of the layout of the site and minor revisions to the elevational treatment of one particular house type) are awaited. It is anticipated that as a result of the festive season the revised plans may not be received before the committee meeting. However the revisions are relatively minor and it is not anticipated that there will be any major issues with the landscaping and ecological aspects of the scheme which would not be capable of resolution by condition(s) on any consent issued.

The statutory period for the determination of the application does not expire until 26th January 2012. Consequently, it is considered that if Members are so minded the determination of the application could be delegated to the Deputy Chief Executive for approval on receipt of satisfactory revised plans and subject to the signing of a s106 agreement in respect of children's play facilities. In the event that it is not possible to achieve a satisfactory resolution of the issues raised the application will be reported back to the Sub Committee for determination.

List of condition headings on basis of an approval:

- Time Limit
- Approve Plans
- Wheel Wash
- Scheme of working
- Hours of Working
- Materials to be submitted
- Boundary enclosure details
- Scheme of landscaping
- Landscaping Maintenance
- Foul and surface water drainage

**RECOMMENDATION: Delegate to Deputy Chief Executive**

## 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
1	11/03585/VAR  Castle	Land North and South of Chaffinch Road, Sunderland	<b>Gentoo Sunderland</b>  Variation of condition No. 2 (development in accordance with approved plans) on planning approval 09/02977/FUL (change of use from allotments and erection of 145 no. dwellings to include stoping up of existing highway).	N/A	N/A	Pending consideration

Appeals Received North Sunderland  
Between 01/11/2011 and 30/11/2011

<u>Team Ref No</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Decision</u>	<u>Date Of Decision</u>
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None Received

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## Appeals Determined North Sunderland

Between 01/11/2011 and 30/11/2011

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Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
N	11/00013/ENF	5 Ravine Terrace Roker Sunderland SR6 9LZ	Appeal against	DISMIS	08/11/2011



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## Appeal Decision

Site visit made on 27 October 2011

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 8 November 2011**

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**Appeal Ref: APP/J4525/C/11/2159152**

**5 Ravine Terrace, Sunderland, SR6 9LZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Kam Chera against an enforcement notice issued by Sunderland City Council.
  - The Council's reference is 11/00013/ENF
  - The notice was issued on 18 July 2011.
  - The breach of planning control as alleged in the notice is: the installation of seven white uPVC windows to the front (north) elevation of the property.
  - The requirements of the notice are:
    - (i) Remove the uPVC window frames and glazing.
    - (ii) Restore the land to its condition before the breach took place by installing timber casement windows replicating those which were removed. The following documents are attached by way of guidance in this regard:
      - Plan No 003 showing the existing timber casement windows, submitted as part of the retrospective planning application.
      - Photograph of the front of the property, dating from approx 2010, showing the existing timber casement windows.
      - Photograph taken in January 2011 of the dismantled timber casement window Sections
    - (iii) Frames are to be filled, sanded and knotting applied as necessary before undercoating and painting gloss white, applying sufficient coats to produce a smooth uniform finish.
    - (iv) Remove from the land all waste materials arising from compliance with the above Requirements.
  - The period for compliance with the requirements is 9 months.
  - The appeal is proceeding on ground (a) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed. See formal decision below.

### Main issue

2. The main issue is the effect that the windows as installed have had on the character and appearance of the Roker Park Conservation Area.

### Reasons

3. The appeal property is a two-storey terraced dwelling in the attractive Ravine Terrace which lies within the Roker Park Conservation Area. The property, along with others, is subject to an Article 4(2) Direction which requires that planning

permission is required for replacement windows. A retrospective application was refused by the Council (11/00337/FUL) on 1 April 2011. In considering whether to grant planning permission, and in accordance with section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The relevant development plan policies are B4 and B6 of the Council's adopted Unitary Development Plan.

4. The Council's management Objective No3 of the Roker Park Area Character Appraisal and management Strategy is also relevant. It indicates, amongst other things, that where original windows have been lost the action required is to 'encourage reinstatement of timber sashes' and that 'UPVC sashes may be acceptable as a last resort'. In this case the timber windows which were removed were casements and this is what the Council is requiring to be put back into the front elevation of the property.

5. Having seen the windows as installed and having visited the conservation area, I share the Council's concerns about the impact of the appeal windows. Whilst accepting that there are many UPVC windows within the conservation area (including what appear to be the newly installed sash windows at No 8 and others in the terrace), I consider that, overall, the appeal windows neither preserve nor enhance the character or appearance of the conservation area.

6. I am particularly concerned about the casements which have opening lights. The sections of UPVC to these windows are much wider than both the original and the new non-opening UPVC casements and I do not accept the contention made on behalf of the appellant, that they are the same as the timbers ones removed. The opening lights are made of much wider sections and it is these particular opening lights which result in a bulky and obtrusive appearance which is out of character with the property itself and the appearance of the conservation area.

7. Having seen the non-opening lights, I acknowledge that the UPVC sections are similar in size to the timber sections and could in themselves be acceptable, considering that they are simply inserts and that the decorative surrounds have been retained. However, due to the bulky and obtrusive opening lights, the overall effect is harmful to the building itself, as well as to the appearance of the conservation area.

8. I sympathise with the appellant's position and in particular that there are so many other inappropriate windows within the locality. However, I agree with the Inspector who dealt with the appeal at No 6 in 2007, where he noted that the changes which had already taken place (prior to the Article 4(2) Direction) had already eroded the character and appearance of the terrace. The Direction was issued to prevent further harm being caused and if these changes are now allowed, exactly as installed, it would not only be detrimental to the character and appearance of the conservation area, but would make it considerably more difficult for the Council to resist further inappropriate and harmful changes to residential windows within the Roker Park Conservation Area.

9. With regard to the contention that the Council is requiring reinstatement of original features which existed prior to the Direction being issued, it is not appropriate that the Council require the appellant to replace any original features or window types which pre-dated the Direction. However, the notice only requires

restoration to a condition after the Direction was issued and before the breach took place; that is, the replacement of the unauthorised UPVC windows with timber casements 'replicating those which were removed'.

10. I have taken into account all other matters raised in support of the appeal. These include the comments on the site and the surrounding area; the planning history; the detailed comments relating to the appeal on ground (a); the photographic and plan evidence submitted; the relevant planning history of adjacent and nearby properties and the fact that the appellant has spent a considerable sum of money in restoring the property. However, none of these carries sufficient weight to alter my conclusion that the windows as installed are harmful to the character and appearance of the conservation area.

### **Formal Decision**

11. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Anthony J Wharton*

Inspector