

Development Control
(South Sunderland)
Sub-Committee

SUPPLEMENT

Number:	S1
Application No.	08/04460/FUL
Proposal:	Erection of 4 dwelling houses with associated access taken from Barton Park.
Location:	Land to the Rear of Tunstall Terrace, Sunderland

Subsequent to the preparation of the main report to the Sub-Committee an additional representation has been received, submitted by the occupants of no. 3 Tunstall Terrace, the concerns raised within which can be summarised as follows:

- It is claimed that it is 'disingenuous' for the Council, acting in its capacity as Local Planning Authority, to claim that it has no interest in matters of land ownership.
- The revised proposal to reduce the height of the originally proposed dwellings by one metre does not sufficiently address the concerns raised within the previous letter of objection submitted by the occupants of no. 3 Tunstall Terrace, namely that the proposed development is out-of keeping with its surroundings, by means of the scale, type and density of housing proposed, and would compromise the amenities of residents of this section of Tunstall Terrace.
- The proposed development would encroach onto the highway to the rear of Tunstall Terrace.
- It is also implied by the occupants of no. 3 Tunstall Terrace that the Council would prefer 4no. dwellings to be erected as opposed to 3no. in order to benefit financially through obtaining additional Council Tax.

In response to the above points, the following responses are offered:

- To reiterate the comments provided in the main report, the applicant has provided the requisite notice by way of local advertisement published in the Sunderland Echo and signed Certificate C, in accordance with the protocol provided by the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) for situations where some or all of the site is of unknown ownership. The requirement to provide ownership information is to allow landowners to be informed of any planning application affecting their land. Notwithstanding the provision of the GDPO, it should be noted that the issue of ownership is strictly a civil matter and not a material planning consideration and has, therefore, not had any bearing on the recommendation which has been made on the application.
- As set out in the main report, the LPA considers that the proposed development would unduly compromise the amenities of no. 9 Barton Park. However, the southernmost dwelling would be situated 14m from the nearest offshoot and 20m from the nearest main dwelling to the south, which would not have a primary window in its gable end. Therefore, the proposal complies with the spacing standards set out in Section 10C of the adopted Residential Design Guide (SPD). It is not considered that the development would compromise the privacy of, or outlook from, properties within Tunstall Terrace. The proposed dwellings would also be situated to the north of the Terrace, so no overshadowing would ensue. As such, it is not considered that the proposed development would unduly compromise the amenities of residents of Tunstall Terrace.
- The LPA is in agreement that such an encroachment onto the highway is unacceptable in terms of highway safety and the free passage of traffic and would require an application for a 'stopping-up' under the Highways Act 1980; this issue is explained in greater detail in the main report.
- The LPA have not considered any financial gain to the Council in assessing this application.

Consequently, the points raised in this representation have not altered the views expressed in the LPA in the main report. As such, the recommendation remains that Members refuse planning permission in this instance.

RECOMMENDATION: REFUSE

Number:	SC2
Application No.	09/03531/LAP
Proposal:	Siting of outdoor ice rink for temporary period to include skate changing area and ticket office using temporary structures and siting of four number wooden chalets on terrace adjacent to Museum/Winter Gardens.
Location:	Mowbray Park Mowbray Gardens Burdon Road Sunderland

No letters of representation have been received in response to consultation. However, the period for public consultation does not expire until 7th November 2009, three days after the date of this meeting. Any objections received prior to the Committee meeting will be reported at the meeting.

No responses have yet been received from Sunderland ARC, the Sunnyside Partnership or the Garden History Society. Any responses received by the end of the consultation period will be reported at the Committee meeting.

As such, and with regard to the above, as stated in the main agenda, Members are therefore advised to be minded to grant consent for the proposed development for a temporary period between 1st November 2009 and 15th January 2010 in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 to enable the formal consultation period, which expires on the 7th November 2009, to expire and allow the application to be determined without undue delay. However, in the event of any new objections being received after the committee date, the application will be reported to the next available Development Control (Sub Committee).

RECOMMENDATION: Members be Minded to GRANT CONSENT in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the following conditions

Conditions:

- 1 Notwithstanding the submitted details, the temporary use of the land for the erection of an ice rink and chalets shall be granted only for the following limited period of time: 1st November 2009 to 15th January 2010. At the end of this period of time, the site shall be reinstated to its former condition within three working days of the cessation of the use of the land for the approved purpose. Any proposed variation to these dates must first be agreed in writing with the City Council in its capacity as Local Planning Authority, in order to achieve a satisfactory form of development and comply with policies B2 and EN10 of the UDP.
- 2 Notwithstanding any details of the proposed structures given in the application, the use of the land for the erection of an ice rink and chalets during the period specified by Condition 1 of this approval shall not be commenced until full details of all temporary buildings and structures proposed to be erected on the site have been submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt, the

details to be submitted shall include elevations of the buildings and structures proposed to be erected at the site to a scale of 1:50 or 1:100 and a proposed site layout to a scale of 1:200 or 1:500. The temporary development shall then be carried out in complete accordance with the details approved, unless first agreed in writing with the City Council in its capacity as Local Planning Authority, in the interests of visual amenity and to comply with policies B2, B10, B18, CN17 and CN21 of the UDP.

- 3 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.