

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

Alison Fellows

Executive Director of Commercial Development

Reference No.: 16/00802/FU4 Full Application (Reg 4)

Proposal: Retention of existing temporary site entrance to Hazard Lane to facilitate reconfiguration of vehicular access arrangements to school.

Location: Hetton School North Road Hetton-le-Hole Houghton-le-Spring DH5 9JZ

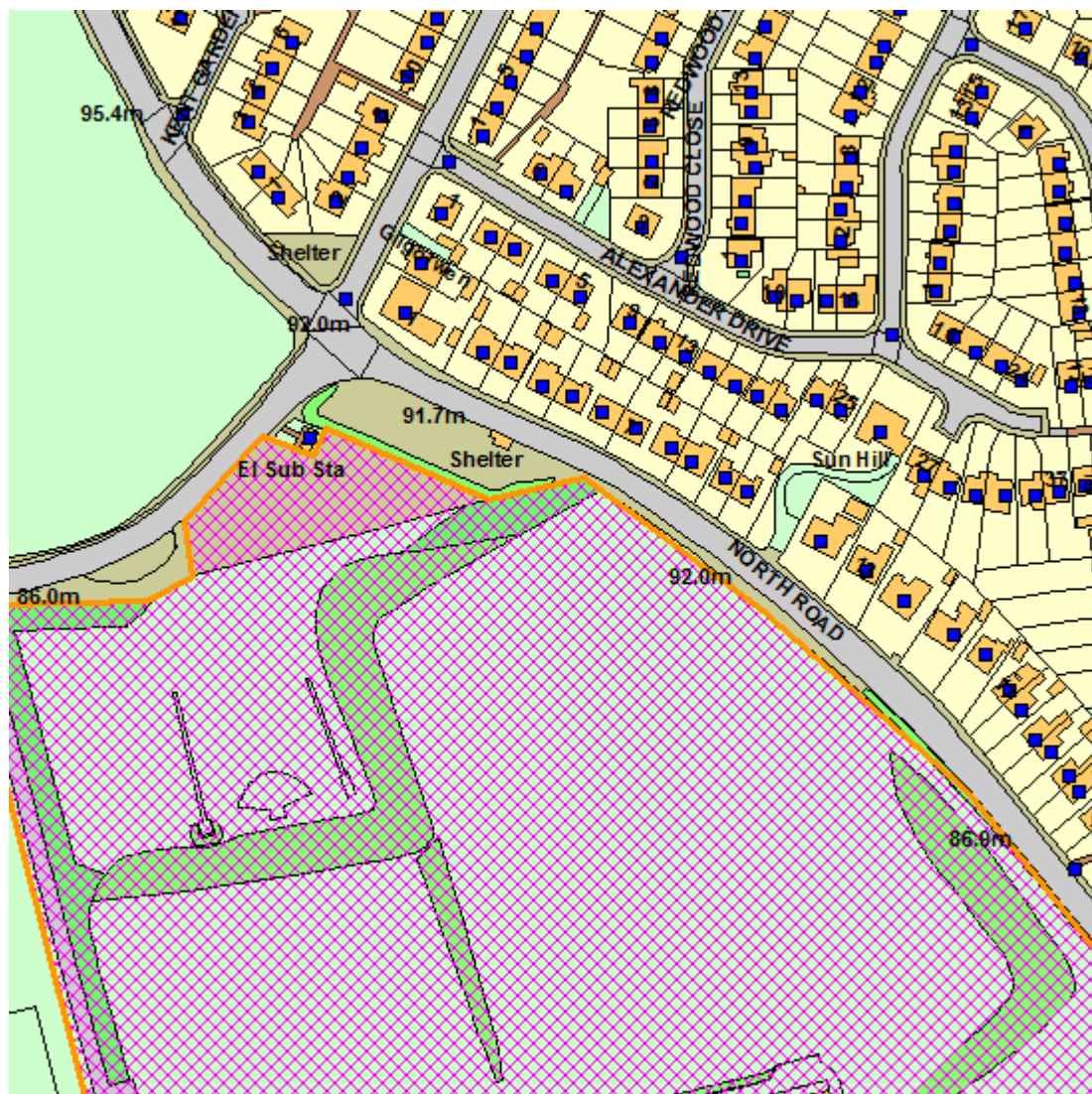
Ward: Hetton

Applicant: Galliford Try

Date Valid: 16 May 2016

Target Date: 11 July 2016

Location Plan



PROPOSAL:

The proposal relates to the retention of the existing temporary site entrance to Hazard Lane to facilitate reconfiguration of vehicular access arrangements to Hetton School, North Road, Hetton-le-Hole, DH5 9JZ.

This full planning application proposes the retention of a temporary vehicular access into the grounds of Hetton School, in order to facilitate a reconfiguration of the existing access arrangements at the school. Members may recall that planning permission was recently granted for the demolition of the existing Hetton School and the redevelopment of the site to provide a new school building, together with areas of parking, landscaping and sports facilities (approved at the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting on 17th October 2014, planning application ref. 14/01704/LP4).

The school occupies extensive grounds (approximately 11ha in area) on the western edge of Hetton-le-Hole, which are bordered by the B1284 North Road to the east, Moorsley Road to the south and Hazard Lane to the north. Hazard Lane provides the existing main vehicular access into the school grounds. The opposite sides of North Road and Moorsley Road are flanked by residential dwellings, whilst the land to north and west of the school is primarily open and agricultural.

The access proposed to be retained was installed on a temporary basis for use during the construction of the new school, which is nearing completion. The access joins the C522 Hazard Lane mid-way between the existing two-way school entrance/exit to its west and Hazard Lane's junction with the B1284 North Road to the east. It crosses a deep grassed border and public footway to Hazard Lane on its way to reaching the site of the new school's car park.

The approved school development (i.e. application ref. 14/01704/LP4) simply involved the retention of the existing two-way entrance/exit off Hazard Lane, which also serves a public leisure facility to the south-west of the existing school building. The new school car park was to be accessed via a turning off the main driveway running along the western boundary of the school grounds.

The proposed site layout submitted with the application shows that in the event planning permission is granted to retain the temporary access on a permanent basis, the existing access arrangements will be reconfigured - the existing entrance/exit will be used as an entrance only, with the retained temporary access used as an exit only. Two-way traffic would be permitted along the driveway to the leisure facility, but only after the turning into the new car park.

A supporting statement submitted with the planning application has advised that the approved arrangement means that traffic turning into the new school car park comes into conflict with the main pedestrian route from Hazard Lane to the new school. The school would prefer to keep students away from traffic and it is considered that the retention of the temporary access and proposed reconfiguration of the existing arrangements would assist in achieving this objective. The statement also suggests that the temporary access benefits from much better visibility for drivers exiting onto Hazard Lane than the existing access/exit and would also mean that the amount of traffic using the existing entrance/exit will be significantly reduced.

Members should note that the City Council continues to hold an interest in Hetton School and so notice of the application has been served on the Council by the applicant (Galliford Try acting on behalf of the school).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton Town Council
Network Management
Hetton - Ward Councillor Consultation

Final Date for Receipt of Representations: **22.06.2016**

REPRESENTATIONS:

Public consultation - one letter of representation has been received, from the occupier of a dwelling known as 'Gilgarwen', Dunelm Road. The representation raises the following concerns:

- the new access crosses a footpath and verge, which were installed to safeguard children getting to and from the Park Estate;
- the temporary access is a danger now and is much too close to the junction of Hazard Lane with North Road;
- the proposal appears to result in a change to the school's boundary;
- a local landowner was refused permission for a new access off Hazard Lane opposite the school;
- users of the roads and footpath should not be put in danger simply because it is easier for the temporary access to be retained rather than removed;

The objector's concerns in relation to highway and pedestrian safety will be considered in more detail in the next section of this report. To clarify, however, the proposal does not propose or involve a change to the school's boundary, with the 'red line' shown on the submitted location plan the same as that submitted in respect of other recent planning applications affecting the school site.

With regard to the objector's comments regarding a previous refusal of planning permission for an access off Hazard Lane, it is presumed reference is being made to application ref. 04/02932/OUT, whereby outline planning permission was sought for residential development on land to the north of Hazard Lane. Planning permission was refused for three reasons, one being the impact of the development on the highway safety of both North Road and Hazard Lane.

The final date for receipt of representations does not expire until 22/06/2016. Details of any additional representations received following the preparation of this report will be provided at the Committee meeting.

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

B2 Scale, massing layout and setting of new developments

B3 Protection of public/ private open space (urban green space)

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and take account of the different roles and character of different areas.

These core principles of the NPPF feed into policies EN10, B2, B3 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood. Policy B3, meanwhile, seeks to protect areas of open space which have significant amenity, recreational or nature conservation value from inappropriate development.

The proposed access will cross the deep grassed border to Hazard Lane, but this incursion is minor and as it serves the existing, established school site, the development raises no significant land use concerns, in accordance with UDP policy EN10. Consideration is given to the impact of the development on the visual amenity of the area in the next section of this report.

2. Impact of development on visual and residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated, whilst as noted above, policy B3 seeks to maintain areas of open space which have significant amenity value.

The proposed access does cross the deep grassed border to Hazard Lane, but the incursion is minor and affects an area of open space which has limited visual amenity value. As such, the retention of the access will not, it is considered, result in any significant harm being caused to the visual amenity of the area. Similarly, the nearest dwelling to the retained access (1 North Road) is approximately 70 metres to the east, opposite the junction between Hazard Lane and North Road. It is considered that the relationship between the access and the nearest dwellings is such that its continued use will not give rise to levels of noise or disturbance which will be of detriment to their living conditions.

With regard to the above, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policies B2 and B3 of the UDP.

3. Impact of development on highway and pedestrian safety

Paragraph 32 of the NPPF states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe. Meanwhile, policy T14 of the UDP sets out that new development proposals must not give rise to conditions which are prejudicial to highway and pedestrian safety.

The City Council's Network Management team has, in response to consultation, provided the following observations:

- it is noted that the westward visibility at the existing school entrance/exit is limited by boundary fencing and planting;
- there are records of vehicle accidents to this section of Hazard Lane, but these have been caused by loss of control/overtaking, rather than the location of the school entrance;
- there are existing School Crossing Patrols located on Moorsley Road and Park View, which serve to enable the safe movement of pupils using the main pedestrian entrance to Moorsley Road. This arrangement is unaffected by the redevelopment of the school site and the current proposals;
- any pupils arriving from the direction of Dunelm Road/Park Estate will still be able to cross North Road by the existing pedestrian refuge and the footpaths towards the existing access;
- with regard to the comment made by the objector to the application, it is observed that an outline planning application for a large residential development to the north of Hazard Lane was refused planning permission in 2005 (app. ref. 04/02932/OUT), which proposed the creation of new vehicular accesses onto Hazard Lane and North Road. The access from Hazard Lane did not, however, provide appropriate visibility and would have had significant adverse impact on the local road network;

With regard to the above, the Network Management team considers that the proposed retention of the temporary access and associated reconfiguration will be beneficial in terms of its location and improved visibility over the existing access further to the west. As such, the Network Management team has advised that the proposal is supported from a highway and pedestrian safety perspective.

The Network Management team's comments advises, however, that the applicant will be required to construct the retained access to an adoptable standard and include a suitable pedestrian crossing facility (e.g. dropped kerb, tactile paving) where the access is crossed by the existing public footway to the south side of Hazard Lane. Alterations will also be required to existing parking restrictions, road markings and signage, the cost of which shall be met by the applicant. These matters will be addressed by the relevant highways legislation; however, an informative note can be provided to the applicant as part of the planning decision to advise of these requirements in advance.

With regard to the above comments, it is considered that the implications of the proposed development in respect of highway and pedestrian safety are acceptable, the development therefore complies with the requirements of policy of the UDP and paragraph 32 of the NPPF.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity

and visual amenity. The implications of the scheme in respect of highway and pedestrian safety have been considered carefully and, as set out above, the Council's Network Management team has advised that the proposals represent an opportunity to improve the existing access arrangements to/from Hazard Lane. The proposed development is therefore considered to comply with the requirements of the core principles and paragraph 32 of the NPPF and policies EN10, B2, B3 and T14 of the UDP and is considered to be acceptable.

However, as noted above, the period for the receipt of representations from members of the public has not yet expired. Details of any representations received in response to public consultation, together with a recommended decision, will be provided to Members at the Committee meeting.

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 - Minded to Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions:

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:

The location plan (drawing no. (PL)HS_AHR_LP_001),

The existing site layout (drawing no. (PL)HS_AHR_LL_001, rev. F)

The proposed site layout (drawing no. (PL)HS_AHR_LL_001, rev. G)

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.