

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 (General Development Procedure) Order 1995.

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

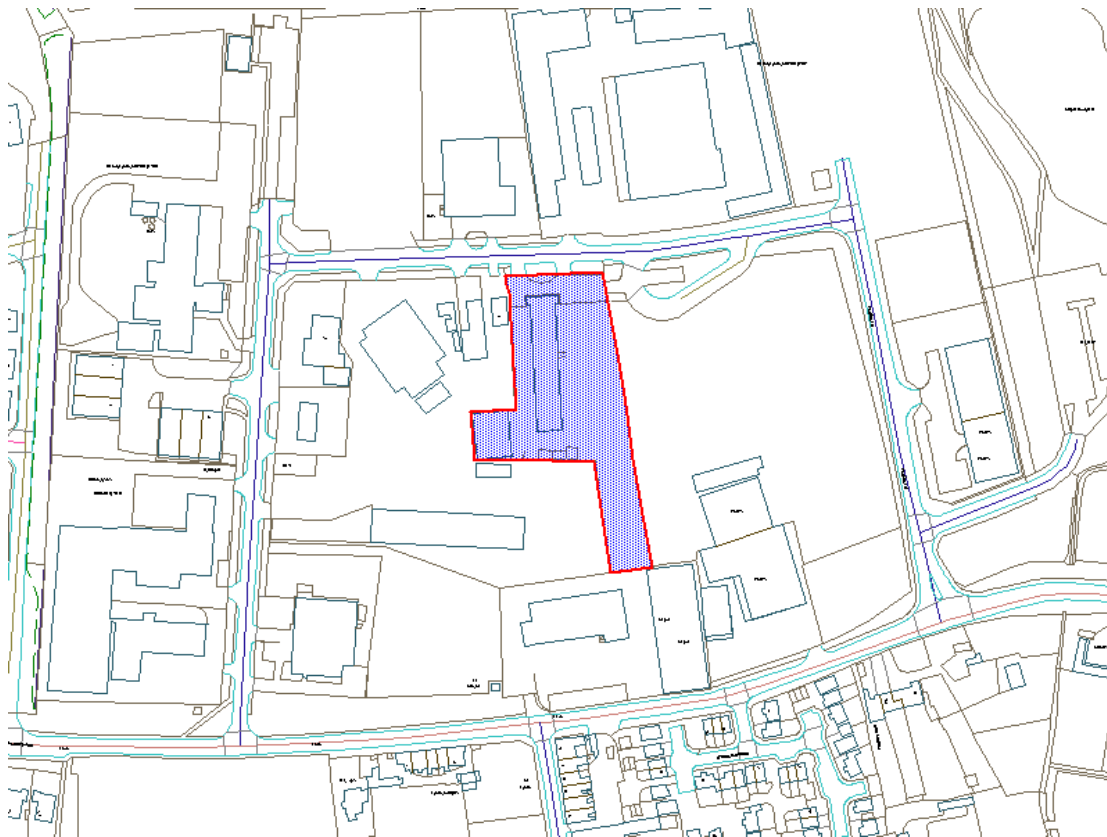
Reference No.: 09/03784/FUL Full Application

Proposal: **Change of use of premises to facility for the storage, maintenance and distribution of construction related equipment (Class B2 and Class B8).**

Location: Unit 10 Hetton Lyons Industrial Estate Hetton le Hole
Houghton-Le-Spring DH5 0RH

Ward: Hetton
Applicant: SGB Services Limited
Date Valid: 12 November 2009
Target Date: 7 January 2010

Location Plan



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PROPOSAL:

This application seeks consent for the change of use of the currently vacant Unit 10 of Hetton Lyons Industrial Estate from vehicle storage and hire facility (sui generis) to a depot for the storage, maintenance and distribution of mast-climbing, scaffolding, access and construction equipment, which falls within Classes B2 and B8 of the Town and Country Planning (Use Classes) Order (as

amended), 2005. The proposal also includes some ancillary office space to be used in connection with the proposed B2/B8 use.

The proposed development site is located centrally within the Hetton Lyons Industrial Estate and is positioned adjacent to sites within a variety of general industrial and storage and distribution uses.

Members should note that this proposed change of use only requires consent due to the previous sui generis use (i.e. it does not fall within any specific use class) of the site as a vehicle hire and distribution depot. Where a sui generis use has been in existence, planning permission is always required for any subsequent use, even where the use proposed is fully in accordance with the provisions of the development plan.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton Town Council

Final Date for Receipt of Representations: **22.12.2009**

REPRESENTATIONS:

No neighbour representations have been received in connection with this planning application to date.

City Services -Transportation : No observations.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

T_22_Parking standards in new developments

EC_4_Retention and improvement of existing business and industrial land

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

HA_1_Retention and improvement of established industrial / business areas

COMMENTS:

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

Principle of the development
Impact upon visual amenity
Impact upon residential amenity
Highway access and car parking arrangements

Principle of the development.

This area of Hetton Lyons Industrial Estate is allocated for B1, B2 and B8 uses subject to Policies EC4 and HA1.7 of the adopted Unitary Development Plan (Existing Employment Sites) which states that "established industrial/business areas and available sites within them will be retained and improved for the primary uses indicated (offices, research and development, light industry, general industry, warehouses and storage) (B1,B2,B8)". Consequently the proposed use of the site for B2/B8 storage, distribution and maintenance of construction equipment (with ancillary B1 office space) is considered to be acceptable in principle and in accordance with the provisions of the UDP.

Members should note that this proposed change of use only requires consent due to the previous sui generis use (i.e. it does not fall within any specific use class) of the site as a vehicle hire and distribution depot. Where a sui generis use has been in existence, planning permission is always required for any subsequent use, even where the use proposed is fully in accordance with the provisions of the development plan.

Impact Upon Visual Amenity

Policy B2 requires that:

"The scale, massing, layout and setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality, and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas".

The configuration of buildings on the proposed development site will remain unchanged and no built development is proposed as part of this application. Existing buildings on the site will be refurbished but this is considered to constitute repair and decoration and does not require planning permission.

The site is currently vacant with concrete barriers blocking access to the car parking areas and the frontage of the site, these will be removed once the site is brought back into use. The removal of these barriers, which will allow access to the frontage and staff parking area of the site will improve the appearance of the site to the benefit of visual amenity.

It is considered that the use of this site, which is currently vacant and heavily secured to prevent unauthorised access, will significantly improve its appearance. This together with the natural activity that will be introduced to the site as a result of its use is considered to contribute positively to visual amenity within the area and it is therefore acceptable in accordance with the requirements of policy B2 of the adopted UDP.

Impact upon residential amenity

The site is located within the Hetton Lyons Industrial Estate. There are no neighbouring properties in residential use. The surrounding area is industrial in nature. It is therefore considered that there will be no negative impact upon residential amenity as a result of the proposed use of the site.

Highway Access and Car Parking Arrangements

Policy T14 of the adopted UDP requires that proposals for new development should:

- Be readily accessible by pedestrians and cyclists as well as users of public transport.
- Not cause traffic congestion or highway safety problems on existing roads.
- Make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users.
- Make provision for the loading and unloading of commercial vehicles.
- Indicate how parking requirements will be accommodated.

Policy T22 of the adopted UDP requires that in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to:

- Development type: scale, use catchment, user characteristics.
- Locational Characteristics, e.g. accessibility by modes of transport other than the private car.

The highway access and car parking arrangements (19 car parking spaces proposed) in connection with the use of the site for storage, distribution and maintenance are considered to be acceptable by the City Council's Transportation Section and is fully in accordance with Policy T14 and T22 of the adopted Unitary Development Plan.

Conclusion

The proposed change of use to storage, distribution and maintenance area for construction equipment is considered to be acceptable and complies with the requirements of Unitary Development Plan Policy. However, publicity in connection with this planning application does not expire until 22 December 2009 and therefore a recommendation cannot be made until this publicity expires. A recommendation will be made following the expiry of this consultation period and reported on the supplement accordingly.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

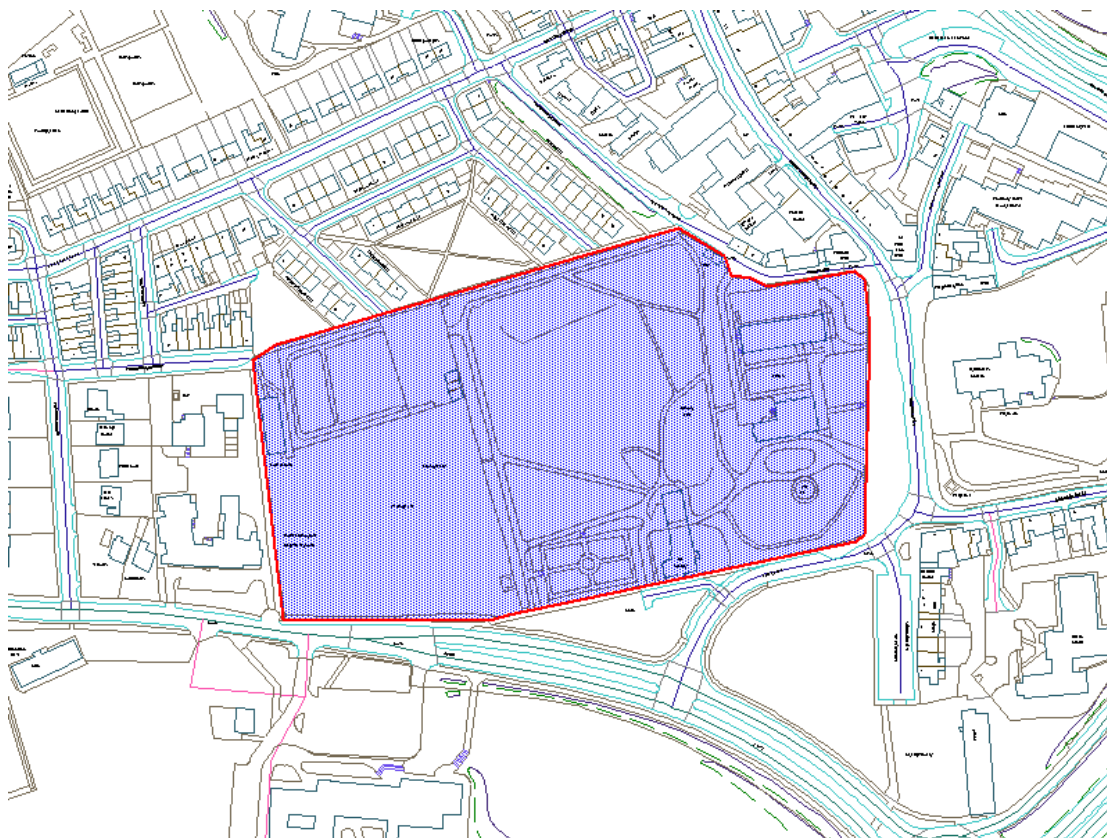
Reference No.: 09/03938/LAP Development by City(Regulation 3)

Proposal: **Erection of 2no 8m CCTV columns painted black with 2no 360 PTZ and 1no static camera.**

Location: Houghton Area Office Rectory Park Houghton Area Office
The Broadway Houghton-Le-Spring DH4 4BB

Ward: Houghton
Applicant: City Of Sunderland
Date Valid: 17 November 2009
Target Date: 12 January 2010

Location Plan



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PROPOSAL:

The application relates to the erection of 2no 8 metre high Closed Circuit Television (CCTV) columns within the grounds of the Houghton Area Office, Rectory Park, The Broadway.

Rectory Park is located within the St Michael's Conservation Area and the application site has two, Grade II Listed Buildings within its ground, The Rectory and The Houghton Area Office. In addition, there is a Grade I Listed Church, St

Michaels, located on the opposite side of The Broadway. The proposed columns are to be situated to the east and west of the site, within the grounds of the Houghton Area Office. The eastern column will monitor the existing car park and surrounding area. The column to the west of the site is to monitor Rectory Park. Each column is to carry 1no 360 degree Pan Tilt and Zoom (PTZ) camera and the column to the east is to carry 1 additional static camera. Each column is to be 8 metres in height with an additional 450mm in height allowed for the installation of the PTZ cameras. The column will have a 550mm wide base which then tapers up to the main pole which is to be 180mm in width. The submitted elevation plan indicates a grey steel column which is to be painted black.

The submitted Design and Access Statement outlines that the camera locations and capabilities have been discussed and agreed by the City's Security Section and it is considered that the positioning and type of the cameras will be the most effective in relation to crime prevention and detection. Members may recall an application approved in 2007 for the erection of a 10 metre high column located on the opposite side of The Broadway (REF: 07/05558/LAP). This consent has been implemented and is only partially visible from this site due to tree coverage.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist

Final Date for Receipt of Representations: **01.12.2009**

REPRESENTATIONS:

No representations have been received.

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_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_10_Development affecting the setting of listed buildings
B_14_Development in areas of potential archaeological importance
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
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 principle of the proposed CCTV Columns
- Impact of the development on the character and appearance of the conservation area and listed buildings
- Impact on archaeology
- Residential and visual amenity
- Impact of the development on mature trees
- Impact of the development on highway/pedestrian safety

Principle of development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10, T14, L7, B2 and B23. In addition to the above policies, the column to the west falls within an area of amenity open space and is also subject to policy L7.

Policy EN10 seeks to ensure that all proposals for new development are compatible with the principal land use of the neighbouring area. The site is presently used as the Houghton Area Office for the City Council and is surrounded by commercial units and amenity open space in the form of Rectory Park. Policy EN10 dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. As the proposal is aimed at improving the safety of the users of both the Council Office and Rectory Park, the proposed works are considered to accord with the requirements of policy EN10.

The column to the west of the site is positioned within land which is identified as open space and as such Policy L7 of the UDP applies. Policy L7 seeks to ensure that land allocated on the proposals map as open space shall be retained and only permissions that do not negatively affect the amenity, recreational and wildlife value of site are to be approved. Given the column reflects the style of the lampposts in the area and is to provide extra safety to the users of the park it is considered that the column does not negatively affect the quality of the open space.

The principle of the development is therefore considered acceptable and in accordance with policies EN10 and L7 of the adopted UDP.

Impact on Listed Buildings and Conservation Area

The CCTV columns are positioned within the St Michael's Conservation Area and adjacent to a Grade II* Listed building at the Rectory. As such the proposal is

subject to UDP Policies B4, B6, B10 and the Houghton Conservation Areas Character Appraisal and Management Strategy. The aforementioned policies and documents seek to ensure that proposals within Conservation Areas achieve the highest quality of development that enhances or preserves the character of the Conservation Area. In addition, the retention of mature trees is encouraged and it is imperative that developments within the vicinity of listed buildings do not adversely affect their character or setting.

The CCTV columns are positioned some 42 metres from the 'listed' Rectory and thus will not impact upon its setting. Moreover, there are higher columns for the illuminations and street lighting in closer proximity to the listed building and as such it is considered that the development will have a limited impact on the setting or fabric of the listed structure.

In relation to the impact of the proposal on the character and appearance of St Michael's Conservation Area it is considered that the columns will have a minimal affect. The building adjacent to which the columns will be sited, the Houghton Area Office, is of no architectural or historic interest and the height of the columns will allow the cameras to sit below the level of the tree tops within the surrounding wooded area, thus screening them and minimising any visual impact on the wider Conservation Area. Consequently it is considered that the proposal accords with UDP Policies B4, B6 and B10 and the Houghton Conservation Area Character Appraisal and Management Strategy.

Impact on Archaeology

The proposed columns are sited within the extent of the Houghton Medieval Village and as such UDP Policy B14 applies. Through this policy where developments are likely to have an impact on archaeology, an assessment should be undertaken. Given that there are to be ground works and underground cables laid there may be some disturbance of artefacts. Consequently, should members be minded to approve the application, a condition relating to an archaeological watching brief should be inserted into the decision notice. With the insertion of the condition the scheme will accord with UDP Policy B14.

Impact on Residential and Visual Amenity

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. UDP policy B23 seeks to ensure that street furniture is designed and located to be sympathetic to the environment.

The proposed cameras provide a field of vision which allows 360 degree panoramic rotation, with the nearest residential property, at 14 Scott Street, located in excess of 70 metres away from the site. However, the Britannia Inn is positioned 20 metres from the column to the eastern edge of the site but is well screened by the existing trees and it is considered that the amenity of the commercial units and residential properties will not be compromised by the proposed installation. Moreover, there are strict controls and working practices which the operators of the cameras will have to follow. The operators are required to adhere to The Human Rights Act, The Data Protection Act, The

Freedom of Information Act, The Data Commissioners Code of Practice and The Regulatory and Investigatory Powers Act. Any breach of any these acts would leave the operator liable to prosecution.

Furthermore, the columns are to be positioned within an area which is served by several large lampposts which dominate the street scene and have various lighting fixtures attached. The heights of the columns have also been kept below the canopies of the existing trees and the developments will not be highly visible from the public realm.

In light of the above it is considered that the proposal has limited impact on residential amenity and as such accords with policy B2 of the approved UDP. However, should members be minded to approve the application a colour treatment condition should be inserted into the decision notice to control the colouring of the columns and casings.

Impact of development on mature trees

There are several semi-mature trees located adjacent to both proposed sites and as such UDP Policies CN17, CN18 and CN22 are relevant. Through these policies the retention of trees is encouraged and any developments that result in the damage or loss of trees will not normally be acceptable. However, it is suggested, if members are minded to approve the application, that conditions be inserted into the decision notice to ensure that sufficient provision is made for the protection and retention of the existing trees in order for the proposal to accord with UDP Policies CN17, CN18 and CN22.

Highway/pedestrian safety Implications

UDP Policy T14 aims to ensure that new developments do not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. The submitted plans indicate that the columns will not occupy positions within the public highway and no parking places will be lost as a result of the proposal. Consequently no observations or recommendations have been made by the Transportation Section.

The proposal is not considered to contravene the requirements of Policy T14 of the adopted UDP.

Conclusion

For the reasons given in this report it is considered that the scheme does not have any significant adverse impact on the St Michael's Conservation Area, listed buildings, archaeology, residential and visual amenity, trees or highway safety. The scheme therefore complies with Policies B2, B4, B6, B10, B14, CN18, CN22 and T14. Consequently, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant permission for the proposal subject to the conditions listed below.

RECOMMENDATION: GRANT CONSENT In accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 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:

Location plan received

Existing site plan received

Proposed site plan received

Proposed amended elevations received 16.12.2009

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 Notwithstanding the submitted plans, the installations hereby approved shall be removed from the site when no longer required, in order to achieve a satisfactory form of development and to comply with policy B23 of the UDP.

4 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing in order to accord with UDP Policies B13 and B14.

5 The site shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition 4 has been submitted to and approved in writing by the Local Planning Authority in order to accord with UDP Policies B13 and B14.

6 Notwithstanding the submitted plans the Local Planning Authority shall be notified of start and completion dates of installation. The steel enclosure shall be painted black within 3 months of completion of the installation, in the interests of visual amenity and to comply with policy B2 of the UDP.

7 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and

or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved method statement. Such method statement shall include full details of the following:

Implementation, supervision and monitoring of the approved Tree Protection Scheme;

Implementation, supervision and monitoring of the approved Treework Specification;

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme; and

Timing and phasing of arboricultural works in relation to the approved development.

In the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

- 8 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.
- 9 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 10 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the UDP.

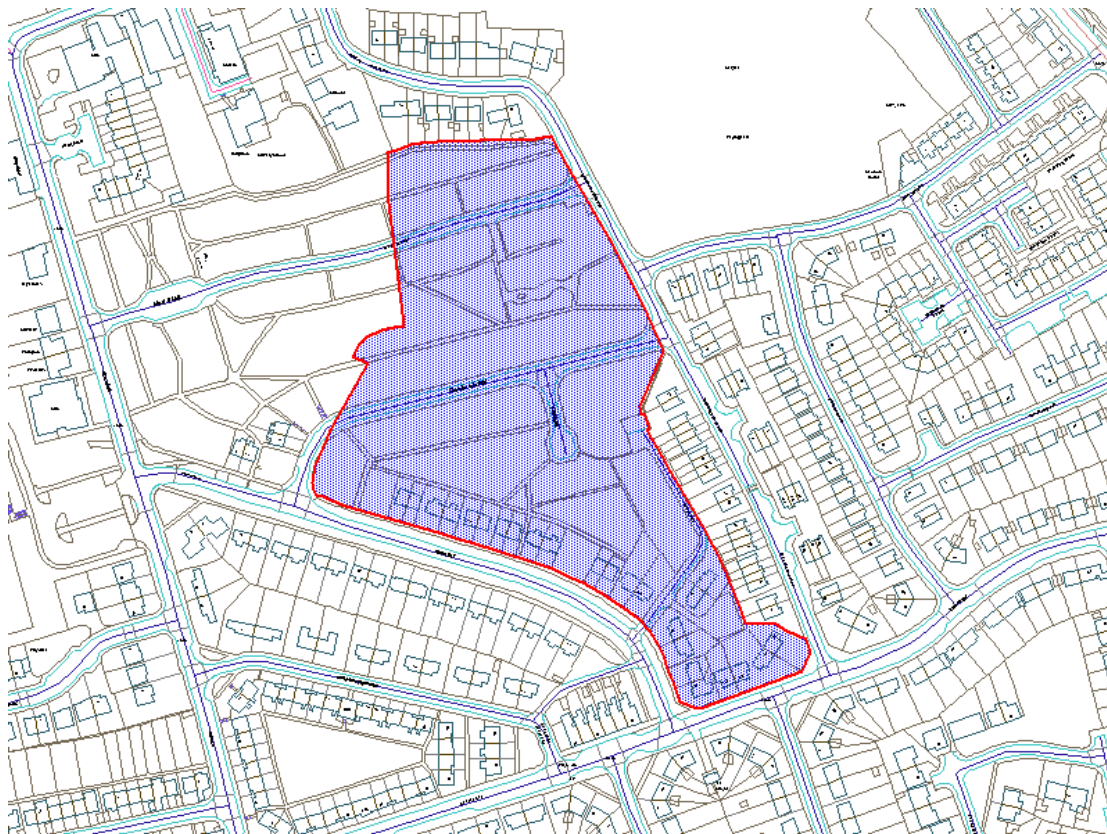
Reference No.: 09/03990/FUL Full Application

Proposal: Hybrid planning application comprising: Full application for the erection of 25 residential units with associated landscaping, access and parking. Outline application for 75 residential units with all matters reserved. Stopping up of highway and change of use from highway to residential.

Location: Land Adjacent To Windsor Crescent, The Close And Kingsway Houghton-Le-Spring

Ward: Copt Hill
Applicant: Gentoo Homes
Date Valid: 26 October 2009
Target Date: 25 January 2010

Location Plan



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PROPOSAL:

This planning application is described as a "hybrid" application seeking both outline planning permission in respect of the whole site for 102 dwellings and full planning in respect of those 25 dwellings on the northern area of the site at the same time.

The site, which lies to the north of the Racecourse Estate in Houghton le Spring, extends to approximately 2.9 hectares. Outline planning permission (with all matters of detail reserved) is sought for the residential development of an area of 2.03 hectares. Full planning permission is sought for the development of an area of 0.88 hectares for 25 dwellings at the northern area of the site - phase 1 of the development an average density of 34 dwellings per hectare.

The application to be considered is for the redevelopment of the Racecourse Estate site in Houghton Le-Spring for Houghton & Hetton Housing Company Ltd., part of Gentoo as part of the central government Kickstart initiative. The surrounding area is predominantly residential in form and character. It comprises a mix of private and public sector housing and a number of recent housing developments.

The Racecourse Estate itself is located to the east of the A690 in Houghton Le-Spring and lies between Hall Lane to the west and Queensway to the south with Windsor Crescent and Kirknewton Close to the east of the site. There is a fall across the site of approximately 11 metres from the east side down to Hall Lane on the west. The site is currently vacant having been cleared of the former dwellings. To the north of the site, on Windsor Crescent is Kirk Lee Park, which comprises an equipped play area and a large sloping green space. The development comprises -

Full planning permission.

- 1 no. 4 bedroomed 6 person house.
- 12 no. 3 Bedroomed 5 person houses.
- 8 no. 2 Bedroomed 4 person houses.
- 4 no. 3 Bedroomed 3 person apartments.

Outline approval. (Indicative).

- 28 no. 2 bedroomed 3 person houses.
- 36 no. 3 bedroomed 5 person houses.
- 7 no. 4 bedroomed 6 person houses
- 4 no. 2 bedroomed apartments.

All of the dwellings are two storeys.

The application is supported by the following documents:

Design and Access Statement; Flood Risk Assessment; Affordable Housing Statement; Biodiversity Survey and Report; Foul Sewage and Utilities Assessment; Archaeological Assessment; Geotechnical Statement; Landscaping Details; Transport Assessment/Travel Plan; and detailed plans and drawings.

Access for that part of the site covered by the full application is proposed to be taken from Windsor Crescent directly for 7 of the dwellings and via 2 culs de sac off a new road off Windsor Crescent while for the outline part of the site it is proposed directly from the new road linking Windsor Crescent and Kingsway and from 3 culs de sac off Kingsway.

The application is also accompanied by a draft section 106 agreement in respect of a contribution for off site play provision.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Childrens' Services
Environment Agency
Force Planning And Police Architectural Liaison Officer
Nexus
Northumbrian Water
Director Of Community And Cultural Services
County Archaeologist
Executive Director of City Services

Final Date for Receipt of Representations: **23.11.2009**

REPRESENTATIONS:

Neighbours

One letter of objection has been received from an occupier of Kirknewton Close objecting to the development on the grounds that it would cut out the light into the rear of the property and garden, and would obstruct the view from the rear of the property where there has been an unobstructed outlook at the rear of the property.

Consultee Responses.

City Services - Transportation.

There are no objections to the proposal in general however details have been highlighted within the outline phase of the application. These have been passed to the agent and will be resolved at the Reserved Matters stage.

1. An application is proceeding regarding the stopping up of highway under S247 of the Highways Act, with an order made by the Department for Transport to cover part of the existing public highway within the red line

boundary. A highway named as The Close and adjoining public highway located to the rear of Kirknewton Close have not been included and will be subject to a further stopping up application. This also applies to the public footpath to the rear of 13 to 43 Kingsway.

2. The parking area to the rear of plots 75 to 78 should replicate the arrangement proposed to plots 8 to 11 located opposite.
3. The ratio of visitor parking provision to the south of Spring Drive is considered to be insufficient.
4. The footway located to the rear of the tree planted verge / longitudinal visitor parking along Kingsway needs to be clearly identified on the plan.
5. The three shared surface courtyards with entrances from Kingsway each serve between 5 and 12 dwellings and will need to be constructed as publicly adoptable highway. The level of visitor parking provision in this location appears reasonable; however the extent of the centrally located bays should be clearly defined on the plan.
6. The two visitor parking spaces shown to the front of plots 81 and 82 appear to be bays allocated to these plots, and this area should be amended to show two 5.0m x 2.5m private driveways.
7. The two visitor parking bays to the end of the shared surface between plots 90 and 91 need to be identified as public highway.
8. The location of the double garage between plots 94 and 95 may need to be reconsidered.
9. A scheme of traffic calming and speed reduction measures will need to be discussed and agreed for highway both within and surrounding the phases 3 and 4 developments.

City Services - Environmental Health.

A geotechnical assessment has been submitted. The assessment is for a phased residential development of an 8.1ha site.

No desk study has been provided but the Geo-environmental report provides a summary which is sufficient for the conclusions below.

The submitted Edge report is dated July 2005 and predates recent guidance for human health risk assessment criteria Contaminated Land Exposure Assessment (CLEA 1.0x) and ground gases British Standard Construction Industry Research & Information Association (BS, CIRIA, NHBC). Access was not available for much of the site, although the current red line appears not to be affected by this. Notwithstanding the number of boreholes and trial pits is commensurate with a preliminary study only (50 to 100m spacing). The site use of residential with gardens is very sensitive and given that the site is Brownfield with a typical depth of made ground of 2.3m, it is not considered that the density of sampling is commensurate with the risk. It is noted that two significant pollution events have occurred on site but an investigation has not yet been carried out to assess the consequence of these to the development.

The ages of the housing stock and risks from asbestos, ash & clinker, lead paint, waste oil etc have not been considered as a possible source of contamination.

Testing for organic compounds is not in accordance with Environment Agency guidance for TPH_, and no testing is provided for speciated PAHs in the soils.

* Total petroleum hydrocarbon (TPH) is a term used to denote a large family of several hundred chemical compounds that originally come from crude oil. Crude oil is used to make petroleum products which can contaminate the environment. Because there are so many different chemicals in crude oil and in other petroleum products, it is not practical to measure each one separately. However, it is useful to measure the total amount of TPH at a site. Some chemicals that may be found in TPH are hexane, jet fuels, mineral oils, benzene, toluene, xylenes, naphthalene, and fluorene, as well as other petroleum products and gasoline components. However, it is likely that samples of TPH will contain only some, or a mixture, of these chemicals.

**Polycyclic aromatic hydrocarbons (PAHs) are chemical compounds that consist of fused aromatic rings and do not contain heteroatoms or carry substituents. PAHs occur in oil, coal, and tar deposits, and are produced as byproducts of fuel burning (whether fossil fuel or biomass). As a pollutant, they are of concern because some compounds have been identified as carcinogenic, mutagenic, and teratogenic.

Gas monitoring does not meet with current guidance concerning frequency of sampling, sampling period, critical sampling times or measurement of flow rates. Details of boreholes and trial pits including response zones are presumably found in the Fugro Factual Report which has not been provided. The gas assessment does not include a conceptual model to explain the targets of measurement.

In conclusion it is recommended that a review of the Geo-environmental Assessment report is requested to bring it up to current standards. Based on the data presented it is reasonable to expect this to involve further intrusive investigation and monitoring.

These comments have been passed to the applicant and a response is awaited and suitable conditions suggested that would allow the application to be determined within the statutory period.

County Archaeologist

The site lies just within the former extent of Houghton medieval village and incorporates the former grounds of Houghton Hall. An archaeological desk based assessment was produced in September 2007. This was followed in February 2009 by archaeological trial trenching. No archaeological deposits were recorded. One trench remains to be excavated at Normandy Crescent, but this is outside the present red line boundary. No further archaeological work is required on this site.

Nexus

Nexus has no issues with this application. Bus services are available in the vicinity for the convenience of residents.

Environment Agency.

The agency has no objections to the proposal as the Flood Risk Assessment establishes that the site is a low risk. The EA also recommends that the site makes a provision for renewable energy in line with RSS, all dwellings will have solar panels and conform to Ecohomes very good in terms of insulation etc and are thus considered acceptable in this respect.

Northumbrian Water.

Northumbrian Water (NWL) has no objections subject to conditioning any approval to avoid building over their apparatus particularly a sewer across the site. This matter is the subject of discussions between the developer, an engineering consultant and NWL with regards to the redevelopment of the whole area and any necessary works will be carried out to NWL specifications.

POLICIES:

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

L_1_General provision of recreational and leisure facilities
L_4_Standards for outdoor sport and recreation
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
B_2_Scale, massing layout and setting of new developments
B_14_Development in areas of potential archaeological importance
CF_11_Ensuring adequate range and distribution of social, religious cultural buildings
CF_13_Replacement of necessary community facilities lost as part of development
CF_14_Standards of design in community facility development
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_21_Open space requirements in new residential developments (over 40 bed spaces)
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 the assessment of this application include

- The principle of the development.
- The impact of the proposed development upon the amenities of local residents.
- The design of the proposal.
- The impact of the proposals on the local highway network.
- Sewerage Issues
- Children's play provision

Principle of the development

The application proposes the development of around 100 dwellings on a site previously occupied by the Racecourse Estate. Thus, the principle of the proposed development has been accepted for some time, being allocated for residential purposes by way of policy EN10 in the adopted UDP (1998). EN10 indicates that all proposals (including changes of use) will be judged in accordance with the policies and proposals of the UDP and, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

The proposed development at approximately 30 dwellings per hectare is in accord with PPS3 (Housing) guidelines for suburban areas.

Impact upon the amenities of local residents.

Policy B2 of the adopted Unitary Development Plan (UDP), which states, 'the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'.

The only neighbours of the site whose residential amenities will be impacted to any degree are those living in properties in Kirknewton Close that back onto that part of the site for which outline approval is sought .

One letter of objection has been received from occupiers of a property in Kirknewton Close and it is not considered that their amenities would be adversely affected to an unreasonable degree by the development as the illustrative outline plan shows the proposed dwellings are sited in accordance with the spacing standards set down in the Supplementary Planning Residential Design Guide adopted in November 2008.

The houses are proposed to be sited such that the Council's normal spacing requirements with regards to distances between dwellings are met. As such, potential problems of overlooking, unreasonable loss of privacy and overshadowing will be abated and the proposed houses will not be intrusive.

In any event the occupiers of Kirknewton Close will be consulted again at the Reserved Matters stage when the layout of this has been finalised.

Whilst a property may have been purchased for its aspect and view, these cannot be protected as such under the planning regulations. Indeed, the effect of such protection would be to sterilise the application site from development, which would be unreasonable.

In light of the above it is not considered that the proposed development will result in the amenities of neighbouring residents to the site being significantly adversely affected.

The design of the proposal.

The area has been the subject of major pre application discussions culminating in the present submission which is considered to comply with Policy B2 of the adopted Unitary Development Plan , which states, `the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

The site slopes north south and west east and this has been taken into consideration in the layout which seeks to avoid overlooking and take advantage of the contours of the site.

The layout offers a focal reference point at the entrance with string frontages along the road connecting Kirknewton Close to Kingsway. The culs de sac then offer overlooked courtyards with a sense of place with one point of access/egress offering security and slowing traffic down. Rear private gardens add to the amenity of occupants.

As all matters are reserved for the outline element of the proposal the detailed comments refer too the detailed element only. However thee outline proposal contains significant detail in respect of the proposal and the applicant has indicated that he does not anticipate that the layout submitted will change at the Reserved Matters stage. This detail has been submitted for approval at a relatively early stage to gain central government funding for this Kickstart scheme which has a tight deadline which must be achieved otherwise the funding will be lost.

The house types are contemporary with a mix offering variety and interest to the street scene which is considered a major improvement on the social housing which previously occupied the site.

Materials can be agreed at a later stage through appropriate conditions to ensure a palette which enhances the area.

The proposal is thus considered acceptable in design terms and is considered to comply with policy B2 of the UDP.

Impact on the local highway network.

Policies T14 and T22 of the UDP essentially require developments to have no undue detrimental impact on highway/pedestrian safety or the free passage of traffic whilst providing an acceptable level of car parking.

As stated above the Transportation section of City Services consider the proposal acceptable subject to minor alterations to the area for which outline approval is sought which will be resolved at the Reserved Matters stage

The proposal is generally acceptable in highway terms with matters of detail mainly on that portion of the site covered by the outline application to be resolved, these issues can be controlled by condition should planning permission be granted. The issues related to visitor parking numbers and allocation and traffic calming.

The proposal is thus considered satisfactory subject to suitable condition with respect to policies T14 and T22 of the UDP.

Sewerage Issues.

As indicated above this matter is the subject of discussions between the developer, an engineering consultant and NWL with regards to the redevelopment of the whole area and any necessary works will be carried out to NWL specifications. A condition to this effect can be imposed on any consent granted.

Child Play Provision.

UDP Policy H21 requires that within new residential developments of more than 40 bedspaces amenity open space/ casual playspace should be provided. Additionally, in the case or a contribution made for off site provision of family dwellings, formal (equipped) children's playspace should be provided. This policy aims to provide open space in new residential developments appropriate to the needs of the local population.

The applicant has indicated that in lieu of on site provision a contribution will be paid on a pro rata basis per dwelling for off site provision at Kirk Lees Park, Houghton le Spring.

This is considered acceptable and complies with policy H21 of the UDP.

Conclusions

The residential use of the site is considered acceptable under Policy EN10 of the adopted Sunderland Unitary Development Plan, which seeks the continuation of existing land use patterns in the absence of a specific policy.

A number of issues have been raised during the consideration of this planning application. Each has been addressed and, as indicated above, resolved. None of the statutory consultees has objected or, where objections have been received, these have subsequently been resolved.

Discussions continue with the applicants and their agents to finalise the S106 agreement, which is expected to be in a form acceptable to all parties and the outline phase of the development is being amended for early submission as a Reserved Matters application.

Members are recommended to delegate the matter to the Deputy Chief Executive with a dual recommendation, for approval with conditions, subject to the completion of the legal agreement by 25 January 2010, or in the event of the legal agreement not being signed for refusal on grounds related to the inadequate provision of children's play facilities.

**Recommendation: Delegate to the Deputy Chief Executive to:
Either**

1) APPROVE subject to completion of a Section 106 agreement in respect of off site children's play provision at Kirk Lees Park by 25 January 2010 or such other date as is agreed by the Deputy Chief Executive and subject to the conditions set out below;

Or

2) REFUSE, should the legal agreement not be completed by 25 January 2010 or such other date as is agreed by the Deputy Chief Executive, on grounds related to the inadequate provision of children's play facilities.

Conditions:

- 1 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Details of the siting of the building(s)

Design

External Appearance

Means of Access

The landscaping of the site.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

- 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 :

Design and Access Statement; Flood Risk Assessment; Affordable Housing Statement; Biodiversity Survey and Report; Foul Sewage and Utilities Assessment; Archaeological Assessment; Geotechnical Statement; Landscaping Details; Transport Assessment/Travel Plan

Location Plan

Phases 2, 3 & 4 refer to AWCA drawing 091029-200

Site Plan Existing and Proposed

Phase 2 refer to AWCA drawings:

09/029-201 existing site plan OS

09/029-202 existing site plan topographical survey

09/029-203 proposed site plan

Phases 3 & 4 refer to AWCA drawings:

09/029-301 existing site plan OS

09/029-302 existing site plan topographical survey

09/029-303 proposed site plan

Existing and Proposed Elevations &-

Phase 2 refer to AWCA drawings:
 09/029-205 type 21 2B3P apartment layout
 09/029-206 type 3 2B4P house
 09/029-207 type 6 3B5P house
 09/029-208 type 16 4B6P house
 09/029-209 garage plans and elevations
 09/029-210 site sections I elevations A-A & B-B
 09/029-211 site sections I elevations C-C & D-D
 Existing and Proposed Floor Plans
 Phase 2 refer to AWCA drawings:
 09/029-205 type 21 2B3P apartment
 09/029-206 type 3 2B4P house
 09/029-207 type 6 3B5P house
 09/029-208 type 16 4B6P house
 09/029-209 garage plans and elevations
 Existing and Proposed Section Drawings
 Phase 2 refer to AWCA drawings:
 09/029-210 site sections I elevations A-A & B-B
 09/029-211 site sections I elevations C-C & D-D
 Roof Plan
 Phase 2 refer to AWCA drawings:
 09/029-204 proposed roof plan
 Phases 3 & 4 refer to AWCA drawings:
 09/029-303 proposed site plan

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 Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details in order to achieve a satisfactory form of development and comply with policy EN12 of the UDP. This is necessary as an existing 225mm public sewer crosses the proposed development site and is shown built over on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.
- 4 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 5 .No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in

writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.

- 6 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.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy of the UDP.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy of the UDP.
- 10 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
- 10 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.
- 11 Details of the proposed location of the sales/ site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 12 No development approved by this permission shall be commenced until the details and programme of implementation of a surface water run-off limitation system has been submitted to and approved in writing by the

Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved programme and details with the surface water being limited to 44 litre/second in order to prevent the increased risk of flooding in the area and to comply with policy EN11 and EN12 of the adopted Unitary Development Plan.

- 13 Before the development hereby approved is commenced the details of the foul drainage for the site, including any improvements to off site sewage treatment facilities, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling in any phase of the development shall be occupied until the scheme and any improved treatment facilities are available and have been brought into use to accommodate the flows generated by that phase of the development in order to achieve a satisfactory form of development and to comply with policy M20 of the adopted Unitary Development Plan.
- 14 Notwithstanding the plans hereby approved no development shall commence on site on any phase until details of a traffic calming scheme for that phase have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme must be implemented in complete accordance with the agreed details prior to the first occupation of any dwelling on that phase in the interests of highway/pedestrian safety and to comply with policies T12, T14 and T22 of the adopted Unitary Development Plan.