

## **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

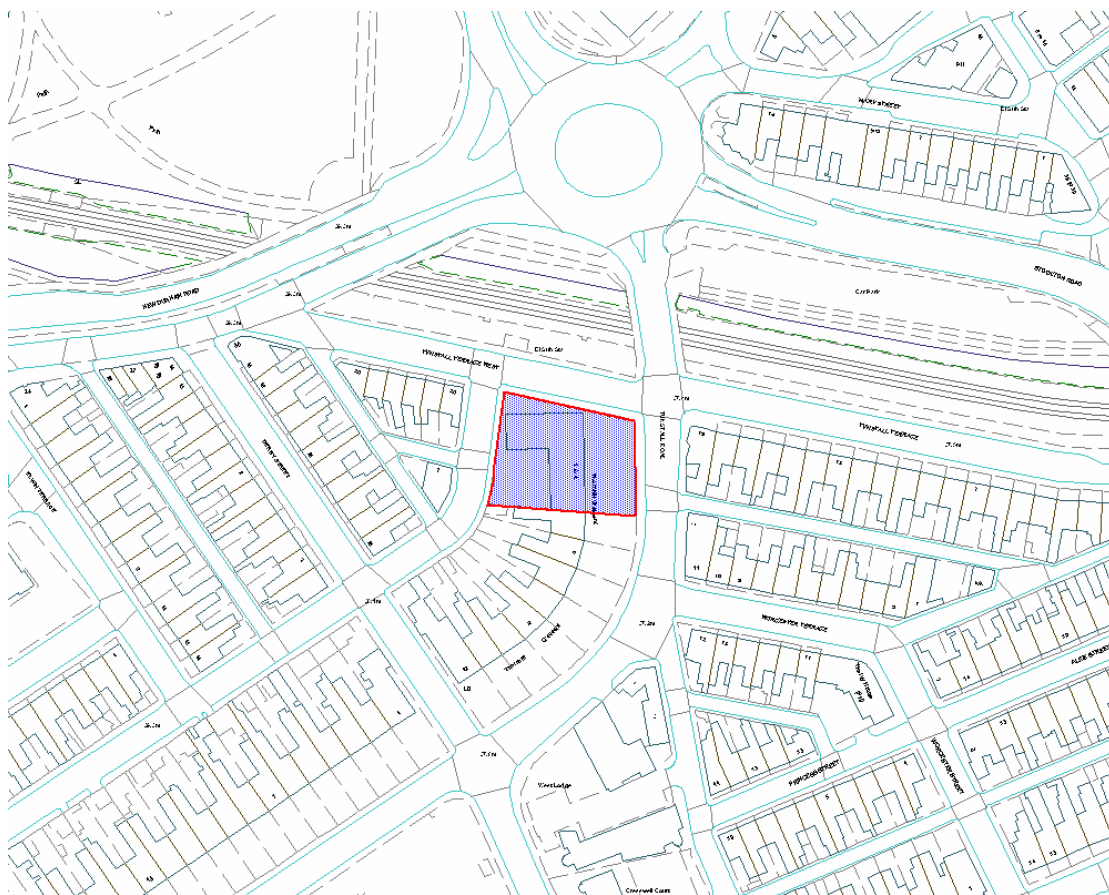
**Reference No.:** 13/01140/FUL Full Application

**Proposal:** Change of use of residential care home to residential accommodation comprising 6no. self-contained apartments and 10no. bedsits, provision of canopy on north and east elevations, replacement of doorway with window in west elevation, provision of cycle/bin store to southwest corner and provision of automated gates on western boundary

**Location:** Jubilee Nursing Home 1-4 Thornhill Crescent Sunderland SR2 7AD

**Ward:** Millfield  
**Applicant:** Mr Akash Ghai  
**Date Valid:** 31 May 2013  
**Target Date:** 30 August 2013

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

## **PROPOSAL:**

Planning permission is sought to change the use of the property from a currently vacant residential care home, which falls within Class C2: Residential Institutions of The Town and Country Planning (Use Classes) Order 1987 (as amended), to residential accommodation comprising 6no. self-contained apartments and 10no. bedsits, which does not fall within any particular Use Class so is classified as a Sui Generis use.

The host building currently contains staff and communal facilities at ground floor level and 36no. bedrooms (18no. at each first and second floor level). The proposal would provide staff and communal facilities and 2no. 4-bedroom apartments at ground floor level, 2no. apartments (1no. comprising 4no. bedrooms and the other comprising 6no. bedrooms) and 5no. studio/bedsits at first floor and 2no. apartments (1no. comprising 5no. bedrooms and the other comprising 6no. bedrooms) and 5no. studio/bedsits at second floor. This would provide a total of 39no. bedrooms for residents in addition to a single-bed apartment for an on-site janitor.

The application includes the provision of a flat lightweight glazed canopy to be cantilevered by wire on the north and east elevations, the replacement of a doorway with a window in the west elevation, the provision of a 5.9m by 4.0m/4.7m cycle/bin enclosure of predominantly 2.25m high close-boarded timber in the rear yard and the provision of galvanised steel automated gates on the western boundary, to be finished black. A total of 9no. parking spaces would be provided in the paved rear yard which is accessed from the highway which runs along the rear (west) of the site. A section of decking, which would not exceed 300mm in height, is proposed immediately to the south of the existing conservatory in the front garden and a barbeque area was also originally proposed adjacent to this decking, however this has since been omitted from the proposal following concerns raised by a local residents association.

The host property is a prominent 3-storey building with an L-shaped footprint which forms the end of a traditional residential terrace and occupies the corner of Tunstall Road and Tunstall Terrace West within the Ashbrooke Conservation Area. Planning permission was granted to erect the host property, which was approved as a 48-bed nursing home, in 1990 in place of 4no. dwellings which previously existed on the site (application ref. 90/01373/10). The property is therefore a relatively modern addition to an otherwise traditional two-storey terrace. This area of the City Centre is largely residential in character, however it is apparent that the host terrace (1-12 Thornhill Crescent) and surrounding area feature a variety of residential uses, including single family homes, flats and HMOs whilst a hot food takeaway and a shop are situated on the opposite side of Tunstall Road immediately to the east. The host property is bordered by around 1.5m high black metal railings supported by brick pillars and includes a large conservatory (granted consent in 1993 through application ref 93/00134/10) to the front and an area of hardstanding, to which vehicular access is afforded, to the rear. A railway line is situated to the north on the opposite side of Tunstall Terrace West.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

## Neighbour Notifications

### **CONSULTEES:**

Network Management  
Environmental Health  
Millfied - Ward Councillor Consultation

Final Date for Receipt of Representations: **15.07.2013**

### **REPRESENTATIONS:**

A representation has been received on behalf of the Thornholme City Corner Residents Association wherein the following concerns are raised:

- The provision of 9no. car parking spaces is inadequate and the imposition of limitations for car ownership is questioned.
- Noise pollution may be generated by music played on the premises and as a result of the proposed barbeque area.

A further representation has been received on behalf of Sunderland University in objection to the application, although the particular grounds for objection are not clear. It is stated that a further representation is to be made, however this has not been forthcoming.

Network Management confirmed that no observations or recommendations are offered in this instance.

Environmental Health raised no objections and recommended means of minimising disturbance to neighbouring residents during construction works in terms of restricting hours of construction and minimising the generation of noise, vibration and dust whilst.

### **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

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

T\_22\_Parking standards in new developments

### **COMMENTS:**

The main issues to consider with regard to the proposed development are:

- the principle of the proposed use relative to the character of the area;
- visual and residential amenity and impact on Conservation Area; and
- highway / parking implications

## Principle

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The site is not allocated for any specific land use by the Council's adopted Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where there is no indication of any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

Topic 4 of the adopted Development Control Guidelines Supplementary Planning Guidance (SPG) dictates that proposals for the conversion to flats and Houses in Multiple Occupation (HMOs) will not be acceptable where they are overly intensive or in areas where single family dwellings prevail. Specifically, Topic 4.1(b) states, 'Proposals must reflect and respect the general character and amenity of the area. Those which represent an over intensive form of development will normally be resisted' whilst 4.1(c) reiterates this point by stating, 'Planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area'.

Whilst a mix of uses can be found within the locality, the predominant character of this particular area is residential, so the proposal accords with UDP policy EN10. The host terrace is exclusively residential but comprises a mix of single dwellings and flats, which is synonymous with the wider area wherein HMOs are also present. In addition, the property was built and was most recently operated as a residential care home, so the proposal would not result in the sub-division of a single dwellinghouse. As such, it is not considered that the proposed use of the property as flats and bedsits would be out-of-keeping with the established types of residential available within the local area and is therefore considered to be acceptable, in principle.

In addition, an attractive building would be brought back into use which, according to the applicant, has been vacant since 28 February 2013, to the benefit of the vitality of the locality.

Members may be aware that the Council is presently engaged in a consultation process in respect of the introduction of a non-immediate Article 4 Direction to withdraw permitted development rights for a change of use of a dwellinghouse to a house in multiple occupation within the wards of Barnes, Hendon, St. Michael's, St. Peter's and pertinently to this application, Millfield. The background to this decision taken by the Council is that HMO development on a large scale has the potential to damage the fabric, sustainability and cohesion of existing communities. The effect would be that notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended), planning permission would be required to change the use of any existing dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), a change which is currently permitted by the order. In addition, policy H18 of the UDP provides guidance on proposals for the provision or conversion of dwellings into bed-sitting rooms, self-contained flats or multiple shared accommodation. However, such provisions relate solely to conversions of dwellings, which is not the case in this instance given that the host building is a purpose-built residential care facility, are not considered to be directly applicable to the current proposal.

#### Visual and Residential Amenity and Impact on Conservation Area

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' whilst UDP policy B4 seeks to ensure that all development within and adjacent to conservation areas will be required to preserve or enhance the character of the conservation area.

In respect of the proposed external alterations to the building, as summarised previously, the proposed canopies are of a contemporary lightweight design and the new window would match the fenestration of the remainder of the host building in terms of its design, position and scale. The proposed enclosure to the rear is considered to be of sympathetic design, to be constructed predominantly of timber, whilst the proposed gates would be constructed of black galvanised steel, matching the existing boundary treatment of the property. Therefore, it is not considered that the proposal would not have any significant impact on the appearance of the host property or the visual amenity or character of the street scene or wider Conservation Area.

With regards to the impact of the proposal on residential amenity, concerns have been raised by a local residents association, as summarised previously, that the proposal would generate noise and disturbance by music being played on the premises and as a result of the proposed barbeque area, although the applicant has since agreed to omit the originally proposed barbeque area from the proposal, so this no longer being considered as part of the development which is proposed by this application.

In terms of potential noise caused by residents, the fact that residents are likely to be students does not necessarily imply that they would cause noise/disturbance and, indeed, it would be discriminatory to make such an assumption. In addition, planning permission enures to the site, rather than

potential occupants, so only the proposed use, rather than user, constitutes a material planning consideration. Notwithstanding this, it is set out within the Design and Access Statement that the proposed layout has been purposely designed in order to direct internal footfall away from the southern section of the building, which adjoins the remainder of the host terrace, in order to minimise any potential noise disturbance. Accordingly, it is not considered that neighbouring residents would be likely to be subjected to any unacceptable degree of noise/disturbance.

In terms of the level of amenity afforded to prospective residents, whilst some of the units are relatively small, each proposed apartment and studio/bedsit would be afforded a reasonable level of outlook and access to all essential facilities (i.e. kitchen, w.c. and living area). As such, it is considered that an acceptable level of amenity would be afforded to residents of the proposed facility.

### Highway/Parking Implications

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

The applicant has advised that the proposed facility would accommodate students and the proposed floor layout demonstrates that this would be the most suitable clientele. A recent study carried out by Sunderland University, in conjunction with the Council, on the ownership/use of cars by students in the city has concluded that new student accommodation should provide 1no. parking space per 6no. bed spaces.

By applying such standards, a total of 6.5 spaces would be required for residents of the proposed facility and a further space for the on-site janitor. A total of 9no. in-curtilage parking spaces are proposed, so the aforementioned standards are comfortably met. In addition, this site is situated within the City Centre with good Metro and bus links and within close proximity to the University whilst a secure cycle store is proposed, negating reliance on the use of private cars.

Therefore, it is not considered that the proposal would compromise highway safety or the free passage of traffic.

### Conclusion

For the reasons given above, the proposed use is considered to be acceptable in principle and in-keeping with the character of the area and it is not considered that the proposal would be detrimental to visual or residential amenity or the character or appearance of the Ashbrooke Conservation Area, nor would it compromise highway safety or the free passage of traffic.

It is therefore recommended that Members approve the application, subject to no further representations being received before the expiry of the public consultation period on 15 July 2013. Any further representations which are received will be reported and addressed to the Committee.

## **RECOMMENDATION: Approve**

### **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:

Drawing No. 20990-1000: As Existing Site Plan received 26.04.2013

Drawing No. 20990-1001: As Existing Layouts received 26.04.2013

Drawing No. 20990-1002: As Existing Elevations received 26.04.2013

Drawing No. 20990-1003: Location Plan received 26.04.2013

Drawing No. 20990-1011 Rev. B: Proposed Scheme 2 received  
26.04.2013

Drawing No. 20990-1012 Rev. A: Proposed Site Plan [as amended]  
received 04.07.2013

Drawing No. 20990-1013: Proposed Elevations received 26.04.2013

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 The car parking spaces shall be laid out in full accordance with Drawing Number 20990-1012 Revision A received 04.07.2013 and made available for the parking of vehicles at all times and for no other purpose for the lifetime of the development, in the interest of highway safety and the free passage of traffic and to comply with policies T14 and T22 of the adopted Unitary Development Plan.

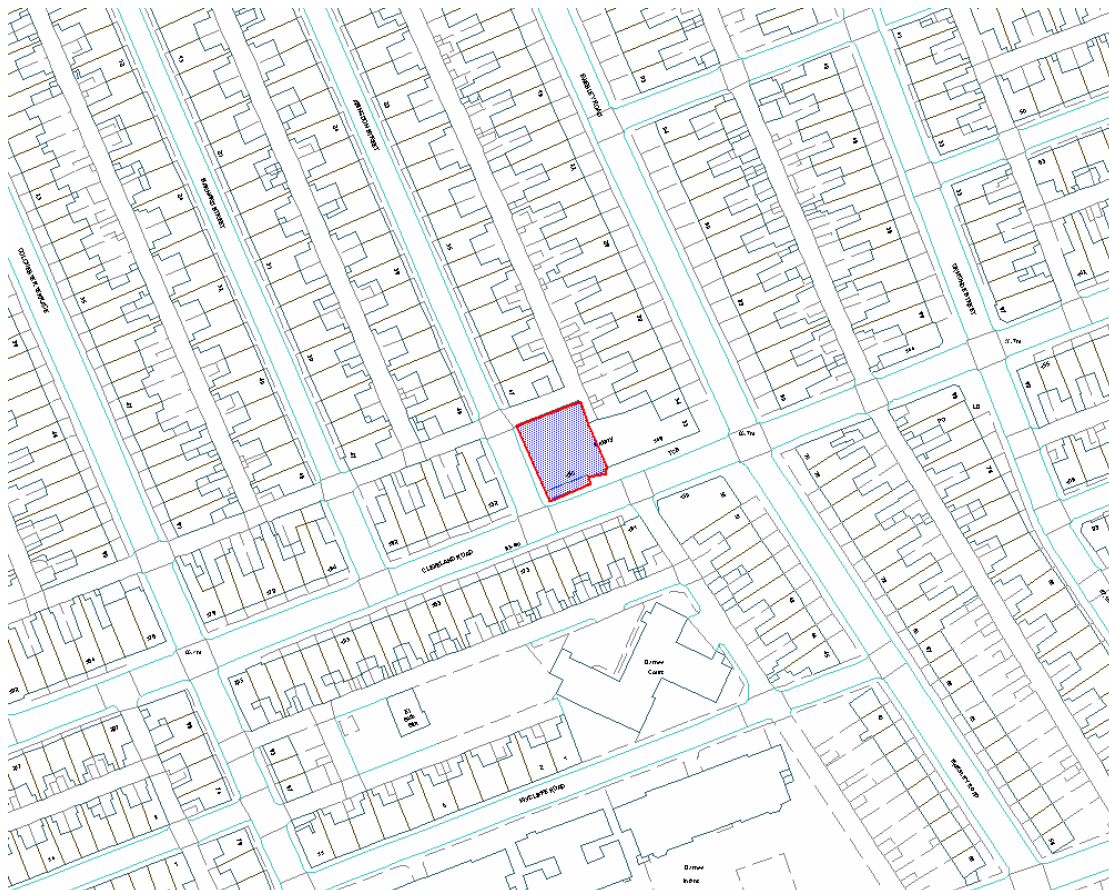


---

**Reference No.:** 13/01163/SUB Resubmission**Proposal:** **Change of use from bakery (B1) to retail shop (A1) and provision of new shopfront (Resubmission)****Location:** Former Bakery 150 Cleveland Road Sunderland SR4 7PT**Ward:** Barnes**Applicant:** Mr B Singh**Date Valid:** 21 May 2013**Target Date:** 16 July 2013

---

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

### PROPOSAL:

Planning permission is sought to change the use of the host building from a currently vacant bakery factory, which is considered to fall within Class B1(c): Light Industry of The Town and Country Planning (Use Classes) Order 1987 (as amended), to a single retail unit, which falls within Class A1 of the Order. The upper floor of the building contains a single flat and is otherwise vacant. It is

proposed to discontinue the use of this space as a flat and, instead, the upper floor would be used as office space and storage in association with the proposed ground floor shop, to which access would be afforded by a new internal staircase.

Applications of this nature are normally determined under the powers delegated to the Deputy Chief Executive, however this application has been referred for determination by the relevant Development Control Sub-Committee at the request of Barnes Ward Councillors Rebecca Atkinson and Lee Martin due to the level of local interest.

The current application is a resubmission of planning application ref. 13/00025/FUL. This application was due to be heard at the Development Control (Sunderland South) Sub-Committee of 26 February 2013, however the applicant decided to withdraw the application upon realisation that the application was recommended for refusal. The reasons for refusal provided by the planning officer were as follows:

1. The proposed use would result in unacceptable levels of disturbance to nearby residential properties, caused by the noise generated by the comings and goings of customers and their vehicles, which will extend into evening periods, and delivery vehicles, conflicting with the established character of the area. The proposal therefore fails to comply with the requirements of policy B2 of the Council's adopted Unitary Development Plan and paragraph 17 of the National Planning Policy Framework.

2. The proposed use would lead to the attraction of a significant number of additional vehicles to and from the site and, without adequate off street parking facilities, will lead to an increase in vehicular activity and parking on and adjacent to the site, to the detriment of highway and pedestrian safety and the free passage of traffic. The proposal therefore fails to comply with the requirements of policies T14 and T22 of the Council's adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

The unit has a gross internal ground floor area of approximately 475sq.m, of which around 325sq.m would be made available for retail sales. To the rear, the unit would accommodate an office, which would contain a chiller, kitchen and w.c., as well as a stock room to which direct access would be afforded from Abingdon Street via the existing roller shutter in the side of the rear offshoot of the building. Externally, the existing frontage of the building onto Cleveland Road would be replaced with a modern shopfront comprising large glazing panels and uPVC frames whilst a ramp would afford access to the new front entrance, which would replace an existing bay window which is currently blocked-up. A further external doorway would be installed in the front of the building to afford independent access to the upper floor. The submitted plans indicate that a new sign would be provided, however this is not currently being considered and will require a separate application for advertisement consent, which has not been submitted to date.

The applicant estimates that 8no. full-time and 4no. part-time members of staff would be employed at the premises and daily operating hours of 07:00 to 21:00 are proposed. Deliveries would be taken from the existing roller shutter in the side of the rear offshoot of the building onto Abingdon Street and, whilst no dedicated parking spaces are proposed, the applicant has indicated that on-street parking is available to the front, side and rear of the property.

The property to which the application relates comprises 3no. converted and extended former terraced houses which are currently vacant and in a poor state of repair which, together with the adjoining recently converted residential properties on Cleveland Road, were previously used as a bakery factory. The site is located on the north side of Cleveland Road within a predominantly residential area, although there are numerous commercial properties within close proximity, in particular a Spar shop and hairdressing salon on the opposite side of Cleveland Road and a florist's shop to the east. Vehicular highway runs along the front, side and rear of the premises and Abingdon Street, which runs along the side of the site, contains single-storey residential terraces beyond the alleyway which runs along the rear of the site. A two-storey residential terrace fronting Ewesley Road exists to the east of the alleyway which runs behind the eastern terrace in Abingdon Street. The ground floor frontage of the property is currently boarded up, as it has been for some time, and the forecourt is bordered by high hedging, which is proposed to be removed.

Having regard to the planning history of the site, permission was granted in December 2009 (ref. 09/04066/FUL) to demolish the host building and erect 4no. new dwellings. This consent was extended through application ref. 12/03263/EXT1 for an additional 3no. years in January 2013, so is currently extant. Planning permission (ref. 93/00665/10) was granted to convert the eastern section of the former bakery to 5no. self-contained flats and 3no. terraced houses in 1993, which has been implemented.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Environmental Health  
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **15.07.2013**

#### **REPRESENTATIONS:**

Numerous representations have been received from local residents and 2no. petitions have been received to date (one submitted by the nearby Spar shop and the other by a local resident) in opposition to the proposal. However, the final date for the receipt of representations is 15 July 2013, subsequent to the preparation of this report but prior to the Sub-Committee meeting. Therefore, all representations which are received will be reported to the Sub-Committee on a supplement to this report.

Network Management have advised that the proposed change of use from a light industrial / commercial premises to a retail shop would not significantly increase vehicle movements, or parking demand in the area. Whilst concerns were previously raised that the delivery and servicing to the premises with an HGV vehicle through a primarily residential area is undesirable from a highway and public amenity perspective, Network Management advised that a

recommendation to refuse on this reason alone would be unlikely to be sustainable in an appeal situation.

Environmental Health raised no objections and recommended means of minimising disturbance to neighbouring residents during construction works in terms of restricting hours of construction and minimising the generation of noise, vibration and dust whilst advising that consideration should be given to any potential contamination which may be present, given the previous industrial use of the site.

## **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

S\_1\_Provision of enhanced shopping service, including local provision, based on existing centres.

S\_3\_Support to other existing centres, local groups and small shops, including new provision

S\_8\_Design of shop fronts

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 consider with regard to the proposed development are:

- the principle of the proposed change of use;
- the impact of the proposed development on residential amenity
- the impact of the proposal on visual amenity and the accessibility of the premises;
- any parking / highway implications; and
- the potential for the generation of litter.

These issues are still being considered and it is anticipated that a further report addressing these matters along with a recommendation will be made on a supplementary report to the Sub-Committee meeting, which will include consideration of any representations already received and those received in the interim.

## **RECOMMENDATION: Deputy Chief Executive to Report**

---

**Reference No.:** 13/01216/LP4 LP4 LAP Regulation (4)

**Proposal:** **Change of use of land to private gardens within Bishop Wearmouth Cemetery.**

**Location:** Bishopwearmouth Cemetery Chester Road Sunderland

**Ward:** Pallion

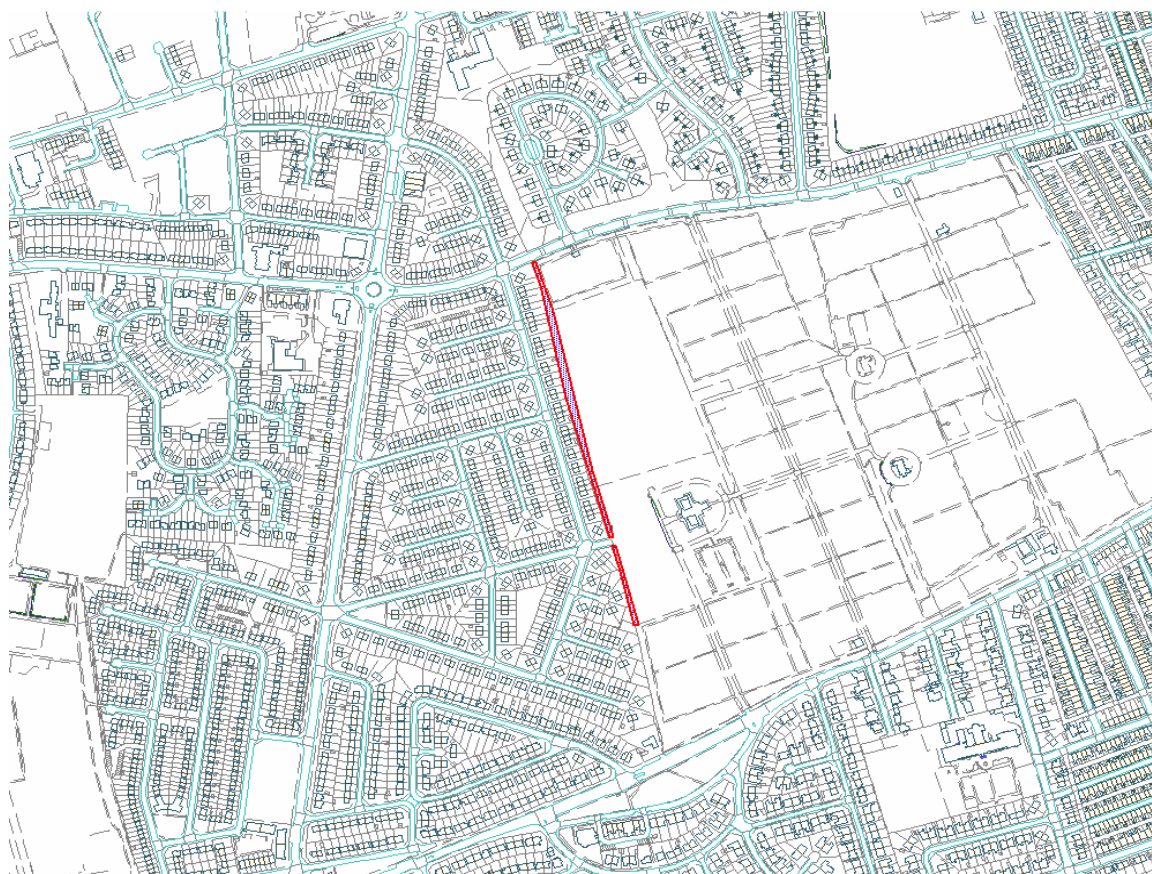
**Applicant:** Office Of The Chief Executive - Land And Pr

**Date Valid:** 8 May 2013

**Target Date:** 3 July 2013

---

### Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2011.

### PROPOSAL:

The application relates to the change of use of an existing strip of land within the grounds of Bishopwearmouth Cemetery to form private gardens associated with the dwellings on the eastern side of Hadleigh Road and Heath Square.

The subject strip of land subdivides the above properties rear gardens from the burial grounds of the cemetery but it is also fenced-off from the wider cemetery

grounds. In this respect, access to this strip is not currently possible and consequently the land has become unkempt and overgrown.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Pallion - Ward Councillor Consultation  
Environmental Health

Final Date for Receipt of Representations: **14.06.2013**

#### **REPRESENTATIONS:**

##### Public Consultation:

No representations have been received in relation to the proposal

##### Consultees:

City Services - Street Scene (Pollution Control)  
Further clarification on issues relating to the former usage of the subject land is still pending. As such no response has been received at this stage.

Network Management - No observations or recommendations.

#### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_3\_Protection of public/ private open space (urban green space)  
L\_7\_Protection of recreational and amenity land  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

#### **COMMENTS:**

The main issues to be considered in determining this application are:-

- Planning policy and the impact of the proposal on the amenity of surrounding properties wider streetscene.
- Environmental Health considerations

##### Planning Policy and Amenity

The land in question is identified as cemetery land on the Open Space Register and is included within the allocation of an area of existing open space over one

hectare by the adopted Unitary Development Plan. As such, policy L7 of the UDP is applicable, which aims to protect land allocated for open space or outdoor recreation. Planning permission for other uses on such land will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6 (see attached UDP extract); or
- (ii) The development is for educational purposes; and
- (ii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Policy B3 of the UDP goes on to state that, 'Public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area'.

The emerging Green Space Report makes it clear that there is sufficient municipal burial space in the city, so it is not considered that the loss of the subject allocated cemetery land would have any undue impact on this provision. The subject strip of land divides the dwellings on the eastern side of Hadleigh Road from the burial grounds of the Cemetery, but is also fenced-off from the Cemetery and thus appears to serve no practical purpose. Consequently the land is poorly maintained, offering little amenity value, and it is noted that the gardens of some properties on Hadleigh Road have already extended into this area, albeit without receiving planning permission.

Based on on-site observations, the subject land is of limited visual quality and it is not considered that the loss of this unkempt and relatively narrow strip of land would have any serious adverse effect on the amenity of the cemetery grounds or the wider area. In this respect, whilst the proposal is not for education purposes given that there would be no resulting adverse impact on amenity it is considered that the proposal is in accordance with the principles of policy L7 and B3 of the UDP.

### Environmental Health

As a consultation response has yet to be received from City Services (Environmental Health), issues pertaining to the former use of the land cannot be resolved at this juncture. It is anticipated that a full response will have been received from City Services prior to the Committee meeting wherein a recommendation on the application will be made in a supplementary report.

### **RECOMMENDATION: Deputy Chief Executive to Report**