

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 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/

Janet Johnson
Deputy Chief Executive.

Reference No.: 10/02874/VAR Variation of Condition

Proposal: Variation of condition No. 28 (list of approved plans) attached to planning application 06/02209/FUL (Murton Lane Residential Development) to allow repositioning of garage blocks to the rear of plots 1 and 2 and associated alterations to rear parking court

Location: Land North Of Murton Lane Easington Lane Houghton-Le-Spring

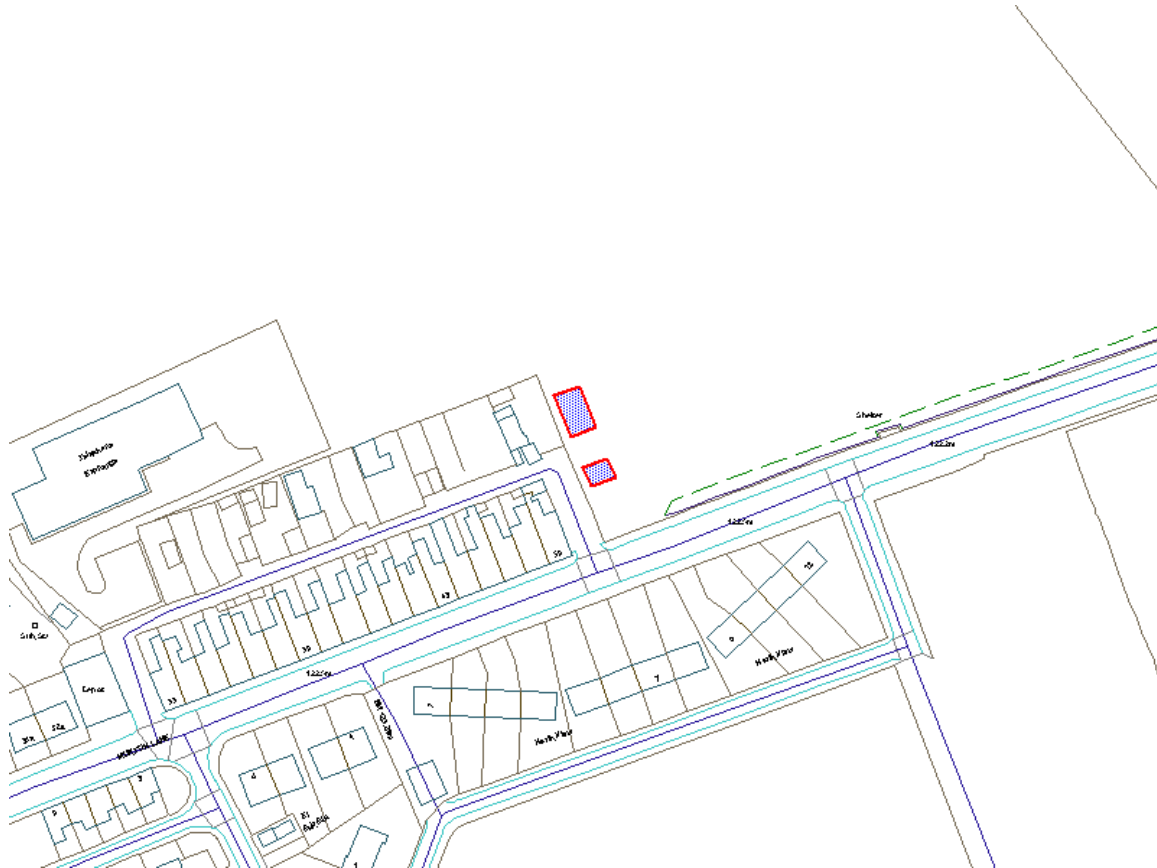
Ward: Hetton

Applicant: Taylor Wimpey NE LTD

Date Valid: 7 September 2010

Target Date: 7 December 2010

Location Plan



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PROPOSAL:

The proposal being considered is an application to vary condition no 28 of planning application 06/02209/FUL. Members may recall that this application was considered at the Development Control (Hetton Houghton and Washington) sub committee held on the 6 February 2007 wherein Members resolved to approve the application, subject to the completion of a Section 106 legal agreement.

The condition in question, no. 28, relates to the list of approved plans, which the developer seeks to change in order to enable a minor alteration of the site layout. The area in question that is proposed to be altered comprises of the parking court to the rear of plots no's 1 – 7 on phase I of the Taylor-Wimpey portion of the site. This first phase lies in the south-eastern corner of the site, adjacent to where the new roundabout is currently being constructed, which will enable access to the wider Murton Lane site, once complete.

The changes proposed to the parking court involve the following:-

- The relocation of rear garages for plot no's 2 and 3
(to what was previously part of the rear garden of plot no. 1).
- The lengthening of the turning head of the parking courts
(Facilitated by the repositioning of the garages to plot no's 2 and 3).
- The reduction in size of the rear garden to plot no. 1
(as a result of the repositioning of the garages to plot no's 2 and 3).

Whilst these changes are relatively minor in detail, it should be noted that what is being applied for is essentially an additional planning permission, that will effectively replace the consent already issued the site.

With this in mind, Members should note that this application to vary condition no 28 has already been considered by the committee at the Development Control (Hetton Houghton and Washington) Sub Committee held on 05 October 2010, where Members resolved to APPROVE the application. Since that meeting it has, however become apparent that due to an administrative error, the application was not publicised as a "Major" development. As a consequence, it has been necessary to re-consult accordingly, with press and site notices and to re-present the matter to Members.

Site Description

The site, extending to approximately 15.3 hectares, is situated on the eastern edge of Easington Lane and to the north of Murton Lane. Whilst formerly in agricultural use, active farming of the land ceased over 10 years ago. The majority of the site is now vacant and unused and suffers from the typical range of urban fringe problems including trespassers, dog walking, use by motor cycles and grazing by tethered ponies.

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 by Barratt Homes, Broseley Homes and Durham Estates. To the south of the site and south of Murton Lane is the site of the new Easington Lane Primary School. The A182 Easington High Street / Pemberton Bank running through the centre of Easington Lane is less than 400m from the centre of the application site.

TYPE OF PUBLICITY:

Neighbour Notifications
Site Notice
Press Notice

CONSULTEES:

Hetton Town Council
Executive Director of City Services (Transportation)

Final Date for Receipt of Representations: **09.12.2010**

REPRESENTATIONS:

Neighbours:-

To date, no responses received as a result of the notification exercise.

Consultees:-

Executive Director of City Services (Transportation)
No further observations – The scheme has been revised according to the advice given, resulting in the provision of an acceptable amount of parking spaces.

POLICIES:

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

HA_1_Retention and improvement of established industrial / business areas
HA_4_Sites for new housing
HA_12_Improvements in amenity open space provision
H_5_Distribution of sites for new housing (over 10 units)
H_7_Provision for executive housing
H_10_Phasing of large housing developments
CN_7_Measures to protect/ enhance the urban fringe
CN_12_Recreation facilities in rural areas
CN_14_Landscaping schemes and developments prominent from main transport routes
CN_15_Creation of the Great North Forest
CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
CN_18_Promotion of nature conservation (general)
CN_23_Measures to conserve/ improve wildlife corridors
L_1_General provision of recreational and leisure facilities
L_4_Standards for outdoor sport and recreation
L_5_Ensuring the availability of Public Parks and amenity open space

L_6_Development of a hierarchy of playspace provision for children
 R_1_Working towards environmentally sustainable development
 B_2_Scale, massing layout and setting of new developments
 R_3_Infrastructure provision, etc. in association with developments
 R_4_Incorporation of energy saving measures
 T_2_Promote the role of public transport, improving quality, attractiveness and range
 T_8_The needs of pedestrians will be given a high priority throughout the city.
 T_9_Specific provision will be made for cyclists on existing/new roads and off road
 T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
 T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
 T_22_Parking standards in new developments
 Supplementary Planning Guidance contained within the Easington Lane Development Framework (February 2005) together with guidance contained within PPS3 (Housing) is also relevant to the consideration of this planning application.

COMMENTS:

The key issues to consider in relation to the application are:-

- The principle of Development.
- The impact upon neighbouring properties.
- Highways Implications.

The Principle of Development.

This application has been assessed on the basis that consent has already been granted for the redevelopment of the site and that this application has only occurred as a result of the applicant seeking to alter the layout of a parking court and reposition garages. In land use terms therefore, Policies B2 and H4 of the Unitary Development Plan (UDP) apply.

Policy B2 of the UDP requires that the scale massing layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas, which the proposal is considered to achieve and Policy H4 requires the density of housing development to reflect that of the locality.

As such, due to their not being any increase in the number of units proposed, the proposal is considered to be consistent with that which has already been approved. The revised layout is thus considered to accord with policies B2 and H4 of the UDP.

The Impact upon Neighbouring Properties.

As explained above, one of the aspects of Policy B2 of the UDP is that it requires new developments to respect the best qualities of nearby properties, in order to achieve a harmonious relationship with neighbouring properties and the wider adjoining areas.

Having assessed the proposed relocation of the garages in this area of the site, it is not considered that the revised positions result in the creation of conditions that would have any adverse effect upon the amenities of residents, once complete. Whilst the garages for plot no's 2 and 3 are effectively being rotated by 90 degrees and are being moved into what was previously shown as being the garden space of plot no.1, the garages are still approximately 11 metres away from the rear of dwellings, which is a similar relationship that occurs throughout the development. Furthermore, the relocation of the garages to this location, results in the garden of plot no. 1 being more commensurate with its host dwelling, as previously, this garden space had been somewhat larger than the others throughout this phase.

To conclude issues on amenity, it is considered for the reasons given above that the revised layout is considered to accord with Policy B2 of the UDP.

Highways Implications.

Policies T14 and T22 of the UDP cover matters relating to ensuring that developments are easily accessible and have adequate levels of parking. The revised layout appears to be in general accordance with that which was previously approved and includes some positive benefits, such as the elongation of a turning head, in order to enhance manoeuvrability.

As a result of input from the Council's Highways Engineers, the scheme has been revised according to the advice given, resulting in the provision of an acceptable amount of parking spaces.

To conclude highways matters, it is considered that the development in its revised form is consistent with that which was approved previously and complies with policies T14 and T22 of the UDP.

CONCLUSION

Taking the above into consideration, the proposal is considered to present a relatively minor alteration to the previously approved application for the comprehensive development of this site and is acceptable in principal and in accordance with the relevant UDP Policies discussed above. Provided that no further objections are received in relation to the further public consultations that have been undertaken, and bearing in mind that Members have already resolved to approve the application it is recommended that Members be minded to DELEGATE the decision to the Deputy Chief Executive to approve, subject to the conditions set out overleaf.

Should representations be received as a result of the notification exercise, then any matters raised therein will be presented to Members at a forthcoming Sub Committee meeting.

RECOMMENDATION: DELEGATE to the Deputy Chief Executive to APPROVE, subject to expiration of publicity period and the conditions set out below:-

1. The development to which this permission relates (Detail Area 1 and Area 3) 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 and to ensure that the development is carried out within a reasonable period of time.
2. Details of the following matters in respect of all areas (excluding Detail Area 1 and Area 3) shall be submitted for the subsequent approval of the Local Planning Authority, the layout, scale, appearance, access and landscaping, in order to ensure a satisfactory form of development as required by articles 1 and 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) and in the interests of visual amenity
3. The submission of the matters specified in (2) above in respect of all areas (excluding Detail Area 1 and Area 3) must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the matters specified above or in the case of approval on different dates, the final approval of the last such matter to be approved, as required by section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable period of time.
4. Before the development hereby approved is commenced the route and details of a temporary footpath to be constructed within the site to enable a linkage between Phase 2 of the proposed development and the existing footpath at Churchside Gardens to the west shall be submitted to and agreed in writing by the Local Planning Authority. The footpath shall be connected to the existing footpath through Churchside Gardens and shall be available for use before the occupation of any dwelling within Phase 2 and shall remain available, subject to any alterations to the route which might be agreed in writing with the Local Planning Authority, until the construction of a permanent route as part of the Phase 3 works (as required by condition no, 5), in the interests of pedestrian safety and locational sustainability in accordance with policies T8 and T14 of the adopted Unitary Development Plan.
5. Phase 3 of the development hereby approved shall incorporate a permanent footpath to connect Phases 2 and 3 of the development to the existing footpath through Churchside Gardens, the details of the route and the timetable for its construction shall be submitted to and approved in writing by the Local Planning Authority, before the construction of Phase 3

is commenced. The footpath shall be implemented in full accordance with the agreed scheme in the interests of pedestrian safety and locational sustainability in accordance with policies T8 and T14 of the adopted Unitary Development Plan.

6. Before the development hereby approved is commenced precise details (including horizontal and vertical alignments) of the proposed roundabout at the junction of the proposed access road and Murton Lane shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the occupation of any dwelling, in Detail Area 3 in the interest of highway safety, in accordance with Policy T14 of the adopted Unitary Development Plan.
7. Before the development hereby approved is commenced a timetable for the implementation of the necessary mitigation measures identified in the Ecological Impact Assessment Report version 3.1 by Argus Ecology received on 07.08.2006 shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed timetable in the interests of nature conservation and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
8. An archaeological excavation shall be undertaken of a rectilinear enclosure as set out in Tyne and Wear Museum's 2008 Written Scheme of Investigation which has been approved by the County Archaeologist, before ground-works and development commences in that part (north-west corner) of the site. The area of excavation shall be fenced off under archaeological supervision to ensure that the rectilinear enclosure is not disturbed before the archaeological work is carried out. In addition full scientific analysis shall be submitted of the plant macrofossil assemblage and radiocarbon dating of suitable environmental samples from the preceding archaeological evaluation as recommended in the archaeological evaluation report before the development of that area is commenced. The final archaeological report shall be submitted to and approved by the Local Planning Authority within a year of completion of the development as the site is located within an area identified as being of potential archaeological importance and the investigation will ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to comply with policies B11 and B15 of the adopted Unitary Development Plan. .
9. 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.

10. 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.
11. Before the commencement of Phase 2 of the development hereby approved details of the proposed phasing of the main site access road linking Fir Tree Avenue in the north to Murton Lane in the south (as indicated by the dashed line between points A and B on plan no.04147/P110) shall be submitted to and agreed in writing by the Local Planning Authority. The road shall be built in accordance with the agreed programme in the interests of highway safety and to comply with policy T14 of the adopted Unitary Development Plan.
12. Details of the play equipment to be located in the children's play area in general accordance with the submitted plans, together with a timetable for their implementation, shall be agreed in writing with the Local Planning Authority prior to the completion of Phase 1 of the development hereby approved. The agreed equipment shall then be erected on site in accordance with the agreed timetable, unless otherwise previously agreed in writing by the Local Planning Authority, in order to ensure the provision of appropriate and robust facilities for children's play and to comply with policies H21 and L6 of the approved Unitary Development Plan
13. Notwithstanding any indication of materials which may have been given in the application, no development on any phase or sub area, as might be agreed in writing by the Local Planning Authority, shall take place until a schedule and samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows in that phase or sub area 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 adopted Unitary Development Plan.
14. No development on any phase or sub area as might be agreed in writing by the Local Planning Authority, 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 for that phase or sub area 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 B2 and CN16 of the adopted Unitary Development Plan.

15. All planting, seeding or turfing comprised in the approved details of landscaping for each phase or sub area 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 B2 and CN16 of the adopted Unitary Development Plan.
16. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure for each phase or sub area as might be agreed in writing with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation of each dwelling or in accordance with a timetable agreed in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
17. Before the development hereby approved is commenced 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 in writing 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 adopted Unitary Development Plan.
18. 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 adopted Unitary Development Plan
19. No dwelling shall be occupied until the estate road which serves the dwelling is surfaced to base course in order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies T14 and T22 of the adopted Unitary Development Plan.
20. No development on any phase or sub area of the works shall commence until a scheme of working for that phase or sub area indicating the siting and organisation of construction compound and site cabins, any sales office, routes to and from the site for construction traffic and measures to ameliorate noise, dust, vibration and other effects has been submitted to and approved in writing by the Local Planning Authority in order to achieve a satisfactory form of development in accordance with policy B2 of the adopted Unitary Development Plan.

21. Notwithstanding the plans hereby approved no development shall commence on site on any phase or sub area until details of a traffic calming scheme for that phase or sub area 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 or sub area, in the interests of highway/pedestrian safety and to comply with policies T12 and T22 of the adopted Unitary Development Plan.
22. Notwithstanding the plans hereby approved no development shall commence on site on any phase or sub area until a scheme to demonstrate how the developers are working towards compliance with the aims of the Code for Sustainable Homes on that phase or sub area has been submitted to and agreed in writing by the Local Planning Authority. Thereafter each dwelling shall be constructed in complete accordance with the agreed measures, to ensure a satisfactory and sustainable form of development, to comply with policies R4 and B2 of the adopted Unitary Development Plan.
23. 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 adopted Unitary Development Plan.
24. No development approved by this permission shall be commenced on any phase or sub area as might be agreed in writing by the Local Planning Authority, until the works specified in the Remediation Statement for the site, phase or sub area have been completed in accordance with the approved scheme and a report validating the remediated site, phase or sub area has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.
25. Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the Unitary Development Plan.
26. The development hereby approved shall be developed in accordance with the broad development and design guidelines for patterns of movement within the site, future housebuilding and public realm as set out in the Bowes Lyon Park Master Plan (December 2006 Rev E), in order to ensure a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

27. Before the development hereby approved is commenced, a timetable for the implementation of the Neighbourhood Park shall be agreed in writing with the Local Planning Authority. The Neighbourhood Park shall be laid out in accordance with the details shown on drawing no.1733 12 Rev C and in accordance with the agreed timetable in order to ensure a satisfactory form and order of development and to comply with policy B2 of the adopted Unitary Development Plan.
28. 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:

Outline area drawings

Outline and Detailed Application Boundaries (25.01.07),
Masterplan Report Rev E (22.12.06),
Masterplan Drawing Rev F (22.12.06),
04147 L01 Rev A (28.11.07),
04147/P110 Main Access Route (Oct 2007)

Taylor - Wimpey drawings - detail area

Layout Plans:-

Bryant Homes dwg 41801/05/01
(Added to dwg schedule Nov 2010)
Datum Surface Finishes – 001/3 Rev D
(Added to dwg schedule Nov 2010)
Datum Enclosure Details - 001/8 Rev D
(Added to dwg schedule Nov 2010)

House Type Elevations and Plans:-

SK-6CL-20/001-01 (12.06.06);
SK-6CL-30/001-00 (05.06.06);
SK-6CH-31/001-00 (05.06.06);
SK-6CH-21/001-01 (05.06.06);
SK-6MN-20/001-01 (05.06.06);
SK-6MN-30/001-01 (05.06.06);
SK-6WE-21/001-01 (05.06.06);
SK-6WE-31/001-00 (05.06.06);
SK-6MA-20/001-01 (05.06.06);
SK-6MA-30/001-00 (05.06.06);
SK-6KR-30/001-00 (05.06.06);
SK-6KR-20/001-01 (05.06.06);
SK-6HU-20/000-00 (05.06.06);
SK-6HU-30/000-00 (05.06.06);
SK-6RA-20/001-01 (05.06.06);
SK-6RA-30/001-00 (05.06.06);
SK-6CS-21/001-01 (05.06.06);
SK-6CS-31/001-00 (05.06.06);
SK-6AL-20/001-01 (05.06.06);
SK-6AL-30/001-00 (05.06.06);
SK-6DG-21/001-00 (05.06.06);
SK-6DG-31/000-00 (05.06.06);
SK-6WT-20/001-01 (05.06.06);

SK-6WT-30/001-01 (05.06.06);
EXT/05/01 External features options,

Persimmon drawings - details area

Front Elevations plots 10-12, 39-46 (09.08.06);
Site Layout *.**/A/GA/001 Rev C (22.12.06);

House type Plans and elevations:

/A/HAR/001 (05.06.06);
/A/BAL/001 (05.06.06);
2004/A/HAM/001 (05.06.06);
/A/MEL/001 (05.06.06);
/A/SWA/001 (05.06.06);
2006/A/WES/001 (05.06.06);
2004/A/DEL/001 (05.06.06);
2004/A/AMB/001 (05.06.06);
/A/BEA/001 (05.06.06);
/A/MIL/001 (09.08.06);
/A/KIN/001 (09.08.06).
04147 C101 Rev G (24.01.07) Boundary treatments sheet 1;
04147 C102 Boundary Treatments sheet 2

Popplewell drawings - landscape and play area

1733/10 Neighbourhood Park and Play Area Locations (31.08.06);
1733/9 Rev C (05.06.06);
1733/11B Public Open Space (05.02.07);
1733 12C Play Area Details (07.10.08);
1733/13 Rev _ (____08).

Waterman Civils drawings:

33868 Site Sections Location (21.08.06);
33868 Site Cross sections (21.08.06);
33868 WCL SA [90] 800 Road sections (21.08.06);
33868 C SA 95 001 Rev A, Roundabout

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.

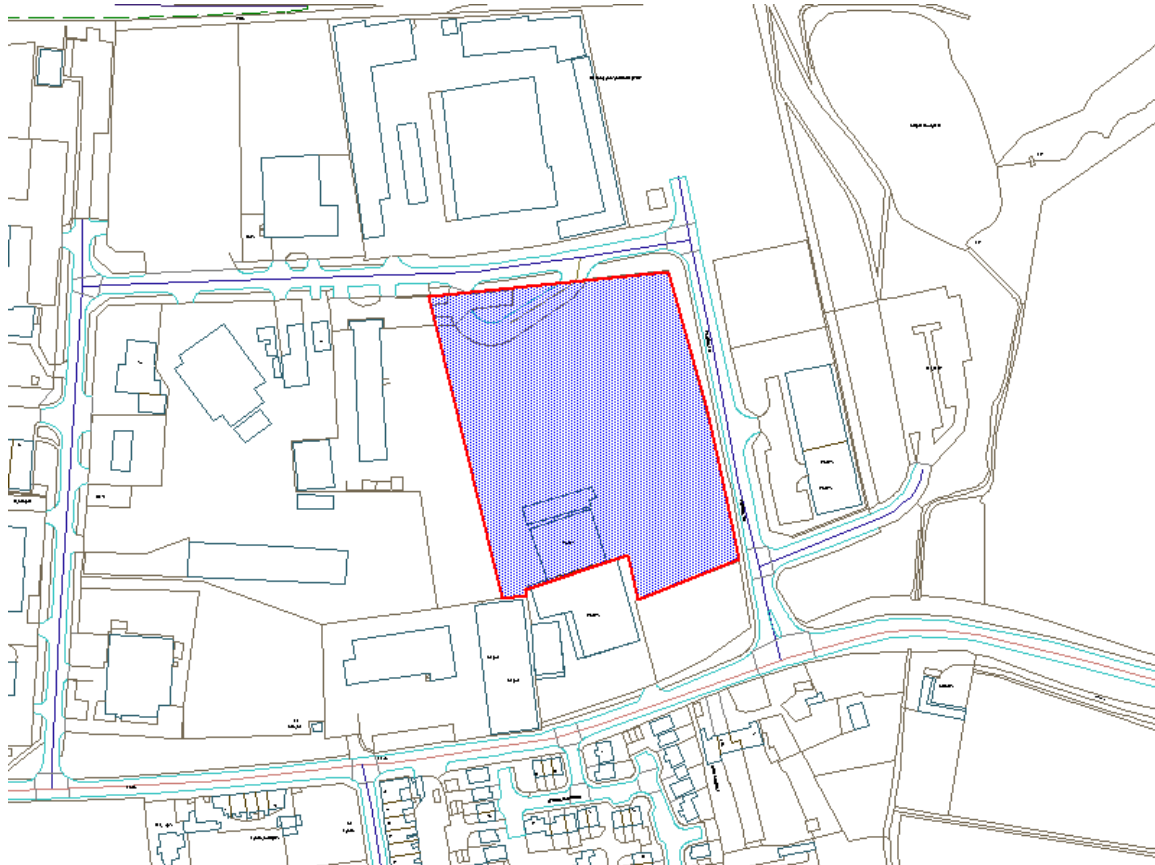
Reference No.: 10/02978/VAR Variation of Condition

Proposal: **Variation of condition 2 (approved plans) of planning permission 10/00848/FUL, to allow revised siting of modular office building and associated revision of car park layout and cycle store.**

Location: Former NCB Workshops Hetton Lyons Industrial Estate
Hetton le Hole Houghton-Le-Spring DH5 0RH

Ward: Hetton
Applicant: Mabey Hire Services Ltd
Date Valid: 31 August 2010
Target Date: 30 November 2010

Location Plan



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PROPOSAL:

This application seeks consent for a variation of condition 2 of planning permission 10/00848/FUL to allow a substitution of the approved plans to allow a revised siting of the office building on site and an associated revision of the car park layout and cycle store which serves the development.

Members may recall that planning application 10/00848/FUL was presented for their consideration at the meeting of the Development Control (Hetton, Houghton & Washington) Sub Committee on 25 May 2010 and was subsequently approved on 26 May 2010.

Planning permission 10/00848/FUL provided consent for the change of use of the former NCB Workshops at Hetton Lyons Industrial Estate from a vehicle storage depot and repair workshop to a plant hire yard with new vehicular access from Parkgate, to the east.

The application site is broadly rectangular in shape and covers an area of approximately 1.54ha. It is located to the north of the B1285 Colliery Lane and to the west and south of Parkgate. The site is currently vacant.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Transportation
County Archaeologist
Hetton Town Council
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **24.11.2010**

REPRESENTATIONS:

No representations 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
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
EN_12_Conflicts between new development and flood risk / water resources
B_11_Measures to protect the archaeological heritage of Sunderland (general)

COMMENTS:

The principle and acceptability of change of use of the application site from vehicle storage and repair workshop to plant hire yard (sui generis) with maintenance and repair facility and ancillary office accommodation. Construction of new vehicular access point from Parkgate and erection of boundary fence and gates was established through the approval of planning application 10/00848/FUL.

The main issues to consider in the determination of this planning application for the variation of the approved plans in association with planning permission 10/00848/FUL are:

- The implications of the relocation of the on-site office building for the development site and the surrounding area.
- The implications of the revisions to the car parking layout and the cycle store.

Relocation of Office Building.

The 16 metre x 9.5 metre office building is proposed to be relocated from its approved position opposite the vehicular entrance to the site from Parkway, approximately 10 metres to the south east.

The proposed relocation of the office building to the proposed revised position is considered to be a very minor alteration to the original scheme; is not considered to have any implications for either the development site or the surrounding area and as such is considered to be an acceptable variation of the previously approved scheme.

Revised Car and Cycle Parking Layout.

It is proposed to relocate seven car parking spaces to the area opposite the vehicular entrance from Parkgate. A total of 31 car parking spaces will serve the site (as with the originally approved scheme). The cycle storage area to serve the site is now proposed adjacent to the seven relocated car parking spaces. The Executive Director of City Services (Transportation) has been consulted regarding the proposed revised plans and has confirmed that there is no objection from a highways perspective to the revised scheme.

Summary.

The proposed variation of planning permission 10/00848/FUL to allow revision of the approved plans for redevelopment of the former NCB Workshops at Hetton Lyons Industrial Estate is considered to be minor in nature and acceptable.

It is therefore recommended that the variation of condition 2: approved plans, for planning permission 10/00848/FUL be approved. The approval of this variation will be subject to conditions identical to those detailed on the original planning approval. These conditions are set out below:

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:

Location plan "Hetton Lyons Industrial Estate, Houghton Le Spring, DH5 0RH" (received 10 March 2010).

Drawing number 16456-2001B Proposed External Works (received 31 August 2010).

Drawing number "K0912-12/P-&E Plan and Elevations (received 10 March 2010).

Drawing number 16456-2002 Proposed Fence and Gates (received 22 March 2010).

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 Prior to the development hereby approved being brought into use, the staff and visitor car parking area shall be laid out in accordance with the approved plans and made available for use. The car parking area shall then be kept clear and available for the parking of cars at all times for the lifetime of the development. In order to achieve a satisfactory form of development on site and in the interest of highway safety and to comply with the requirements of policies B2 and T14 of the adopted Unitary Development Plan.

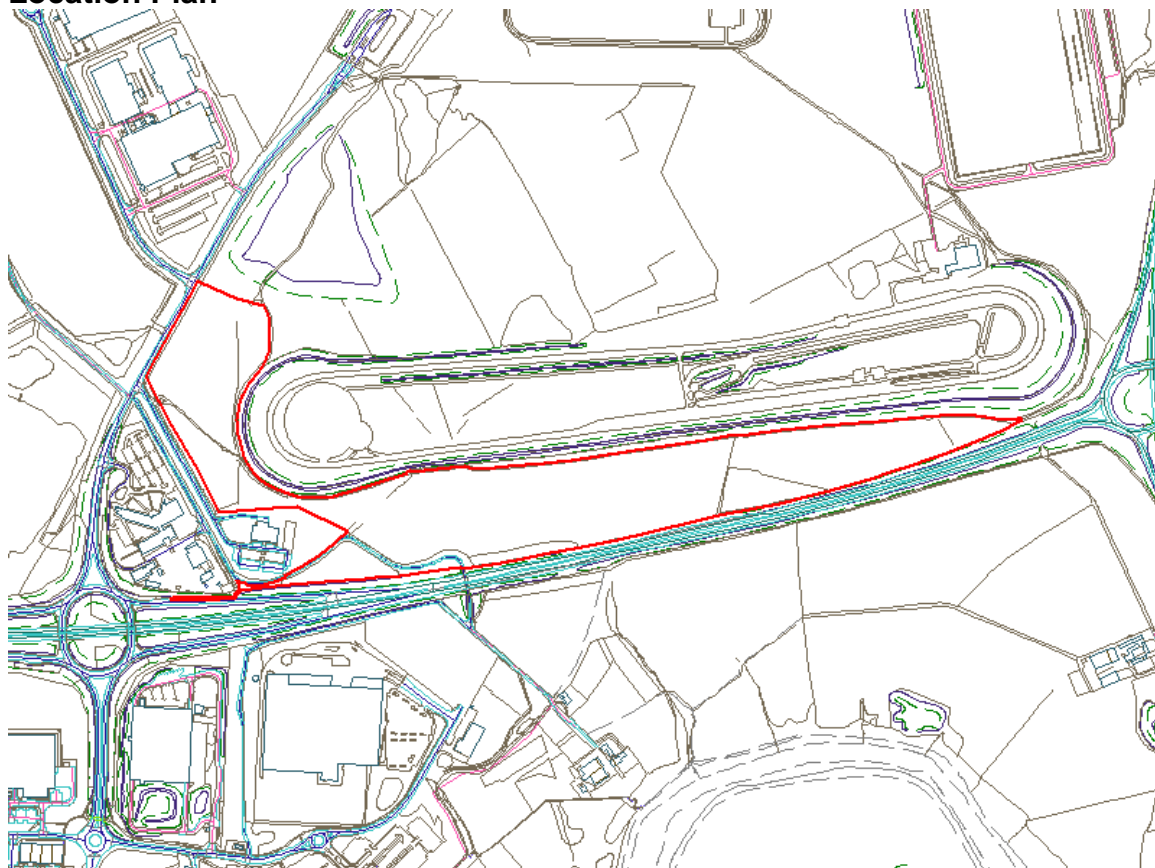
Reference No.: 10/03039/EXT1 Extension of Time

Proposal: New planning permission to replace extant planning permission 07/03132/OUT (Outline application for mixed used development, to include, 54,349 sq mtrs of office/industrial units (Class B1, B2 and B8) , 11,149 sq mtrs of hotel (Class C1) and leisure (Class D2) and 929 sq mtrs of ancillary retail (Classes A1-A5). Creation of associated access and infrastructure, including stopping up of footpath and change of use to industrial/commercial development, and creation of new bridleway.)

Location: Land North Of A1231/Nissan Way Washington Tyne and Wear

Ward: Washington North
Applicant: Barmston Developments
Date Valid: 7 September 2010
Target Date: 7 December 2010

Location Plan



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PROPOSAL:

The application being considered is to extend the life of consent 07/03132/OUT for the Turbine Business Park, situated adjacent to the A1231 in Washington. The 20.23 Hectare site was originally granted Outline Planning Permission at an Extra-Ordinary Development Control (Hetton Houghton and Washington) Sub Committee held on 25 September 2007. This outline consent agreed the following quantum of development:-

- 54,349sq m of office/industrial units (use class B1, B2 and B8),
 - 11,149sq m of hotel (class C1) and leisure (class D2)
- and
- 929sq m of ancillary retail (classes A1 / A5).

Since the grant of Outline Consent, one subsequent Reserved Matters application has been approved, (application reference no 07/05007/REM), for the construction of the new site access and main estate road, together with the erection of substations, infrastructure and landscaping. These works are now complete and the site is ready for further Reserved Matters applications to come forward to build out the plots on site in accordance with the above quantum. At the time of considering the outline application it was thought that such applications would come forward in relatively quick succession. However, the changes in the economic climate over the past three years appear to have delayed any such applications from being submitted to date. Central Government has recognised this situation nationally and has amended legislation to allow applications for time extensions to be submitted. Accordingly, it has become necessary to make this application for a replacement consent that will allow a greater period of time for submission of Reserved Matter applications.

Location:-

The site, located between the Sunderland Highway (A1231), and the Nissan test track to the North, is accessed from Nissan Way. The Eastern corner of the site is close to, but does not abut the A19. The Western boundary is adjoining a site occupied by the Police, Fire and Ambulance Services, partly in buildings previously developed for Nissan. The Nissan Plant to the North of the site with its associated large scale factory building and wind turbines forms a significant back drop.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Transportation
Environment Agency
SUSTRANS

Final Date for Receipt of Representations: **13.10.2010**

REPRESENTATIONS:

Consultees:-

Environment Agency.

No further comments to make.

Tyne and Wear Fire and Rescue Service.

Whilst not objecting to the proposal, due to the intermittent “Hot Fire” training that is undertaken at the site, the Fire Service have advised that the applicant should be aware of occasional large volumes of atmospheric smoke being generated and that employees and customers of Turbine Park may experience smoke being conveyed under certain prevailing winds or other climatic conditions, such as damp, fog etc.

Executive Director of City Services (Transportation).

No observations / recommendations.

Neighbours:-

Four letters have been received in relation to the neighbour notification exercise, from residents of Low Barmston Farm, located across the footbridge on the south side of the A1231. The concerns raised relate to:-

- Objection to the proposed re-alignment of Washington Footpath no 33.
- Concerns with regards to the loss of wildlife etc.

These matters are discussed in the comments section below.

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_11_Measures to protect the archaeological heritage of Sunderland (general)

B_15_Developments causing large scale ground disturbance (currently undeveloped areas)

B_16_Assessing, recording and preserving historic sites discovered during development

EC_2_Supply of land and premises for economic development purposes

EC_3_Support for new and existing economic activity

EN_1_Improvement of the environment

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

EN_15_Promoting / encouraging the reclamation of derelict land for appropriate uses

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_9_Specific provision will be made for cyclists on existing/new roads and off road

T_10_Protect footpaths; identify new ones & adapt some as multi-user routes

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_15_Creation of the Great North Forest
CN_23_Measures to conserve/ improve wildlife corridors
WA_21_Planting of Tree Belts and Woodlands

COMMENTS:

The Key issues to consider in determining the application are as follows:-

- The Principal of Development.
- Public / Private Rights of Way.
- Wildlife / Ecology.

The Principal of Development.

Firstly, it is important to remember that the application being considered merely seeks to extend the life of a consent that has already been issued. The matters to take into account therefore are limited as to whether or not policy has changed such that it is not appropriate to extend the permission.

Notwithstanding this, since the grant of outline consent in 2007, there have been several changes in legislation, such as the demise of the Regional Spatial Strategy (RSS), new guidance on economic development (PPS4), the Sunderland Employment Land Review (ELR), and the Sunderland Economic Master Plan. The City's Core Strategy is also nearing a stage where it can be afforded material consideration, with the Revised Preferred Options (March 2010) policy CS1 identifying Washington as a key provider of land for economic development. Whilst B1 uses are now seen as a town centre function, the general approach of PPS4 is still considered as being broadly consistent. Additionally, the ELR seeks to retain the Business Park, and Aim 2 of the Economic Master Plan broadly supports its role in contributing to the City's low carbon economy.

In addition to the above, when the original outline application was approved in 2007, the following factors on a local level were also taken into account:-

UDP Policies EC2 and EC3, relate to business support in the City and seek to ensure an adequate supply of land is available to meet the City's economic development needs, particularly in strategic locations, such as near to the existing Nissan plant.

In addition, the site itself is allocated in the adopted UDP as WA1.5, which allocates the land for B1, B2 and B8 uses.

To conclude, the development site remains as an allocated employment site, which is readily deliverable, with road infrastructure complete, situated adjacent to an existing key employment area and transport hub in the City. As explained in the Sunderland Economic Masterplan, the area surrounding the Nissan site has recently been identified as being the principal driver in helping to create a "low carbon economic area" which will be spearheaded by the soon to be introduced Nissan Leaf Electric Car. With this in mind, it is envisaged that in the coming years, further businesses will want to locate to this area to benefit from the incentives that will be available for "low carbon" businesses.

As such, the proposal results in the release of an existing allocation in the UDP for economic development, the redevelopment of land within an existing industrial location, and the increase of take up of land around existing transport hubs. The development will improve the employment land portfolio of the City, delivering sites that are 'fit for purpose', and assist in ensuring employment land is available throughout the City in the next fifteen years. As such, the proposal accords with Policies EC2, EC3, EC4 and WA21 of the UDP.

Public / Private Rights of Way.

The issue raised by residents relates to the proposed re-alignment of Washington Footpath no 33, which runs along the southern end of the application site. This footpath extends across the A1231 by way of an access bridge and leads to the small Hamlet of Low Barmston Farm. Policy T10 of the UDP seeks to protect and review paths, including upgrading existing routes, when necessary.

The residents of Low Barmston Farm currently enjoy public and private rights of way to their property via this route and concerns exist that any routes across which they have access rights cannot be altered without agreement from themselves. Whilst factually correct, such matters are separate from planning and as such would need to be dealt with separately, via the relevant legal processes outside of the planning process. Importantly, the proposal shows that access would be maintained, albeit along a re-aligned route, which would be constructed to a higher specification than that which is currently present and as such, would accord with Policy T10 of the UDP.

Wildlife / Ecology.

UDP Policy CN23 seeks to conserve and improve the environment wherever possible by ensuring that appropriate habitat creation measures are provided to minimise any potential impacts.

With this in mind, concerns have been raised by residents, regarding the loss of wildlife etc. When the application was originally submitted, it was accompanied by a landscaping strategy / framework which sought to enhance the existing habitat and provide additional replacement habitat in order to aid biodiversity. As with everything that was considered in 2007, the proposed ecological / landscaping measures remain the same and are still considered as being acceptable and in accordance with UDP Policy CN23.

CONCLUSION:

To conclude, it is still considered that the site serves an important strategic purpose in the bringing forward of employment land within the area recently identified as a Low Carbon Economic Area. Having considered the concerns that have been raised following the neighbour notification process, it is still considered that the proposal accords with the relevant UDP Policies, as described above and as such, it is recommended that a further consent be issued for the site, in order to allow more time for applications to be submitted for developments on the site in the coming years. Due to the current economic downturn, and the extent of the site that there is to be developed, it is recommended that any approval issued should last for a period of five years, as opposed to the standard three.

RECOMMENDATION: APPROVE subject to the conditions as set out below:

1. Details of the following matters shall be submitted for the subsequent approval of the Local Planning Authority: the form and location of the agreed access onto Nissan Way; the layout, scale, landscaping and appearance of the development.
2. Application for the approval of the reserved matters for the first phase of the development (other than road infrastructure) shall be submitted to the local planning authority within five years of the date of this permission. Applications for approval of reserved matters for each succeeding phase of the development shall be made to the Local Planning Authority within three years from the date of the completion of the most recent preceding phase of the development. The development hereby permitted shall be begun either within five years of the date of this permission or within three years of the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The development hereby approved and all associated reserved matters applications shall be required to incorporate and comply with the "design principles" outlined in the "Design Framework Turbine Business Park, Sunderland Revision A "(TPDF) dated September 2008. For the avoidance of doubt, the design principles referred to within the TPDF relate solely to the architectural quality and design aspirations of the development and not to the particular layout, as indicated in the "indicative masterplan" as shown in the TPDF, in the interests of the overall quality and visual amenity for the estate and to comply with policies B2, T14 and EC 3 of the UDP
4. Prior to commencement of development on site in accordance with the Master Plan Document, a framework scheme of habitat creation and management shall be submitted to and approved by the Local Planning Authority (LPA) and prior to the commencement of work on each phase of development /work on each building a supplementary statement relating to habitat creation and management to follow the principles of the framework document shall be submitted to and approved in writing by the LPA. The identified measures shall be implemented in accordance with the scheme agreed, in the interests of habitat creation and to comply with policies CN18, CN22 and CN23 of the UDP.
5. For the avoidance of doubt the gross floor space for the development hereby approved shall not exceed 54,349sq m of office/industrial units (use class B1, B2 and B8), 11,149sq m of hotel (class C1) and leisure (class D2) and 929sq m of ancillary retail (classes A1 - A5, including any mezzanine floors), in order to achieve a satisfactory form of development and ensure the highway network is not unduly strained by the traffic generated by the site and to comply with policies B2 and T14 of the UDP.
6. For the avoidance of doubt the development of amenity buildings for the development shall not exceed 929 square metres gross in area, with an individual unit size of no greater than 450 sq m, in order to ensure the buildings are ancillary to the primary use of the site and to accord with policy EC4 and WA1 of the UDP.

7. No development work shall take place until a programme of archaeological work has been completed. This shall be carried out in accordance with a specification(s) provided by the County Archaeologist. The archaeological report(s) shall be submitted to and approved in writing by the Local Planning Authority before works commence, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to comply with Policies B11 and B15 of the UDP.
8. Notwithstanding the submitted plans proposed ground level sections across the site and details of the finished slab levels of each property shall be submitted and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the approved levels details in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
9. 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 amenities of the surrounding area and to comply with policy EN14 of the UDP.
10. 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 the amenities of the surrounding area and to comply with policy EN14 of the UDP.
11. Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the Local Planning Authority for approval, in the interests of the amenities of the surrounding area and to comply with policy EN14 of the UDP.
12. Prior to the commencement of works on each phase of the development, the following details shall be submitted to and agreed in writing by the Local Planning Authority before their use on site: samples and specifications of all external materials and finishes, comprising roof cladding, wall facing details, window glass, door and window frames, decorative features and hard surfaces to be used. All works shall be carried out in accordance with the approved details in the interests of visual amenity and to comply with policy B2 of the UDP.
13. Details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before that phase of the development or building is occupied. The agreed boundary treatment shall be completed before occupation of each building or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

14. Notwithstanding the submitted details, no removal of hedgerows or felling of trees shall be carried out on the site between the 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority in the interests of nature conservation and to accord with policy CN18 of the UDP.
15. Prior to the commencement of each phase of development, a detailed Ecology statement including mitigation measures to protect great crested newts and water voles and their associated habitats on and around the site of this approval shall be submitted to and approved in writing by the Local Planning Authority (LPA). Such measures should include follow up survey work be programmed for a 2-year period. The approved measures shall then be fully implemented in accordance with a timetable to be first agreed in writing with the LPA, in the interests of nature conservation and to comply with policy CN18 of the UDP
16. Prior to the commencement of each phase of the development, a scheme of working shall be submitted to and approved by the Local Planning Authority: such a scheme shall include; the siting and organisation of the construction compound and site cabins, access arrangements to existing public rights of way on the site, access to the site for construction traffic, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects including measures to stop mud spreading onto the highway. All works shall be carried out in accordance with the approved details in the interests of the proper planning of the development and to protect the amenity and access rights of adjacent occupiers and in order to comply with policy B2 of the UDP.
17. The construction works required for the development hereby approved shall only be carried out between the hours of 07:00 and 19:00 Monday to Friday and between the hours of 07:00 and 15:00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise varied and agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
18. Prior to the commencement of each phase of the development a scheme detailing the on site drainage should be submitted to and approved in writing by the Local Planning Authority. Such a scheme should discharge into public surface water sewers or soakaway systems, in order to comply with Policy EN12 of the approved UDP.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, before that part of the drainage is commenced. The scheme shall include a statement on the maintenance regime of the gullies and the system shall be maintained thereafter in accordance with the scheme of works unless varied and agreed in writing by the Local Planning Authority, in order to prevent pollution of the water environment and to comply with policy EN12 of the approved UDP.

20. Traffic generation from the development shall not exceed the level agreed with the Local Planning Authority and the Highways Agency until the required improvements to the A19 / A1231 junction have been completed. These improvements which are being designed and implemented by the Highways Agency consist of the provision of a free-flow segregated left-turn lane to the northbound diverge slip road of the junction and are required to ensure the safe and free flow of traffic using the A19 Trunk Road, in the interests of highway safety and to comply with Policy T14 of the UDP.
21. Prior to the commencement of works on each building plans shall be submitted to and approved by the Local Planning Authority detailing space and facilities for bicycle parking and changing facilities in the buildings. These facilities shall then be provided prior to the occupation of each building, retained and permanently reserved for bicycle parking to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policy T14 of the UDP.
22. Prior to the commencement of each phase of the highway network plans of a scheme of traffic calming shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the highway being brought into use, in the interests of highway safety and to comply with policy T14 of the UDP.
23. No building shall be occupied until the off street parking provision including disabled parking provision has been constructed, surfaced, sealed and made available in accordance with the plans to be approved. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 and T22 of the UDP.
24. Prior to the occupation of the first phase of the development, a method statement shall be submitted to and approved by the Local Planning Authority (LPA), detailing measures to control and prevent on street parking within the development. The statement shall include timescales and monitoring and review mechanisms. Such monitoring and review requirements will cease one year post completion of that phase of development and all works shall be carried out in accordance with the agreed method statement unless otherwise agreed in writing with the LPA in the interests of safe and free flow of traffic and to accord with policy T14 of the UDP.

25. Prior to the occupation of the first phase of the development, a study shall be carried out of on street parking levels in the area that lies within 500m of the development site. The details of the study including days and times of the survey shall be agreed in writing with the Local Planning Authority (LPA) in advance and the results shall be submitted to the LPA within 1 month of the survey being completed. The survey shall be repeated in accordance with the agreed format no later than 12 months after the initial survey and the results of these studies shall be submitted to the LPA within one month of their completion. If the LPA serves notice that it considers that the studies indicate that there is a significant on street parking problem associated with the development in any of the surveyed streets then a reasonable scheme designed to alleviate the problem caused directly by the development shall be submitted to the LPA for approval within 2 months. The scheme shall be agreed with the LPA and implemented in accordance with an agreed timescale in the interests of highway safety and the amenities of the surrounding area and to accord with policy T14 of the UDP.
26. Unless otherwise agreed in writing with the Local Planning Authority (LPA) within six calendar months of the commencement of works on each area of public highway and footways full details of lighting and street furniture shall be submitted to and agreed in writing by the LPA in the interests of highway safety and visual amenity and to accord with T14 of the UDP.
27. Prior to first occupation of the development, a Site-wide Green Travel Plan based on the approved Travel Plan Framework shall be submitted to and agreed in writing by the Local Planning Authority. Prior to first occupation of any unit the Management Company shall implement the Site-wide Green Travel Plan and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after completion of the development. The implementation, monitoring and review of the Site-wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with Policies T1 and T2 of the UDP.
28. Before any unit hereby approved is occupied the occupant shall prepare and submit to the Local Planning Authority a Unit Green Travel Plan based on the format contained in the agreed Site Green Travel Plan. The Unit Green Travel Plan shall be agreed in writing by the Local Planning Authority and the requirements of the agreed Plan shall be implemented by the operator in order to ensure access to the site by alternative modes of travel and to accord with policies T1 and T2 of the UDP
29. Before the development hereby approved is commenced a plan showing the provision of (a) a new bus stop on the A1231 westbound off-slip road and (b) the provision of a new footway link between the southern part of the development, and the eastbound bus stop, linking as far as practicable into Public Footpath 31/33, shall be submitted and agreed to in writing by the Local Planning Authority. The agreed works shall be implemented prior to the completion of phase one of the site infrastructure in order to provide the most direct access possible to the site for bus users, pedestrians and cyclists in the interests of highway safety and in order to comply with policies T14 and T22 of the UDP.

30. Prior to the completion of each phase of development a scheme of landscaping and treatment of hard surfaces and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority in the interests of visual amenity and to comply with policy B2 of the UDP.
31. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the reasonable opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and similar size as that originally planted shall be planted in a similar location, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.
32. Unless otherwise agreed in writing with the Local Planning Authority (LPA), details of energy efficiency / renewable energy measures should be submitted to LPA for consideration before each building is completed. Such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures, in the interests of sustainable development and in order to comply with policy R1 of the UDP.
33. Prior to the occupation of each phase of development a noise assessment shall be undertaken in line with Planning Policy Guidance (PPG) 24, Planning and Noise, in order to determine the Noise Exposure Category of the development. Following the assessment a report shall be submitted to and approved in writing by the Local Planning Authority, detailing the results of the survey and any measures that are to be adopted to ensure that noise from the nearby sources do not cause nuisance or disturbance to the occupiers of the proposed development and in order to comply with Policy EN6 of the UDP.

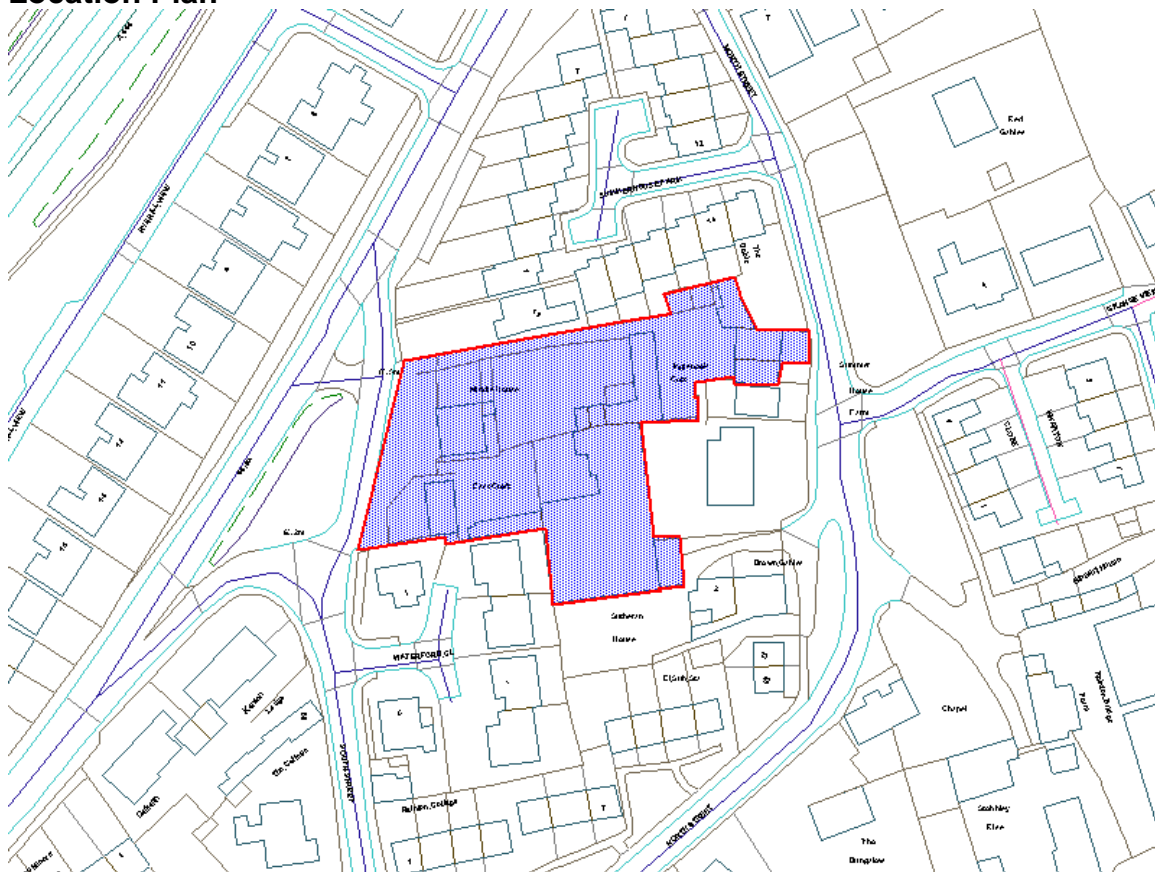
Reference No.: 10/03311/FUL Full Application

Proposal: Demolition of existing dwelling (Middle House) and commercial buildings and erection of 7 three storey dwellings. Conversion of existing barn into two dwellings and alterations to western site boundary.

Location: Site of Middle House, East Croft & Summerhouse Farm
South Street East Rainton Houghton-Le-Spring DH5 9QR

Ward: Hetton
Applicant: Mr Clifford English
Date Valid: 8 October 2010
Target Date: 3 December 2010

Location Plan



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PROPOSAL:

Planning permission is sought for the demolition of an existing dwelling (Middle House) and commercial buildings and the erection of 7 three storey dwellings, the conversion of an existing barn into two dwellings and alterations to western site boundary on the site of East Croft, Middle House and Summerhouse Farm, South Street, East Rainton.

The site has previously been utilised predominantly for agricultural and commercial purposes, but has three residential dwellings, East Croft, Middle House and Summerhouse Farm on part of the site. Two of the houses (Middle House and Summerhouse Farm) are in a derelict state. The dwellings and commercial buildings, together with some barns, previously associated with Summerhouse Farm, when it was a working agricultural unit, are presently arranged around a large tarmac yard.

The proposed development would involve the erection of a terrace of three dwellings on the site of Middle House, which the applicant indicates is in poor condition and unsuitable for renovation. These properties (plots 1-3) would be arranged in a terrace, 15.8 metres in length and each dwelling would be 10.6 metres deep, erected to a height of 9.8 metres. The accommodation would be provided over three storeys and the third storey would be incorporated within the roof space, with flat roofed dormers proposed to allow for the required headroom to be provided for the second floor accommodation.

The remaining new build dwellings (plots 4-7) would take the form of two pairs of semi-detached properties situated on the site of the existing commercial buildings which it is proposed to demolish. Each pair of dwellings would be 10.8 metres wide, 10.6 metres deep and 9.8 metres high, again being erected over three storeys with the third storey accommodation in the roof space with front and rear dormers proposed to provide headroom. These dwellings would be a minimum of 16.4 metres from the boundary of the site with 2 Sutherans Yard to the south and would be constructed so that the rear elevations of the properties would be in alignment with the south (side) elevation of East Croft.

The barn which is proposed to be converted into two dwellings is that to the rear of Summerhouse Farm house and Inglenook Cottage, the north (side) elevation of which faces the rear elevation of 17 Summerhouse Farm Estate. The alterations to the barn would retain the existing footprint, but would involve the erection of single storey extensions to the front for each proposed dwelling. The extension to the barn to form plot 8 would project 6.8 metres forward of the existing barn, being 4.7 metres wide, whilst the other extension to form plot 9 would project 7.8 metres forward of the barn and would also be 4.7 metres wide. The extensions would be timber clad, aimed at reflecting the timber framed windows in the existing barn and to give the extensions a contemporary appearance to contrast with the retained historic buildings.

The other buildings on site are the existing dwellings at East Croft and Summerhouse Farm House and a small barn to the rear of the farm house. No works to these properties are proposed as part of this planning application as it is proposed to retain the dwellings in their existing form, with some refurbishment and to convert the barn into a garage to serve the farm house. These works do not require planning permission, but the applicant has advised that they would nonetheless form part of the proposed redevelopment of the site.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Northern Electric
National Grid Transco
City Arboricultural Officer
City Services - Transportation
Hetton Town Council
County Archaeologist
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **01.11.2010**

REPRESENTATIONS:

Neighbours

Representations in objection to the proposed development have been received from the occupiers of 16 properties in East Rainton, including residents of Waterford Close, Sutherans Yard, South Street, Summerhouse Farm Estate, Ryehill View and a representative of the East Rainton Methodist Church. The representations raised a series of objections to the proposals, as follows:

- The existing commercial buildings form the boundary walls around the rear garden of 2 and 3 Waterford Close and 2 Sutherans Yard and the demolition of these buildings may cause structural defects to this property;
- The existing commercial buildings to be demolished are constructed with asbestos roofing, which could be a hazard in their demolition;
- The rear of plots 4-7 would overlook the rear garden and bedrooms of 2 and 3 Waterford Close;
- Plots 1-3 would overlook the rear windows and gardens of properties in Ryehill View;
- The proposed design of the new dwellings as townhouses is inconsistent with the village setting which is characterised by single or two storey buildings;
- The proposal to access plots 1-3 directly from South Street could cause highway and pedestrian safety problems on South Street which is a narrow and busy street with a blind junction to Durham Road. There have been a number of traffic accidents on this road and there is presently no footpath provision for pedestrians.
- Plots 1-3 lack dedicated visitor parking which may lead to parking on the green or outside existing dwellings;
- The village is identified as a proposed conservation area and an area of potential archaeological importance;
- The dwellings would by reason of their height in comparison to surrounding existing dwellings and the incorporation of dormer windows would dominate views within this part of the village;
- The Council's UDP dictates that tall buildings must have a positive relationship with the skyline and topography of the site and surrounding area as well as a proper relationship with the street;

- Middle House, which is proposed to be demolished is a historic building, which adds character to the village, whereas East Croft is a later developed bungalow which is less characteristic of the surroundings;
- No reference is made in the application to the dwelling and small barn at Summerhouse Farm, which should be retained;
- Housetypes, construction materials and layouts should be carefully controlled to attempt to retain a village character, as per the results of a 1977 survey into residents of East Rainton's preferences for the future development of the village. Existing nearby development at Chapel Bank has not achieved this;
- The proposed development makes insufficient provision for car parking for residents and visitors;
- There is potential for vermin to reach nearby properties as a result of the proposed demolition of the existing commercial grain storage barns;
- Trees which exist along the northern boundary of the site should be retained;
- Adequate measures should be taken for bat protection as the site lies on the bat flight path and the farm buildings provide roosting opportunities;
- At the time of the construction of the bungalows in Ryehill View, dormer windows were not permitted.

The issues raised with regard to shared boundary walls, asbestos and vermin fall outside of the remit of the planning system and as such are not considered to be material in the determination of the planning application.

With regard to the issues raised in terms of design and past developments in East Rainton, these are considered in detail below, but it must be noted that each application for planning permission must be assessed on its individual merits.

The concerns over the demolition of Middle House are noted, but the building is not listed and is indicated in the applicants supporting information as being structurally unsound and beyond economic repair, whilst the more modern East Croft is a newer building and more easily and economically able to be incorporated into the proposed development.

Consultees

The Tyne and Wear Archaeology Officer identified that the site lies in the heart of East Rainton medieval village, which dates back to the twelfth century, close to the village green. The farmyard has not been developed since the 19th Century and as such, medieval and post medieval archaeological remains may survive. As such, a programme of archaeological work was recommended. This is fully detailed in the main text of this report.

The Executive Director of City Services (Transportation Team) advised that the boundary wall at the entrance to the development from South Street should be reduced in height of 1 metre in the interests of visibility, visitor and private car parking bays should be segregated and a 2 metre wide footway should be provided along the frontage of the site linking to the existing provision on South Street.

The Executive Director of City Services (Pollution Control Team) advised that the assessment which accompanies the application in respect of ground contamination is currently under review to determine what if any further remediation works may be required to allow development of the site to occur.

Northumbrian Water raised no comments or observations in connection with the proposed development.

Hetton Town Council initially raised no objection to the proposed development, but following representations from a delegation of residents, these comments were rescinded. Planning Officers met with Hetton Town Council Members on site on 10 November 2010, but to date, no revised comments 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_13_Sites and monuments of local importance affected by development

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

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 determining this application are:-

- Principle of the Development.
- Design and Layout.
- Highways and Car Parking.
- Archaeological implications of development.
- Ecology and Wildlife Implications.
- Ground Conditions/contamination

Principle of the Development.

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the adopted development plan be regarded as the primary consideration in determining a proposal for development unless material considerations dictate otherwise.

The site lies within an area governed by policy EN10 of the Unitary Development Plan (UDP), which dictates that where the plan does not indicate 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 neighbourhood.

In this regard, notwithstanding the recent commercial use of the site, as the prevailing land use within the area is residential, with a mix of house types in evidence, the proposed residential development is considered to accord with the principle of UDP policy EN10 as detailed.

Design and Layout.

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.

In this regard and as detailed above, the proposal takes the form of a courtyard style development with plots 1-3 fronting South Street and plots 4-9 fronting a courtyard proposed to be created around the existing hardstand area and the resultant land following the demolition of the commercial buildings. The approach of designing the development around a central courtyard is considered to be acceptable although discussions are still ongoing with the applicant about the exact form of the courtyard and the distribution of car parking therein and as such, it is likely that amended plans will be received prior to the Sub-Committee Meeting.

In terms of design of the properties, the proposed development is of three storey dwellings, where the second floor accommodation is provided by dormers and roof lights in the roof space of the proposed dwellings. These dwellings and proposed in addition to the conversion of a barn into two further dwellings, which would be part single storey and part two storey upon conversion.

In terms of scale of the proposed buildings, the site lies within an area of the village where there are a mix of building heights and designs, including bungalows and two storey properties with a variety of designs. Some of the properties on Durham Road, to the west of the application site incorporate dormer windows, albeit in bungalows and as such, these are considered to be a design feature, already evident in the area. The scale of the proposed new build dwellings are considered to be appropriate with the variation in building heights reflecting the varied nature of the urban form and roofscape of the surrounding village, particularly given the land levels across the site, where the properties which would front South Street and would therefore be most visible within the main street scene (plots 1-3) are at a lower level than the adjacent dwellings in Waterford Close to the south and the properties to the north of the site in Summerhouse Farm Estate are 2 storeys in height and of modern construction.

The elevational treatment of the proposed new dwellings involves brick construction with a slate roof and timber fenestration. The use of such materials is considered satisfactory to represent the characteristics of the materials used in the construction of nearby dwellings.

With regard to the proposed barn conversion, good conversion practice as set by English Heritage advocates the sensitive re-use of existing openings as far as possible and the avoidance or reduction of new openings in order to preserve the simple rustic character and appearance of such buildings. Considering this guidance, some amendments have been requested to the re-use of the openings in the rear elevation of the barn, particularly, a large opening which the submitted plans indicate as being utilised for a small window, with the remainder bricked up. Additionally, a number of windows in the rear elevation are proposed to be blocked up and the applicant has been requested to amend the proposal to utilise random rubble stone for this purpose as opposed to brick as currently proposed. The proposed single storey glazed and timber clad extensions to the west elevation of the barn are considered to be appropriate and sensitively designed contemporary extensions which clearly distinguish between the old and the new and as such are considered to be acceptable. Subject to the receipt of amended plans, the proposed alterations and extensions to the barn to form two dwellings are considered to be appropriate, subject to the imposition of conditions, were Members minded to approve the application. It is anticipated that amended plans will be received in the near future and if this is the case, the revisions to the scheme will be reported through preparation of a supplement report.

With regard to the siting of the proposed dwellings in relation to surrounding buildings, due regard has been given not only to the requirements of UDP policy B2 as detailed above but also section 10C of the Sunderland City Council Residential Design Guide Supplementary Planning Document (SPD).

Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended distances required to ensure levels of outlook and privacy are created and retained. In this regard a minimum distance of 21 metres is recommended to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14m for main facing windows facing side or end elevations (with only secondary windows or no windows). These distances are recommended to be increased by 5 metres to account for each additional storey and two metres for each metre difference in ground levels. These distances are the recommended minimum separation distances unless it is demonstrated through careful design that reduced distances would be acceptable.

In this regard, there are few of the dwellings, which are directly aligned with other nearby properties in a way which would create a direct line of sight between windows. Plots 1-3 would be erected on the site of Middle House and the northern access gate to the existing yard and the rear elevations of these dwellings would be set forward of the rear elevation of 19 Summerhouse Farm Estate, which is to the north-east of the proposed dwellings. The angle between the properties is such that notwithstanding the difference in levels of approximately 3 metres between the proposed new dwellings and those in the Summerhouse Farm Estate, the angle between the properties is such that unacceptable overlooking of the rear elevation and garden area of this property is not considered to occur. Furthermore, the rear elevation of the nearest dwelling in Ryehill View, as originally constructed, is 42 metres offset from the front elevations of plots 1-3 and the garden is offset from plot 1 by 33 metres. Thus, the separation distance between the plots 1-3 and the rear of the nearest

property in Ryehill View is such that it is sufficient to mitigate for any potential overlooking of these gardens and notwithstanding the difference in levels between the sites, would accord with section 10C of the Residential Design Guide.

With regard to plots 4-7, located on the site of the commercial buildings on the site, which are proposed for demolition, the orientation of these properties is such that they are aligned with the rear and side elevations of properties in Summerhouse Farm Estate, being 32 metres away from the side elevation of number 19 and a minimum of 35 metres from the rear elevation of number 18. Given this distance and taking into account the ground level differences between the properties, the positioning of plots 4-7 is considered to be acceptable without unacceptable detriment to the amenities of the properties in the Summerhouse Farm Estate. The rear elevations of plots 4-7 face the garden of 2 Sutherans Yard, being a minimum of 16.6 metres away from this property, with no direct line of sight between windows. The impact of plots 4-7 on 2 Sutherans Yard is therefore considered to be acceptable. The main area of concern with plots 4-7 is therefore the impact upon the residential amenity of occupiers of Waterford Close, particularly number 2, which lies immediately to the south-west of plot 4. The dormer window serving a bedroom in the rear of plot 4 as well as the first floor window nearest the western boundary of the site are considered likely to overlook the garden and rear windows of 2 Waterford Close to an unacceptable degree and as such, the applicant has been requested to omit the dormers from the rear of plots 4 and 5 and replace them with roof lights, which would preclude overlooking, whilst the window serving the bedroom to the rear of the property would be re-located to the side elevation facing East Croft, leaving only one window at first floor level to the rear of plot 4. This is considered sufficient to reduce the potential for overlooking of 2 Waterford Close to a degree where planning permission could not be refused, although amended plans have yet to be received. Subject to receipt of these amended plans, the impact of the proposed dwellings at plots 4-7 is considered to be acceptable without detriment to the residential amenity of nearby occupiers. Receipt of amended plans will likely be reported by way of a supplement report.

With regard to the proposed barn conversion, no windows are proposed in the side elevation of the extension facing Summerhouse Farm Estate and the majority of windows are proposed to be served in existing openings within the building. The impact of the proposed conversion is therefore considered to be acceptable with due regard to the positioning of surrounding properties as notwithstanding the separation distance of only 17 metres to the rear elevation of Inglenook Cottage, the proposal relates solely to utilising existing small openings in the rear of the building.

In light of the above, the layout, siting and design of the proposed dwellings is such that it is considered to be acceptable with due regard to neighbouring properties and the separation distances set out in the Residential Design Guide, subject to receipt of amended plans as detailed above.

Additionally, UDP policies B5 and HA16 identify the site as lying within the extent of a proposed conservation area, although since the adoption of the UDP in 1998, the designation of the conservation area has not occurred and is not likely to be brought forward in the near future.

In this regard, the proposed development retains the existing barn, which would be converted to dwellings and brought back into use and represents the redevelopment of a site within the proposed conservation area which is presently disused agricultural and commercial accommodation for residential purposes more in keeping with the surroundings. Given the nature of the surrounding dwellings which are a mix of designs and heights, the proposal is considered acceptable and would not prejudice the designation of East Rainton as a conservation area were this to be pursued.

In light of the above, the design and siting of the proposed seven new dwellings and the alterations to the barn to facilitate its conversion to two dwellings are considered to be acceptable although amended plans are likely to be received showing minor alterations to the fenestration of the new dwellings, in the interest of the residential amenity of existing nearby occupiers and also the layout of the courtyard in the interest of achieving a satisfactory site layout. Subject to receipt of these amended plans, which will be reported on a supplement report, if received, the proposal is considered to accord satisfactorily with UDP policies B2, B5 and HA16.

Highways and Car Parking.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

As detailed earlier in the report, the Executive Director of City Services (Transportation Team) has requested some minor amendments to the proposal in respect of the height of the boundary wall and delineation of parking bays. These amendments have been discussed with the applicant and it is anticipated that amended plans will be received in the near future. Should these plans be received, the amendments will be presented by way of a supplement report.

Archaeological Implications of development

Policy B13 of the UDP seeks to ensure the safeguarding of sites of local archaeological significance and where development is proposed on such sites, preservation of any remains in situ will be the preferred solution, although where this is not possible, excavation for the purposes of recording may be required.

The site lies in the heart of East Rainton medieval village, which dates back to the twelfth century and is close to the village green. The farmyard has not been developed since the 19th century and as such, the Tyne and Wear Archaeology Officer has advised that Medieval and post medieval archaeological remains may survive. As such, it is considered that archaeological work is required in the form of recording of the existing dwellings at Middle House and Summerhouse Farm, once these properties have been made safe for such works to occur and archaeological trial trenching on the sites of the new houses, to ascertain if medieval and post medieval remains survive.

Should Members be minded to approve the application, it is recommended that conditions requiring an archaeological building recording condition, archaeological excavation and recording condition, archaeological post excavation report condition and an archaeological publication report condition. With the imposition of such conditions, the proposal is considered to be in accordance with UDP policy B13 as detailed above.

Ecology and Wildlife Implications

The UDP provides specific policies with regard to biodiversity and nature conservation.

Policy CN18 states that the promotion of interests of nature conservation will be sought throughout the City through making provision in development proposals for preservation of habitats or creation of compensatory habitats and where necessary, refusing inappropriate development.

Policy CN22 dictates that development which would adversely affect any animal species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and the overall affect will not be detrimental to the species and the overall biodiversity of the City.

The application is accompanied by an ecology report, however additional information has been requested from the applicant in the form of a clear plan showing the locations from which the survey was conducted and details and reasons for the survey methods utilised. As yet, this information is yet to be received.

As such, the ecology and wildlife implications of the proposed development are being given further consideration and it is anticipated that a recommendation will be made in this regard by way of a supplementary report.

Ground Conditions/contamination

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

In this regard, the application is accompanied by an assessment in respect of ground contamination, which remains under review by the Director of City Services (Pollution Control Section). It is anticipated that these findings will be reported on a supplementary report along with any necessary conditions, should members be minded to approve the application.

Conclusion

The acceptability of the proposals with regard to biodiversity and ground conditions is currently being given further consideration and it is anticipated that a recommendation will be made through the preparation of a supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 10/03366/LAP Development by City(Regulation 3)

Proposal: **Installation of 1200mm high ball stop netting over 1800mm high wall**

Location: East Rainton Primary School School Road East Rainton Houghton-Le-Spring DH5 9RA

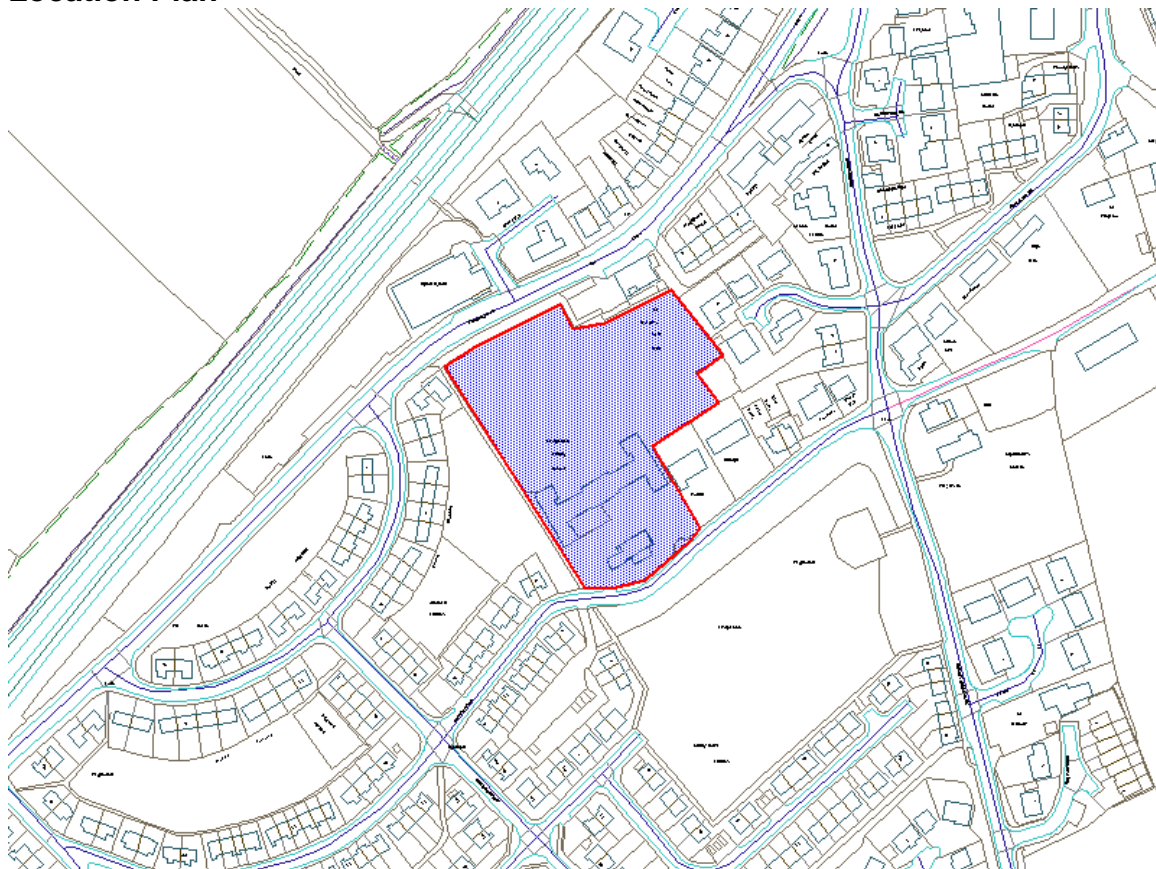
Ward: Hetton

Applicant: East Rainton Primary School

Date Valid: 19 October 2010

Target Date: 14 December 2010

Location Plan



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PROPOSAL:

Planning permission is sought to erect 1.2 metres high 'ball-stop netting' over the entire length of an existing 1.8 metres high brick wall, to provide an overall height of 3 metres above ground level. The subject wall spans 26m in length and forms an east-side boundary of the site separating the front playground of the School and the front garden of Portree, a detached residential bungalow fronting School Road. The applicant has indicated within the Design and Access Statement that the proposed netting is required in order to prevent footballs from entering the neighbouring property, which has resulted in damage to the property in the past. A photographic sample of the netting has been provided, which would be dark-coloured and open-meshed.

The application site includes a single-storey primary school building with a paved playground to its front (south) and a substantial grassed area to the rear (north). The site is situated within a predominantly residential area and is accessed via School Road to the south. A detached residential bungalow, named Portree, which is set below the site, abuts the eastern boundary of the School. The 1.8m high brick wall, above which the netting is currently proposed, divides this dwelling from the site, which is finished white and staggered in height due to the gradual drop in the levels of this part of the site from front down to rear. The front boundary of the site is bordered by open steel bar fencing, coloured black, and a large area of grassland, including a number of trees, exists on the opposite side of School Road.

Application ref. 95/01488/80 was approved in 1996 to convert a previous classroom into a nursery school unit, add new external doors and construct a new safety play area in the playground, including a 'bund' wall. The steel bar fencing which borders the front of the site was granted planning permission in 1998 through application ref. 98/01615/LAP whilst application ref. 05/03954/LAP was approved in 2006 to erect a single-storey flat-roof extension to the dining hall.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

City Services - Transportation
County Archaeologist
Street Scene (Environmental Service)
Hetton Town Council

Final Date for Receipt of Representations: **10.11.2010**

REPRESENTATIONS:

No observations or recommendations over the proposal have been provided by consultees and no representations have been received from neighbouring residents.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

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'. Accordingly, the main issues to be considered in determining this application are the impact of the proposal on the amenities of neighbouring residents and the streetscene of School Road.

The proposal would result in an increase in the height of the boundary treatment of this part of the site from 1.8 metres to 3 metres, which is a substantial increase. However, the proposed netting would be constructed of a relatively thin material and would be open-meshed and, hence, largely see-through. As such, the netting would not obstruct views from the neighbouring dwelling, Portree, nor would it appear unduly conspicuous from the street. Similarly, due to its lightweight composition, the netting would not overshadow or result in any notable loss of daylight/sunlight to this, or any other, neighbouring property. In addition, the netting would provide the benefit of preventing damage to the neighbouring property by blocking footballs from entering the curtilage of Portree which, the applicant has indicated, has happened in the past. As such, it is not considered that the proposal would unduly compromise the amenities of neighbouring residents or the visual amenities of the streetscene.

Accordingly, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members grant consent for the proposal subject to the conditions listed below.

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 and details:

Location plan received 07.10.2010

Site plan received 07.10.2010

Elevations as existing and proposed received 07.10.2010

Photographic sample of netting received 17.11.2010

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.

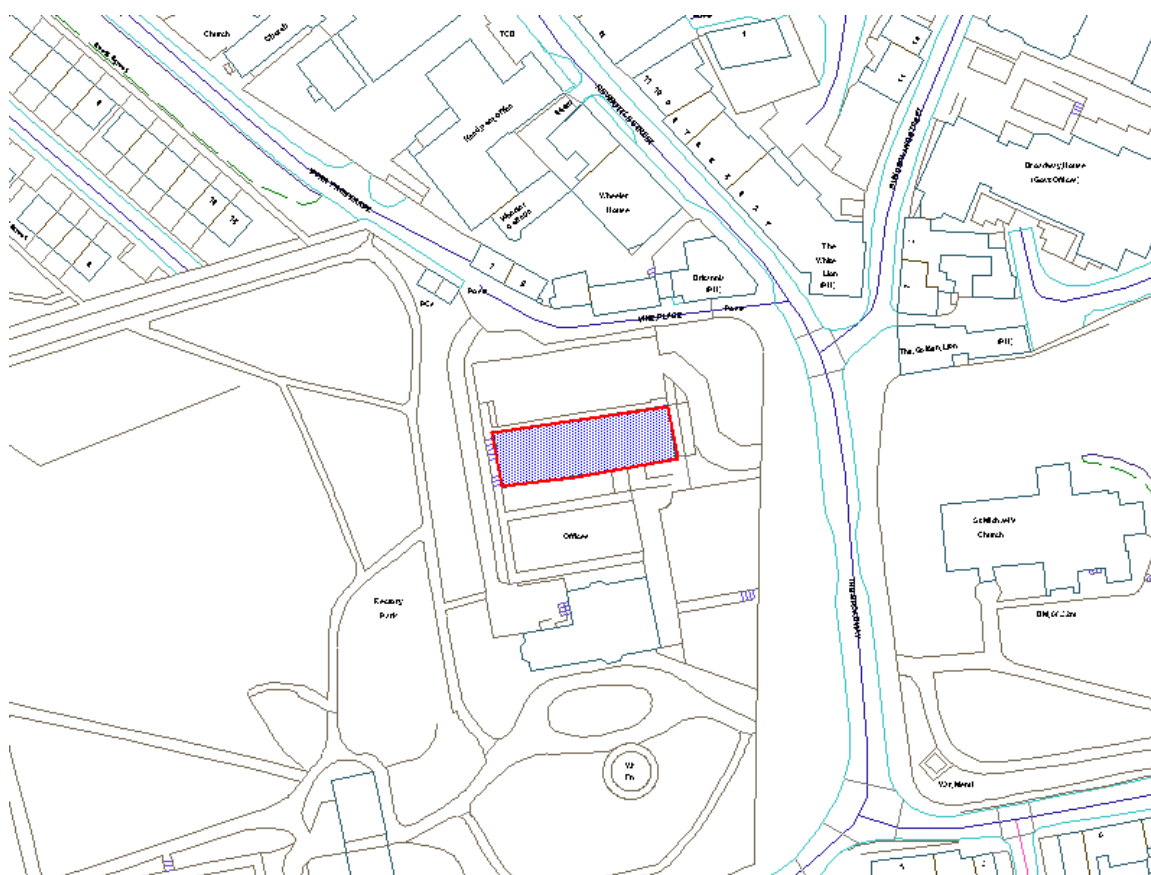
Reference No.: 10/03453/LAC LAP Conservation area consent

Proposal: **Demolition of existing office building**

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

Ward: Houghton
Applicant: City Of Sunderland
Date Valid: 20 October 2010
Target Date: 15 December 2010

Location Plan



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PROPOSAL:

Conservation Area Consent is sought for the demolition of the Houghton Area Office; a 1960s built Council office building located in Rectory Park, Houghton-le-Spring. Rectory Park is located in the St Michael's conservation area and the building to be demolished is to the north of the Old Rectory Building, a Grade II* Listed Building.

Following the demolition of the building, it is proposed that the site be landscaped to match the existing park, improving views of the Rectory Building and providing a larger open space within the park for public use.

The office building has been used by a number of Council departments since its construction, however under the Council's smarter working initiative and property rationalisation programme, the building is no longer considered to be fit for purpose and is surplus to requirements. As the building was scheduled to be empty by the end of October 2010, it is proposed that it be demolished during 2011.

The submitted information indicates that measures will be put in place to ensure that no damage occurs to the existing park boundaries or buildings during the demolition works and that all mature trees will be protected during the works.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Transportation
County Archaeologist
English Heritage

Final Date for Receipt of Representations: **24.11.2020**

REPRESENTATIONS:

Neighbours

To date, no representations have been received as a result of the neighbour consultation process.

Consultees

The Executive Director of City Services (Transportation Team) has raised no observations or recommendations in connection with the proposals.

The Tyne and Wear Archaeology Officer has advised that ordinarily there would be no observations in connection with a proposal to demolish a modern building. However, the office is within the heart of Houghton medieval village, directly adjacent to the medieval rectory and opposite the medieval parish church. It is understood that the foundations of the building are to be grubbed up; such work may damage archaeological deposits which may survive next to the foundations. In light of this, it is recommended that as a precaution, an archaeologist should monitor any ground disturbing works as a watching brief in order that any remains can be recorded and left in situ where possible.

English Heritage have been consulted as the application, if Members are minded to grant conservation area consent, the application would need to be referred to the Secretary of State for Communities and Local Government for determination, in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. As yet, no observations have been received from English Heritage in connection with the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_7_Demolition of unlisted buildings in conservation areas

B_13_Sites and monuments of local importance affected by development

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:-

- Principle of the Demolition and Impact on the Conservation Area
- Highway and Access Issues.
- Archaeological implications of development.

Principle of the Demolition and Impact on the Conservation Area.

Policy B2 of the Unitary Development Plan (UDP) seeks to ensure that developments should respect and enhance the best qualities of nearby properties and the locality.

Policy B4 dictates that all development within and adjacent to conservation areas will be required to preserve and enhance their character.

Policy B7 relates to proposals for the demolition of unlisted buildings in conservation areas and states that such applications will be determined by the extent to which the integrity, character and appearance of the area is affected, taking into account any alternative proposals. Where unlisted buildings make a positive contribution to the character or appearance of a conservation area, the criteria applied to proposals for the demolition of listed buildings will be applied.

The Houghton Conservation Area Management Strategy (CAMS), which is adopted as planning guidance identifies the building as being of negative townscape value where redevelopment may be welcomed.

With regard to the above, the proposed demolition of the office block is considered to be highly desirable in that it is considered to be a poor quality 1960s building, specifically identified as being of negative townscape value in the Houghton CAMS. The building is considered to be of no historic or architectural

merit and detracts from the character and appearance of the Conservation Area and more particularly the setting of the adjacent Old Rectory, which is a Grade II* Listed Building. The demolition of the building and landscaping of the site is considered to be highly beneficial to the visual amenity of the conservation area, improving the setting of The Old Rectory through the reinstatement of a soft landscaped area to the rear, reflective of the garden as historically enjoyed.

In light of the above, subject to the imposition of conditions requiring the submission and approval of details of the means of demolition of the building and the future landscaping of the site, the proposal is considered to be acceptable with regard to UDP policies B2, B4 and B7, as well as the Houghton CAMS. The principle of demolition of the building and the impact upon the Conservation Area are therefore considered to be acceptable.

Highway and Access Issues

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

As detailed above, the Executive Director of City Services (Transportation Team) has raised no observations or recommendations in relation to the proposal, which is therefore considered to accord with the UDP policy T14.

Archaeological implications of development.

Policy B13 of the UDP seeks to ensure the safeguarding of sites of local archaeological significance and where development is proposed on such sites, preservation of any remains in situ will be the preferred solution, although where this is not possible, excavation for the purposes of recording may be required.

The site is allocated on the UDP proposals map as one of potential archaeological importance and the Tyne and Wear Archaeology Officer has advised that it is part of the site of the former Houghton Medieval Village. As such, in order to avoid the potential for damage to buried archaeological remains as a result of the demolition, it is recommended that conditions be imposed requiring the presence of an archaeologist on site in a watching brief role during ground disturbing works and the submission of a report of any findings for subsequent approval.

Subject to the imposition of such conditions, it is considered that the proposal accords satisfactorily with UDP policy B13.

Conclusion

The proposed demolition is considered to be acceptable as it would result in the demolition of an unattractive building resulting in an enhancement in the character and appearance of Rectory Park and the St Michael's Conservation Area.

In view of the City Council's ownership of the toilet block Members are recommended to be minded to approve the application and that the application be referred to the Secretary of State for Communities and Local Government in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

RECOMMENDATION: Members be minded to 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:

The Location Plan - Drawing Number 35100/ARCH/001, Rev P1,
(received 14 October 2010)

The Elevations and Site Plan - Drawing Number 35100/ARCH/002, Rev P1,
(received 14 October 2010).

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 No development shall commence until a detailed methodology for the demolition works hereby approved has been submitted to and approved in writing by the Local Planning Authority in the interests of visual amenity and to accord with policies B2, B4 and B7 of the Unitary Development Plan.
- 4 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 following the demolition works hereby approved. The scheme shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of demolition and subsequent re-landscaping of the site, in the interests of visual amenity and to comply with policies B2, B4 and B7 of the Unitary Development Plan.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the demolition, 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 policies B2, B4 and B7 of the Unitary Development Plan.

- 6 No ground disturbing works or grubbing up of foundations 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. This condition is imposed because the site is located within an area identified as being of potential archaeological interest and the observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and if necessary, emergency salvage undertaken in accordance with PPS5 and policies B13 and B14 of the Unitary Development Plan.
- 7 The site shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition 6 has been submitted to and approved in writing by the Local Planning Authority. This condition is imposed because the site is located within an area identified as being of potential archaeological interest and the observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and if necessary, emergency salvage undertaken in accordance with PPS5 and policies B13 and B14 of the Unitary Development Plan.