

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

**Reference No.:** 09/03711/FUL Full Application

**Proposal:** **Erection of 25no dwelling houses comprising of 19no 2 bedroom 4 person houses and 6no 3 bedroom 6 person houses with associated open space, landscaping, car parking and highways works.**

**Location:** Former Health Centre Coleridge Road Sunderland SR5 3PP

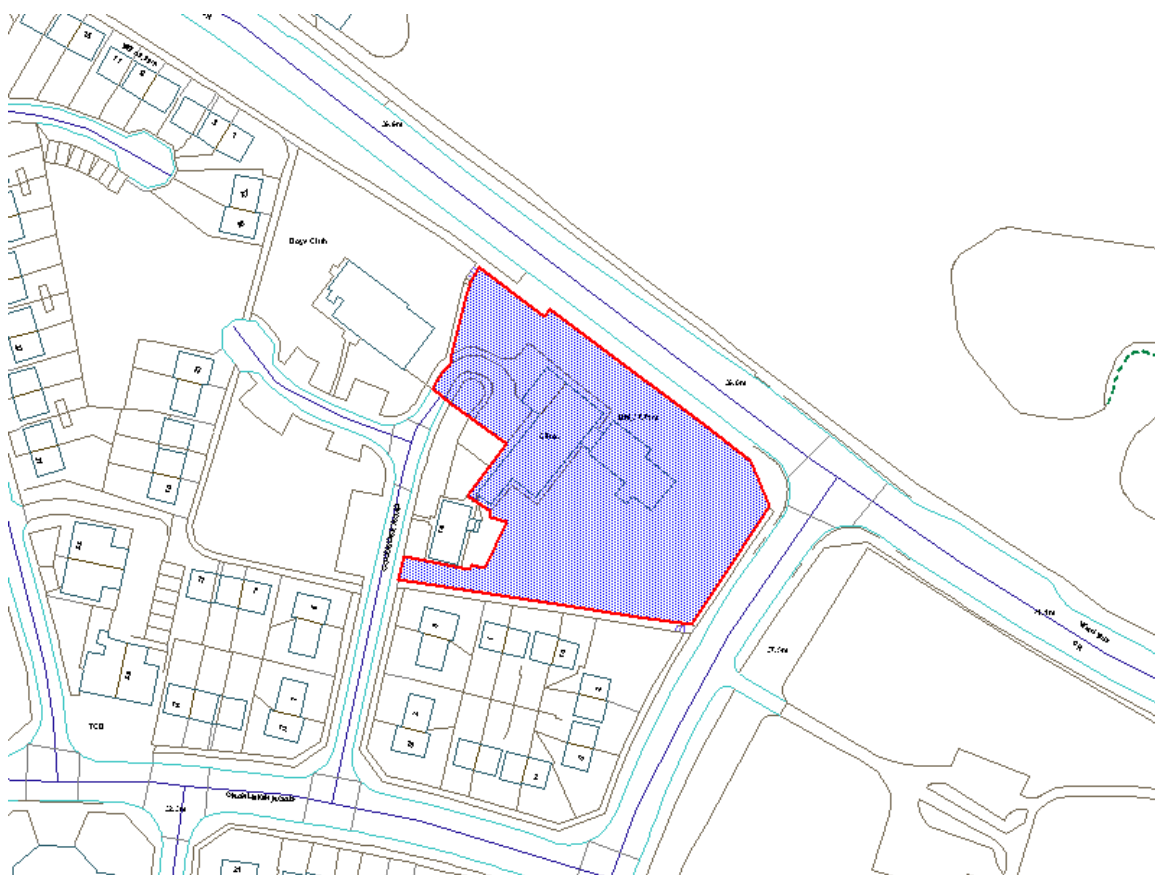
**Ward:** Castle

**Applicant:** Barratt Homes

**Date Valid:** 19 October 2009

**Target Date:** 18 January 2010

### Location Plan



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### PROPOSAL:

The application is a new proposal by Barratt Newcastle for the redevelopment of the site of the former Hylton Castle Health Centre, Castletown. Members may recall that there have been 2 previously approved submissions by Barratt for the

site, namely application no's 07/02758/FUL and 08/01231/SUB, which were both for 27 dwellings (19 No. 2 bed apartments and 8 No. houses) Following the recent downturn in the economy, Barratts have undertaken a re-evaluation of the site and have submitted this further application for consideration, which is for 25 No. houses. The apartment element of the previous schemes has been replaced in its entirety with a number of brand new house types, which make an efficient use of the space available, in a number of ways, such as by introducing 'back-to-back' and 'split level' housing.

The 0.39Ha site is in a predominately residential area, located to the south of Washington Road, Hylton Castle and at the junction with Craigavon Road, approximately ½ mile north of the A1231 Wessington Way. Access to the site is taken from the rear (not from the aforementioned main road junction) via Coleridge Road. To the immediate south west is a 1960's bungalow, which was constructed as a caretakers residence to serve the health centre which, until recently was present on site. This was demolished approximately 18 months ago in order to prepare the site for redevelopment. Further to the south and to the west of the site lies post-war former Local Authority housing typical of that found throughout the City. To the immediate west is situated the "Hylton Castle and Town End Farm Boys Club" while on the opposite side of Washington Road and Craigavon Road to the north and east respectively there are a number of large mature trees that form part of the area of the old West Town Moor.

The topography of the land gradually slopes uphill approximately 2m before reaching a steeply sloping 2 metre high bank on the northern perimeter of the site, where it meets Washington Road. The boundary treatment found on this bank comprises a reconstituted stone wall with a metal railing to the topside of the wall. The boundary treatment to the South consists of black painted hoop-top railings and low brick built dwarf walls, with timber close boarded fencing to the perimeter of the boundary to the adjacent bungalow to Coleridge Road. An existing pedestrian route and public right of way links the north-western corner of the site on Washington Road with Coleridge Road, to the rear of the site. Several trees are present around the perimeter of the site, particularly along the southern side. Council records show that none of these are currently protected by virtue of a Tree Preservation Order.

It should be noted that at present the access road / courtyard arrangement is already set out and partially constructed. The proposed layout shows the properties arranged around the perimeter of the site, with a central paved courtyard to the south eastern corner acting as a focal point. This layout has remained consistent across the course of the three applications.

The site is not subject to any specific land use designation in the Unitary Development Plan (UDP) and has been advertised accordingly.

At the meeting of the Sub Committee on 03 November 2009, Members requested to visit the site. The visit took place on 27 November 2009.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Director Of Children's Services  
Director Of Community And Cultural Services  
Environment Agency  
Northumbrian Water  
English Heritage  
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **16.11.2009**

## **REPRESENTATIONS:**

Neighbours.

As per the previous applications, one letter has been received in respect of the application from the current owners of the former caretaker's bungalow. Whilst generally in support of the principal of redeveloping the site, the concerns raised have been in respect of the dwelling proposed to the north of their property (plot 24) and the electricity sub station proposed to the north east. The concerns raised relate to possible overlooking from the dwelling and noise / health issues arising from the sub station. Both of these points are considered in the comments section below.

Consultees.

Environment Agency -No comments to make.

Northumbrian Water - No objections

County Archaeologist - has advised, as per the previous applications, that a watching brief will be required for any groundworks that are undertaken. Such works are deemed necessary due to the health centre site once lying within the grounds of the medieval Hylton Castle and because previous reports have identified the site as being home to Castle Farm. Prehistoric objects, including a stone axe have previously been found in close proximity to the site and as such, there is a possibility that further finds of this period could still exist on this site.

English Heritage -has been consulted due to the close proximity of the site to Hylton Castle, a scheduled Ancient Monument and advises that the proposal should be determined in accordance with any recommendations that may be made by the Council's specialist 'in house' conservation team.

Executive Director of City Services (Transportation) has no objections to the scheme, as the parking provision is consistent with that approved previously on the site. Further details on the parking arrangements can be found in the Comments section below.

## **POLICIES:**

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

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

R\_1\_Working towards environmentally sustainable development

B\_2\_Scale, massing layout and setting of new developments

B\_12\_Preservation of scheduled ancient monuments

B\_13\_Sites and monuments of local importance affected by development

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

CN\_17\_Tree Preservation Orders and replacement of trees

CN\_18\_Promotion of nature conservation (general)

## **COMMENTS:**

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

- The principle of the use on the site.

- The appearance and layout of the development.

- The impact upon neighbouring properties.

- Sustainability

- The impact upon trees on site

- Environmental Considerations

- The potential archaeological implications to the site.

- Highways Issues

- Children's Play

The principle of the use on the site.

The site is subject to UDP Policy EN10, which requires development to be consistent with the prevailing land use of the area.

The Interim Strategy for Housing Land (ISHL) provides a basis for the housing chapter in the forthcoming LDF, and is used as a material consideration in determining planning applications for housing development. Although the site is not considered for housing on the UDP proposals map the site is brownfield in a predominantly residential area and therefore the re use of the site for housing purposes is consistent with Policy EN10. Such a conclusion was made when the original application was considered (07/02758/FUL) and approved at the Development Control (North) Sub Committee meeting on 04.09.2007. There have been no material changes to the manner in which the Local Planning Authority (LPA) considers such matters since this date and as such, the LPA's opinion remains the same. As such, it is considered that this third application for

the site still complies with the relevant UDP policies, as discussed above and therefore the principle is acceptable.

The appearance and layout of the development.

Policy B2 of the UDP requires that the scale, massing layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas.

As outlined in the introduction to this report, this application has been submitted following a re-evaluation of the site by the developer, Barratts. The principal underlying change from the previous schemes is the removal of the apartment blocks, which are shown as being replaced by houses, in a variety of types and styles and the inclusion of an electricity substation. It is considered by the applicant that this revised range of homes will be more attractive to first-time buyers and young families.

The houses proposed are part of a new range developed by Barratts and have undergone subtle design changes, as recommended by Officers, in order to achieve a site-specific design solution. The range of units that are shown as being constructed are described in brief overleaf.

Pearl / Opal.

These detached 2 storey, 2 bed 'upside-down' units feature bedrooms on the ground floor, with a projecting gable feature to the side which houses the staircase to the main 1st floor living space. A small roof terrace leads out from the living room across the car parking space below. This unusual layout is becoming increasingly popular across the country and several variations on this theme have been seen. In particular, this type of arrangement has been used in the refurbishment of older terrace housing stock, and utilises the amount of floorspace available to full effect. It is considered that these units will provide something new to the city's housing stock and with the roof terraces, will provide an increased level of activity to the streetscene.

Amber / Ametrine.

The majority of these 2 bedroom, 2 story units are arranged in square blocks of four, with two of the units backing onto the other two. These 'back to back' type houses again utilise the space available on the site in such a way as to provide a viable and more attractive alternative to the apartments which were previously approved on the site. Due to this orientation, it should be noted that natural lighting to the properties is only afforded via one (sometimes two) elevations. However, the internal layout is such that the main ground floor living space, which is open plan and the upper storey bedroom are positioned to the front of the building in order to obtain natural light. There are instances where on the external side elevations, small fixed, obscurely glazed windows have been introduced, in order to provide further natural lighting. Whilst such windows are considered acceptable in their current form, it is considered appropriate that a condition should be imposed, if Members are minded to approve the application in order to ensure that these windows are maintained as installed, throughout the lifetime of the development.

Quartz.

These larger 3 storey, 3 bedroom properties are positioned close to the junction of Washington Road and Craigavon Road and are considered to effectively turn this corner of the development. A contemporary approach has been taken with these units, which feature, mono-pitched roof details and timber-cladded elements. In terms of layout, again these properties feature 2 bedrooms on the ground floor and the main living space on the first floor, with the addition of a third bedroom and roof terrace on the second floor.

Coral.

These properties are 3 storey, 3 bedroom properties, arranged in a more traditional 'townhouse' manner, with living accommodation on the ground floor 2 bedrooms on the first floor and one bedroom in the roofspace.

As explained earlier in the report, the roads and footpaths within the site have already been set out in accordance with the previously approved schemes, which has resulted in a similar overall layout for the proposed housing, which runs around the perimeter of the site. In terms of scale and massing, the proposals are comparable to those approved previously. As such, having considered the positioning and layout of the properties on the site, the proposed layout is considered to be successful. A frontage has been created onto Washington Road and Craigavon Road with buildings of greater height on the corner. The design and layout of the development is sympathetic towards the nearby Hylton Castle, which is a Grade I listed building and scheduled ancient monument.

Internally the scheme will create a more pedestrian friendly courtyard environment, which will incorporate parking for the units, as opposed to an unimaginative car dominated streetscape. The quality of materials and landscaping will have a major role in the success of this courtyard. All details of both hard and soft landscaping as agreed previously will have to be submitted and agreed in writing with the LPA, should members be minded to approve the application.

Overall, it is therefore considered that the design of the scheme complies with the requirements of Policy B2 of the adopted UDP and provides an acceptable form of development, which will result in the introduction of an interesting new form of housing development for the City.

The impact upon neighbouring properties.

Policy B2 of the UDP requires that the scale, massing layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas. Other Council documents which provide useful guidance when considering the impact upon neighbouring properties include the Residential Design Guide adopted in October 2008, Supplementary Planning Guidance (SPG) adopted on 21 June 2000 and the draft Supplementary Planning Document (SPD)

As per the previously approved scheme, the submitted layout generally achieves the minimum spacing standards within the development, as set out in the Council's SPG, mainly due to the majority of the buildings being located along the northern and eastern boundaries, away from the existing housing on Coleridge Road which is 30-40 metres away. A couple of pinch points exist within the scheme, where there are only separation distances of 3 metres between the Opal units and instances where there are small 2 metre wide walkways between some of the 'back to back' Amber / Ametrine units. In these instances, the buildings are orientated in such a way so that there are no main living room windows facing one another and where secondary windows from neighbouring properties are in close proximity to one another, these have been fitted with fixed, non-opening obscure glazing. The close proximity of the dwellings to one another is considered to be intrinsic to the overall design and feel of the development, which has been designed in such a way so that no overlooking via windows occurs as a result of this positioning.

In respect of the relationship with properties outside the site, the only issue arising is with regards to the former caretakers bungalow to the south west of the site. The previously approved scheme showed one detached house and garages being built to the north of the bungalow, whereas the proposal now being considered shows three Opal units, which face onto the side of the bungalow, which has a dining room window present. Whilst plots 23 and 25 do not directly face the side of the bungalow, the central unit, plot 24 does and is only approximately 8 metres away. In order to address this close relationship, the rear elevation of plot 24 has been designed so as only to have a small fixed, obscurely glazed ground floor bedroom window in this elevation, with the main facing window for the bedroom being located to the side. It should also be noted that none of units 23 - 25 have first floor rear windows. Taking this into account, combined with the facts that the bungalow is set down 1 metre from the site and a boundary enclosure of approximately 2 metres will separate the bungalow from the proposed housing, it is considered that an adequate level of privacy will be able to be maintained.

It should be noted that previously the occupier of the bungalow also raised concerns in respect of the proposed boundary treatments between themselves and the development, which could potentially prove excessive due to the changes in level at this point. The agreed arrangement has remained on this resubmitted application, with the boundary enclosure in this location being detailed on the submitted boundary treatments plan as being no greater than 1.0 metre in height from the top of the existing 1.0 metre high retaining wall. A condition can be imposed on any condition issued to ensure the erection of such a boundary enclosure, should members be minded to approve the application.

With regards to the siting and positioning of the electricity substation, this is in a similar location to the garage units previously approved and is of a similar size and as such, it not considered to have any adverse visual impact. In terms of the noise and health implications of the substation, technical details are to be submitted by the applicant in time for to be reported at the Sub Committee meeting. These matters are discussed in further detail in the Environmental Considerations section below.

To conclude, in terms of residential amenity, the proposal is therefore considered to be acceptable, meeting the requirements of UDP Policy B2 and the guidance set out in the SPD and the SPG.

## Sustainability

UDP Policies R1 and R4 help guide the agenda on encouraging sustainable forms of development, both in terms of methods of construction and with respect to how a development functions, once it is complete. On a regional level, Policy 39 of the Regional Spatial Strategy (RSS) recommends that new developments should seek to achieve at least 10% of its energy quota from renewable sources. As per the previous submission, there is no specific information within the application that explains how the development proposal incorporates the principles of sustainability and energy conservation, other than a statement that the new development intends to generate 'an ambitious but viable percentage' of energy supply from renewable sources. As explained above, all development should now demonstrate a commitment to sustainability and energy conservation issues and as such a condition can be imposed requiring further details of such measures to be submitted for consideration, should Members be minded to approve the application in order to achieve the requirements of the UDP Policies R1 and R4 and Policy 39 of the RSS.

The impact upon trees on the site.

UDP Policy CN17 and CN18 are applicable to this site, in terms of nature conservation. CN17 encourages the retention of trees on site, where they help to contribute towards the character of an area and CN18 requires developers to provide nature enhancements to sites, where appropriate.

In respect of the trees on site, the site contains a number of mature trees of varying ages that provide reasonable amenity in an area that is generally lacking in tree cover. Following the approval of the previously approved scheme a number of meetings took place between the Council's former Arboricultural Officer and the applicant in order to ensure that the most appropriate trees are retained. Previously there were a number of trees that lay in close proximity to the rear of the existing bungalow, which were shown as being retained, which had raised concerns by the occupier. Looking at these further, it has been the aforementioned officers opinion that these trees lay in close proximity to drains that lead off site and as such the trees could have potentially damaged these if allowed to continue to grow. It was therefore agreed that these trees were to be removed and more appropriate specimens planted elsewhere in the site.

The replacement planting proposed by the application within the site is therefore considered acceptable. However the submitted details relate to the previous site layout, which whilst largely the same does differ in some places, in particular in the courtyard area which is now home to the electricity substation. Whilst it has already been demonstrated that the developer knows that special construction methods are required, the information requires updating to reflect the revised proposals, which can be secured via the imposition of conditions attached to any consent granted, should Members be minded to approve the application. With such conditions in place, it is considered that the proposal will meet the requirements of Policies CN17 and CN18 of the UDP.

## Environmental Considerations.

Policies EN5 and EN14 of the UDP have been considered during the assessment of this application. These provide guidance on environmental factors.

### Contamination.

Policy EN14 requires applicants to undertake adequate ground investigations to determine the nature of ground conditions on sites which may have been subject to previous uses / activities. Submitted with the application was a geo-environmental report for the site. Although there is no record of any previous industrial activity on the site, the document has been forwarded to the Council's Environmental Health section: nonetheless it is proposed that conditions are imposed requiring further contamination reports to be submitted, in the unlikely event that contaminants are found. As such, the proposal is considered to comply with Policy EN14.

### Noise

As required by Policy EN5, Environmental Health have requested that a noise assessment of the proposed substation be submitted, in order to ensure that there are no adverse effects caused by any noise that may be created. The applicant has been advised of this and a technical specification is to be submitted to demonstrate that sound levels are kept within statutory limits. If this information has not been submitted prior to the sub-Committee meeting, a suitably worded condition will be imposed to control this aspect and to ensure that the development is in accordance with Policy EN5 of the UDP.

### The potential archaeological implications to the site.

UDP Policies B12 and B13 of the UDP seek to ensure the adequate safeguarding, preservation or recording of any archaeological remains found in areas of archaeological importance.

As per the previous submissions, the County Archaeologist has advised that subsurface remains of the former farm buildings and possibly earlier remains relating to the castle grounds may still survive. Although some such remains were identified previously, the new proposal does involve the excavation of foundations etc that were not previously covered by this work. As such, it is considered acceptable to impose a condition to any further consent issued requiring archaeological observations of groundwork to be undertaken as the development works progress, in order to accord with Policies B12 and B13 of the UDP.

### Highways Issues

Policies T14 and T22 of the UDP cover matters relating to ensuring that developments are easily accessible and have adequate levels of parking.

As agreed previously, the scheme accords with the requirements of UDP Policies T14 and T22 and is therefore acceptable in highway terms. One point to note is

that the proposal now being considered places all of the visitor parking within the courtyard area, which will enable the whole of this area to be formally adopted as highway, as opposed to the previous approvals, which only offered approximately 50%. This previous arrangement may have led to confusion over maintenance post completion and as such, the scheme is considered to provide a more legible parking regime and as such, accords with Policies T14 and T22 of the UDP.

#### Children's Play.

Policy H21 of the UDP sets out the requirements for open space provision within new developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. The previous scheme secured a financial contribution of £17,820 towards off site play provision. This was undertaken through the signing of a s106 agreement between the applicant and the Council. The Director of Cultural and Community Services confirmed at that time that the facilities would be sited in either Hylton Redhouse Primary School or Hylton Castle Play Area. The signing of the agreement under Section 106 of the 1990 Town and Country Planning Act effectively met the requirement of H21 of the UDP. As the new application is now for 25 dwellings, a new agreement is required for the sum of £17,525, to be spent in the same locations as agreed previously. This new agreement will be required to be completed by the last date of determination for the planning application, which is 18 January 2010. The applicant has been made aware of this requirement and is currently in negotiations with the Council's Legal Services Section. With the completion of this agreement, the proposal is considered to accord with Policy H21 of the UDP.

#### CONCLUSION

Taking the above into consideration, this new proposal for the site is considered to be an improvement on the previously approved schemes and will contribute positively to the regeneration of the Hylton Castle area, providing an interesting mix of new house types into the area. Provided the outstanding matters of noise, sustainability and tree planting referred to in the report are resolved to the satisfaction of the Local Planning Authority and the section 106 agreement in lieu of on site children's play facilities is completed prior to the last date for determination (18 January 2010), the scheme will be considered acceptable and should be approved subject to the conditions as set out below. If the issues are not resolved, then the application should be refused due the lack of play provision. Consequently, a dual recommendation is made.

#### **RECOMMENDATION: DELEGATE to the Deputy Chief Executive to**

**1) APPROVE subject to completion of a Section 106 agreement in respect of off site children's play provision at Hylton Redhouse Primary School or Hylton Castle Play Area. by 18 January 2010 or such other date as is agreed by the Deputy Chief Executive and subject to the conditions set out below;**

**Or**

**2) REFUSE, should the legal agreement not be completed by 18 January 2010 or such other date as is agreed by the Deputy Chief Executive, on grounds related to the inadequate provision of children's play facilities.**

**Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, 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 approved plans

(Note the plan numbers/references will be circulated at the meeting.)

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 Notwithstanding the approved details, prior to the commencement of works, the following details shall be submitted to and agreed in writing by the Local Planning Authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.
- 4 No groundworks or development shall take place until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority, prior to groundworks commencing, in order to ensure that any archaeological remains can be preserved wherever possible and recorded and, if necessary, emergency salvage undertaken, in accordance with Policies B12 and B13 of the Unitary Development Plan.
- 5 The dwellings hereby approved shall not be occupied until the report of the results of observations of the groundworks pursuant to condition no 4 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains can be preserved wherever possible and recorded, in accordance with Policies B12 and B13 of the Unitary Development Plan.

- 6 Should any contamination not previously considered be identified during construction works a 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.
- 7 Before the development hereby approved is commenced, a noise assessment report, relating to the electricity sub station shall be submitted to and agreed in writing by the Local Planning Authority. This report should include the specification of any necessary mitigation measures, if required. Any agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure that no undue noise nuisance is created and to comply with policy EN5 of the adopted UDP.
- 8 Notwithstanding the approved details, prior to development commencing on the site, precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development, (including details and location/layout of all proposed hard surfacing, means of enclosure, lighting columns, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority, and used as agreed in such details In the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the Unitary Development Plan.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping which shall include detailed method statement for all tree planting 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 CN17 of the Unitary Development Plan.
- 10 No development shall take place until there have been submitted full details of the timescale that the agreed trees are to be removed from the site. No tree felling works 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 Unitary Development Plan.
- 11 Before the trees which are the subject of this application are felled, details of the location, size, ground repartition, ground protection and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 12 No operations shall commence on site in connection with development hereby approved (including soil moving, temporary access construction or any other operations that involve the use of motorised vehicles or construction machinery) until all areas for new tree planting have been plotted onto a site layout plan indicating such tree constraints. These areas shall then be protected from damage (especially soil compaction) by

the erection of barriers and / or ground protection. The size and specification of these barriers is to be agreed in writing with the Local Planning Authority prior to its implementation, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.

- 13 The erection of fencing for the protection of any retained trees pursuant to condition no 11 of this approval shall be undertaken in accordance with guidance set out in BS 5837 (2005). Prior any equipment, machinery or materials being brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 14 No trees other than those identified in the approved Arboricultural Method Statement (Project No P94\_06/02, dated October 2007 - prepared by Scurator Limited) shall be felled without the prior consent of the Local Planning Authority and a site visit has taken place to confirm that the agreed trees are to be removed, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 15 No tree identified as being retained on the approved Arboricultural Method Statement (Project No P94\_06/02, dated October 2007) Prepared by Scurator Limited, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 16 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 18 Before the development commences a method statement shall be submitted in writing to the Local Planning Authority detailing the method of

construction of the electricity sub station. Such method statement shall include full details of the following: Implementation, supervision and monitoring of all the approved construction works, which shall be carried in such a manner as to not cause damage to any trees. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

- 19 Before the development commences details a scheme of working shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include; siting and organisation of the construction compound and site cabins; routes to and from the site for construction traffic; the method of containing the construction dirt and debris within the site, (ensuring that no dirt and debris spreads on to the surrounding road network-details to include the installation and maintenance of a wheelwash facility on site); and measures to ameliorate noise, dust, vibration and other effects. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved Unitary Development Plan.
- 20 Unless otherwise agreed in writing with the Local Planning Authority, the construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 21 Notwithstanding the submitted plans, none of the dwellings shall be occupied until the estate road and parking court have been completed in accordance with the submitted plans. The parking spaces constructed as a result of these works shall then be available for such use at all times and shall be used for no other purpose, in order to achieve a satisfactory form of development, in the interests of highway safety and to comply with policies B2 and T14 of the Unitary Development Plan.
- 22 Notwithstanding the approved plans and the provisions of the current Town and Country Planning General Permitted Development Order, no additional gates, fences, walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the .Unitary Development Plan.
- 23 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions or other development including the insertion of window openings, or the erection of gates, fences, walls (or other means of enclosure) shall be undertaken to the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the .Unitary Development Plan.

- 24 Notwithstanding the submitted drawings, the fixed, obscurely glazed windows fitted to the side elevations of plot no's, 3, 4, 5, 6, 7, 9, 12, 14 and to the rear of plot 24 shall be maintained as such throughout the lifespan of the development, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 25 Prior to the completion of the first dwelling, details of energy efficiency and/or renewable energy measures to be used shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of each building and maintained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainable development and in order to comply with policies R1 and R4 of the Unitary Development Plan.

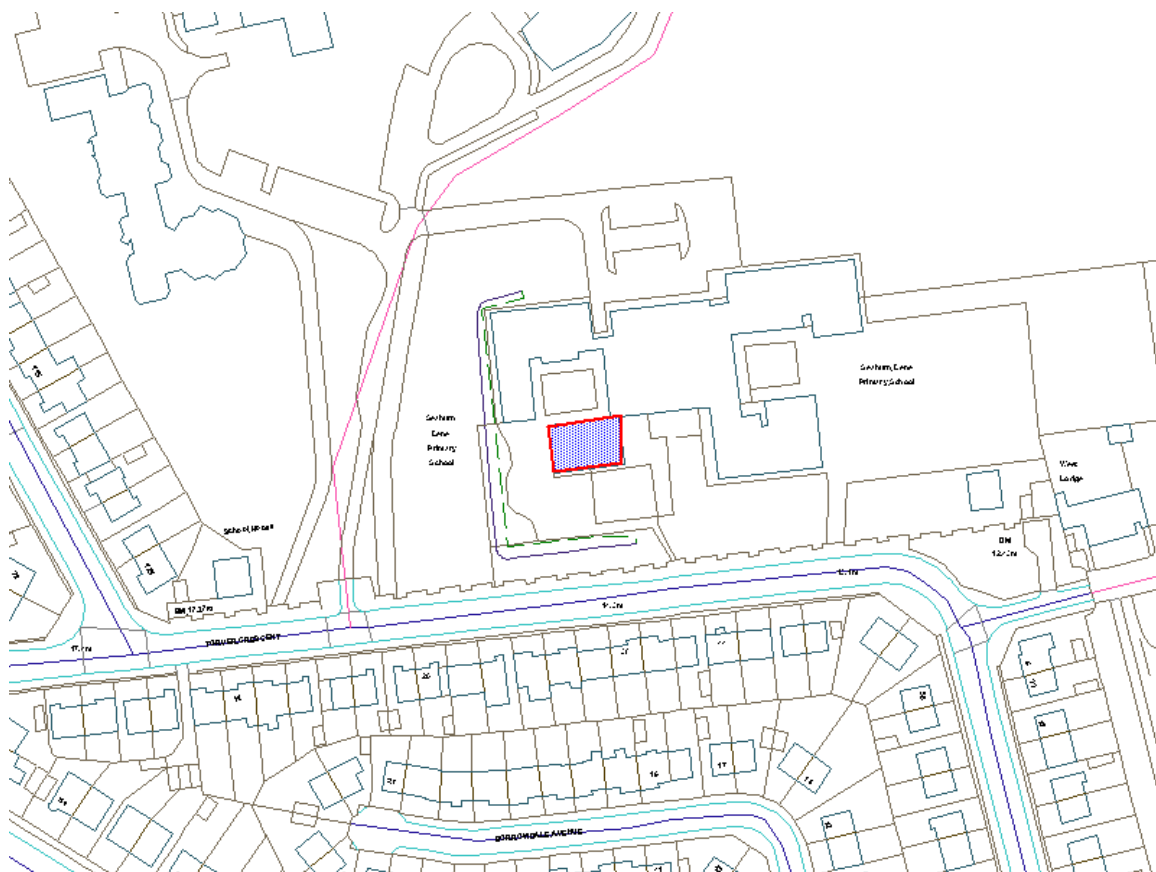
**Reference No.:** 09/04142/LAP Development by City(Regulation 3)

**Proposal:** **Change of use of 2no existing classrooms and ancillary rooms to form self contained unit for use as a community outreach centre including installation of ramp and canopy to South elevation (Additional Information received 02.12.2009)**

**Location:** Seaburn Dene Primary School Torver Crescent Sunderland SR6 8LG

**Ward:** Fulwell  
**Applicant:** City Of Sunderland  
**Date Valid:** 2 December 2009  
**Target Date:** 27 January 2010

### Location Plan



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### PROPOSAL:

The proposal relates to the change of use of a small building within the school complex that comprises two classrooms plus ancillary rooms (kitchen, wcs,

stores) to a community children's centre. The building is to be self contained with a fence to be erected within the playground to provide a self contained playground for the new use. The unit is proposed to be accessed from the pedestrian access onto Torver Crescent.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Director Of Community And Cultural Services

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

#### **REPRESENTATIONS:**

Neighbours

To date, no representations have been received, although it should be noted that the consultation period does not expire until after the deadline for preparation of this report. Any representations received will be reported in advance of the Sub-Committee Meeting by way of a supplement report.

Consultees

The Executive Director of City Services – Environmental Health has recommended working hours and working measures designed to minimise disturbance to nearby residential properties.

The comments of the Transportation section are awaited.

#### **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
CF\_8\_Encouraging the wider community use of land and buildings used for education

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

## COMMENTS:

The main issues to consider in this case are

- the principle of the use,
- the impact of the development upon the amenities of the area and nearby residential properties,
- the highway safety implications of the development.

In order to properly assess such issues, due regard must be given to the following policies.

### Principle Of The Use

EN10 indicates that all proposals (including changes of use) will be judged in accordance with the policies and proposals of the UDP and, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

CF8 provides that in all educational developments, the city council will encourage the provision of facilities to enable the wider community use of both land and buildings without prejudicing educational interests, where their impact on the amenities of the neighbouring area is acceptable and the traffic generated can be safely accommodated.

The proposed use is for the purposes of providing health, education, community and family based activities and support to local residents, which is considered to fall within the purposes covered by policy CF8. The main use of the site as a school will remain, therefore the use will not prejudice the educational interests of the land and buildings. Provided that the impact on the amenities of the neighbouring area is acceptable and the traffic generated can be safely accommodated, the proposal is considered to comply with policies EN10 and CF8 of the UDP.

### Impact Of The Development Upon The Amenities Of The Area And Nearby Residential Properties

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

The issues relating to amenity are still being assessed.

### Highway Safety Implications Of The Development

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

The issues relating to highway safety are still being assessed.

## Conclusion

The impact of the development upon the amenities of the area and nearby residential properties and the highway safety implications of the development are still under consideration pending the expiry of the consultation period on 8 January 2010. It is hoped to be report further on these matters and to make a recommendation on a supplementary report.

**RECOMMENDATION: Deputy Chief Executive to Report**

3.

North  
Sunderland

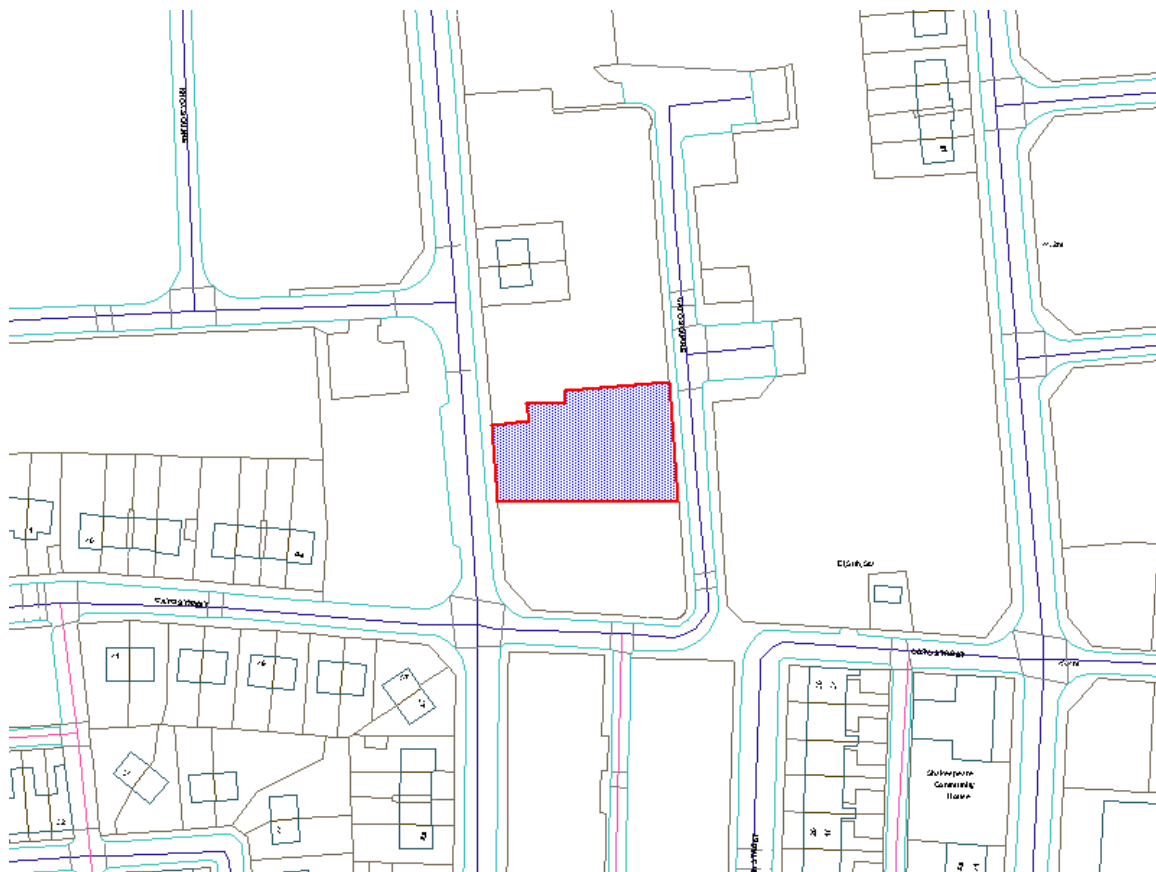
Reference No.: 09/04237/LAP Development by City(Regulation 3)

**Proposal:** Change of use of site of cleared housing to play area to include hard and soft landscaping, provision of play equipment and boundary fence.

**Location:** Land At Beaumont Street Southwick Sunderland

**Ward:** Southwick  
**Applicant:** Community And Cultural Services  
**Date Valid:** 20 November 2009  
**Target Date:** 15 January 2010

### Location Plan



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### PROPOSAL:

Planning permission is sought for the change of use of the site of cleared housing to a play area, to include hard and soft landscaping, provision of play equipment and boundary fence at land at Beaumont Street, Southwick, Sunderland.

The proposed development affects a plot of land at the junction of Beaumont Street and a newly-installed service road providing access to the site of the new Southwick Primary School. The development site is situated to the north-west of the school, which Members may recall was granted outline approval in 2006 (application reference 05/03322/LOU), followed by the approval of reserved matters in 2007 (application reference 07/02521/LRE). The land surrounding the development site was previously occupied by housing, and the land immediately to its north is subject to a pending planning application for the erection of 79 dwellings with associated hard and soft landscaping and new vehicular access points (application reference 09/03758/FUL). This effectively supersedes an earlier application for 57 no. 2, 3 and 4 bed houses and 27 no. 2 and 3 bed apartments (application reference 08/02559/FUL), which Members may recall was granted approval in 2008.

The development site is roughly rectangular in shape and has a width of 69 metres and a maximum depth of 34.6 metres. The north-west corner of the plot is occupied by an electricity sub-station, which serves the recently-erected Primary School. The boundary of the development site accordingly takes a route around the rear of sub-station to preserve access to it. The land subject to this application was identified as a 'future public play area' by the proposed site layout submitted with the reserved matters application for Southwick Primary School, but no formal planning approval has been granted for this use.

The proposed play area will accommodate a wide variety of play equipment, including slides, a roundabout, see-saws, swings and climbing frames set within hard and soft landscaping. The tallest piece of equipment to be provided on the site (the 'Mobilus' swings) has a maximum height of 3.4 metres. The play area is organised into three sections - the eastern part of the area, closest to the school, is aimed towards teenagers; the western area, closest to new housing, provides equipment for toddlers; whilst the centre of the site will provide a social seating/observation space for both age groups, with climbing equipment and seating on sculptural concrete waves.

A curved tarmac footpath will run through the site, with a gateway onto Beaumont Street and another onto the school service road, facing the new housing development opposite. An informal mown grass path will lead to a gate in the southern boundary of the site, which gives access to the adjacent school playing fields. At the north-east corner of the site a 'mound and bowl' is to be constructed, which will have a bark path running around its summit to provide an elevated viewing area. Trees and shrubs are to be planted to define spaces within the site whilst grass will be mown at differing intervals to promote site biodiversity.

The play area is to be enclosed to the west and north by 1.2 metres high vertical bar railings, salvaged from Silksworth Bowling Green, whilst the existing fencing of the school will enclose the site to the south and east.

This planning application has been submitted following the City Council's successful bid for a grant under the Play Pathfinder Scheme. The funding is being spent on 28 new or updated play areas across the City, with the first 11 completed by March 2009 and a further 17, including that subject to this planning application, due for completion by March 2010.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Head Of Community Services

Final Date for Receipt of Representations: **18.12.2009**

## **REPRESENTATIONS:**

No letters of representation have been received to date. However, the period for public consultation does not expire until 18th December 2009. Any objections received prior to the Committee meeting will be reported at the meeting.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
H\_12\_Maintenance and improvement of Council housing  
H\_13\_Encouragement of continued investment in existing private housing  
NA\_9\_Restructuring improvements to existing Council Housing stock  
L\_5\_Ensuring the availability of Public Parks and amenity open space  
L\_6\_Development of a hierarchy of playspace provision for children  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

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

- the principle of the proposed development;
- the impact of the proposed development on visual and residential amenity;
- the impact of the proposed development on pedestrian and highway safety;

### **Principle Of The Proposed Development**

The site is not allocated for any specific land use within the Council's adopted Unitary Development Plan (1998) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. The area surrounding the development site is, however, identified as being a site for housing improvements by the UDP and as such policies H12, H13 and NA9 are relevant. Policy H12

states that the Council will seek to maintain and improve its housing stock by a variety of means, whilst policy H13 states that the Council will encourage continued investment in the improvement and upgrading of the City's existing private housing stock.

Policy NA9 states that the Council will seek to carry out restructuring improvements to its housing stock, and associated environmental works, in the Central Southwick area. It should be noted that although the City Council no longer has housing stock, the policy has been 'saved' beyond September 2007 via a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 to allow renewal and improvement programmes to be carried out by Gentoo.

Also of relevance is policy L6 of the UDP, which states that the City Council will seek to develop a hierarchy of playspace provision for children on the basis of:

- (i) a minimum of four district play areas
- (ii) satellite play areas to be provided within 1km of every child in the City
- (iii) local doorstep play areas provided, where practicable, within pocket parks and on other sites within housing areas throughout the City (as identified in policy L5).

Policy L5 identifies the Southwick/Marley Potts area as being deficient in the desired level of amenity space. In any part of the City where the desired standards are not achieved, the Council will seek to bring vacant and derelict sites into use.

The proposal site is also subject to the requirements of the Southwick Masterplan, which provides a detailed framework for the neighbourhood and includes justification for the proposals, the planning policy context, an evaluation of the transport, employment and physical characteristics of the area and an analysis of the urban design issues. The Southwick Masterplan was adopted as Interim Planning Policy by Cabinet in January 2006 and is to be used as a material consideration in the determination of planning applications in this location.

Page 31 of the Southwick Masterplan notes that within Southwick, provision and access to public open space and recreational land remains poor and 'perimeterised'. Long travel distances to facilities mean that for many, leisure remains unavailable, many residents are not car owners and there are inferior pedestrian routes to allow access. The Strategic Masterplan within the document (page 85) identifies the land to the west of the new Primary School, within which the proposal site is located, as being suitable for a 'play area'.

The proposal to use the development site as a play area is considered to comply with the relevant UDP policies set out above. The proposal accords with the aims and objectives of policies H12, H13 and NA9 in that it will aid the improvements to the residential environment of the Southwick area and also accords with policies L5 and L6 in that it will result in an addition to the play facilities within an area of the City where such provision is deficient. The proposed development also complies with the requirements of the Southwick Masterplan, for it will provide play facilities within an area identified for such a use by the Strategic Masterplan therein. The principle of the proposed development is therefore considered to be acceptable.

## Impact Of The Proposed Development On Visual And Residential Amenity

Policy B2 of the UDP requires any new development to respect and enhance the qualities of nearby properties and the locality and retain acceptable levels of privacy.

In addition, policy CN13 states that the City Council will protect and enhance important public views of townscape, landscape and other features of value, whilst policy CN14 of the UDP states that landscaping schemes and new development prominent from the main transport routes must be located and designed to take account of their important position in enhancing the image of the City. Policies CN13 and CN14 are expanded upon by Section 14 of Supplementary Planning Guidance to the UDP, which requires new development proposals to be accompanied by a detailed landscaping scheme, to be agreed with the City Council.

The nearest residential dwellings to the development site are those to its west, on the opposite side of Beaumont Street, the front elevations of which are 15 metres from the western boundary of the plot. To the north, the housing proposed by the pending application (reference 09/03758/FUL) would stand approximately 35 metres from the northern boundary of the site. Given that the only significant built development on the site will be a series of lightweight, freestanding items of play equipment, it is not considered that the proposed development will lead to any harm to visual amenity in terms of loss of outlook, loss of privacy or creation of overshadowing.

Furthermore, the proposed development is not considered to raise any significant concerns with regard to visual amenity. As stated above, the most visible structures on the site will be the lightweight, freestanding items of play equipment. These structures will not be unduly prominent within the streetscene, whilst the proposed boundary treatment and hard and soft landscaping is appropriate in form and appearance.

With regard to the above, the impact of the proposed development on visual and residential amenity is considered to be acceptable and the proposal is therefore compliant with the requirements of policy B2 of the UDP.

The hard and soft landscaping details submitted with the application are still being assessed with regard to the requirements of policies CN13 and CN14 of the UDP and Section 14 of Supplementary Planning Guidance. It is anticipated that this assessment will be completed prior to the Development Control Sub-Committee meeting and any observations will be reported on the supplement.

## Impact Of The Proposal On Pedestrian And Highway Safety

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

The highway implications of the proposal are still being assessed with due regard to policy T14 of the UDP. It is anticipated that this will be completed prior to the Development Control Sub-Committee meeting and any observations will be reported on the supplement.

## Conclusion

Whilst the principle of the development is considered acceptable, the details of the scheme in respect of landscaping and highway pedestrian safety matters are still being considered. It is anticipated that this assessment will be completed prior to the meeting of the Sub-Committee and will be reported on either the Supplement or at the meeting.

**RECOMMENDATION: Deputy Chief Executive to Report**