

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

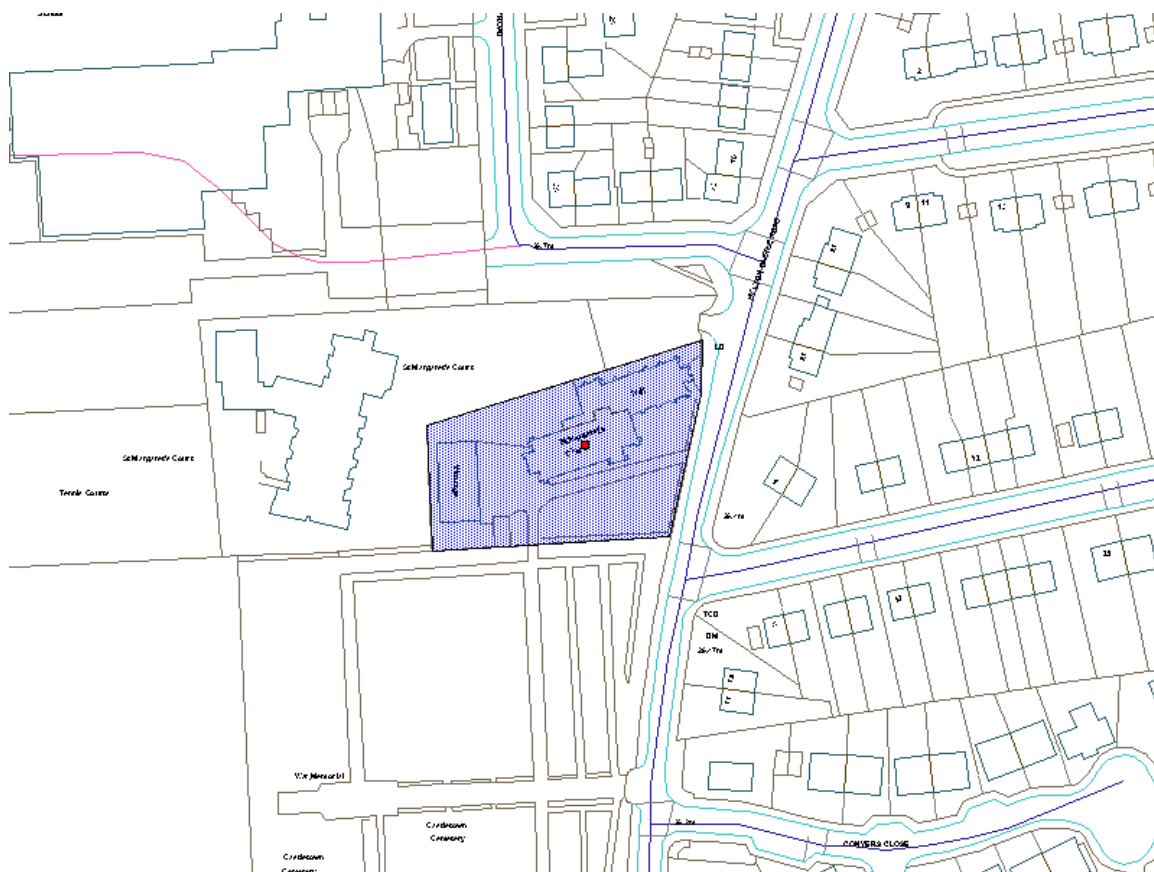
Reference No.: 08/02949/VAR Variation of Condition

Proposal: Removal of condition 2 (play area) attached to planning application 07/04546/SUB demolition of existing church and construction of 12 dwellings with associated works.

Location: Saint Margarets Church Hylton Castle Road Sunderland

Ward: Castle
Applicant: UK Listings Ltd
Date Valid: 25 July 2008
Target Date: 19 September 2008

Location Plan



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PROPOSAL:

The application is made under section 73 of the Town and country Planning Act 1990 to remove condition no. 2 of consent no. 07/04546/SUB, which relates to the need to provide details of on site provision for children's play, and to enter

into an agreement under section 106 of the 1990 Act to facilitate the making of a contribution towards provision of/upgrading of off site children's play facilities. The signing of the agreement would make the existing condition no. 2 unnecessary.

The proposed development to which the contribution applies is the erection of 12 dwellings, comprising a mix of terraced and semi-detached properties on the site of the former St Margaret's Church, Hylton Castle Road. A copy of the report to the Sub Committee of 27th November 2007, on the original application (ref 07/04546/SUB), is appended for Members' information.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Childrens Services
County Archaeologist
Director Of Community And Cultural Services
Northumbrian Water

Final Date for Receipt of Representations: **22.08.2008**

REPRESENTATIONS:

Neighbours

To date no representations have been received.

Consultees

To date no responses 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_11_Measures to protect the archaeological heritage of Sunderland (general)
B_15_Developments causing large scale ground disturbance (currently undeveloped areas)
CF_2_Consideration of alternative community uses when existing sites become surplus
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_1_Provision for new housing
H_4_Density of housing development to at least reflect that of the locality

H_8_Windfall sites to accord with other policies unless specific benefits are provided
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
B_16_Assessing, recording and preserving historic sites discovered during development
B_13_Sites and monuments of local importance affected by development
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_21_Open space requirements in new residential developments (over 40 bed spaces)
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

The previous application (07/04546/SUB) was initially intended to be subject to a s106 agreement in respect of a contribution to off site children's play. However, because it was not possible to finalise the agreement within the statutory time period for the determination of the application, the applicant agreed to the imposition of condition no.2 requiring the submission of details of on site children's play facilities rather than see the application refused on grounds related to the lack of provision for children's play.

The general advice from the Director of Community and Cultural Services is that the provision of small play areas within small estates, such as that currently required by the condition in this instance, is unsatisfactory as they tend to be difficult to maintain and result in almost immediate requests from the residents for their removal as a result of anti-social behaviour and disturbance by youths. In addition, the equipment is often quickly damaged or destroyed as a result of use /misuse by individuals much older than the age range for which it is intended. Consequently, the council strategy is to provide larger play areas with facilities for a wide range of ages and set away from residential properties, often in parks or adjacent to playing fields. In this instance it is considered that the contribution could usefully be put towards the facilities at either the Billy Hardy Play area or the Hylton Castle Play Area.

The proposal to make a contribution of £8130 towards the improvement of facilities at either of the above mentioned sites, is considered to be acceptable. As a section 73 application is essentially a new application a new decision notice for the whole development has to be issued and the existing permission also remains in place. It is considered that the conditions imposed on the November 2007 consent should be imposed on the new consent with the exception, for the reasons outlined above, of the condition removed by this application.

The proposal is considered to be beneficial. Members are requested therefore to delegate the decision to the Director of Development and Regeneration to approve if the s106 agreement is signed by 24th October 2008 or to refuse on grounds related to the lack of provision for children's play if the agreement is not

signed by 24th October 2008 or such other date as agreed in writing by the Director of Development and Regeneration

RECOMMENDATION: DELEGATE to Dir. of Dev and Regeneration to

Either

1) **Approve** subject to the conditions set out below and subject to the completion of a section 106 agreement by 24th October 2008 or such other date as may be agreed in writing by the Director of Development and Regeneration

Or

2) **Refuse** permission should the s106 agreement not be completed by 24 October 2008 or such other date as may be agreed in writing by the Director of Development and Regeneration

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 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.
- 3 No development work shall take place until a programme of archaeological work (starting with evaluation trial trenching) 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 by the LPA before works commence, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to accord with Policies B11, B13 and B15 of the UDP.
- 4 Notwithstanding the submitted plans, the buildings on site shall not be demolished until a contract for the undertaking of the development of the land has been made and a copy of the method statement that will be issued to the contractor(s) carrying out the demolition works has been submitted to and approved in writing by the LPA. For the avoidance of doubt, such a method statement should include details of the removal of the memorials built into the walls of the church, in the interests of

preservation of the historic fabric of the site and in order to comply with Policy B16 of the UDP.

- 5 Prior to the demolition of the buildings on site, details of the proposed location for the memorials removed from the walls shall be submitted to and agreed in writing with the LPA. For the avoidance of doubt, such details should preferably show the memorials as being placed in the adjacent cemetery; otherwise they should be offered to a collecting museum such as Beamish or Tyne and Wear Museums in the interests of preservation of the historic fabric of the site and in order to comply with Policy B16 of the UDP.
- 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 UDP.
- 7 Notwithstanding the submitted plans, wildlife mitigation and enhancement works to the site shall be carried out in complete accordance with section E (Mitigation and Compensation) of the submitted E3 ecology report 'A Wildlife Survey of St Margaret's Church and Church Hall, Castletown, Sunderland' (dated 30.8.07). If the demolition works have not been undertaken by 30.08.2008, a fresh bat survey will have to be undertaken and submitted to and approved in writing by the LPA in the interests of nature conservation and in order to comply with Policies CN17, CN18 and CN22 of the UDP.
- 8 Prior to the commencement of development, details of the provision of 6 no bat boxes to be erected on site shall be submitted to and approved in writing by the LPA. Once agreed, the bat boxes shall be erected prior to the commencement of development and maintained as such thereafter, in order to provide alternative roosting opportunities in the interests of nature conservation and in order to comply with Policies CN17, CN18 and CN22 of the UDP.
- 9 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 LPA, 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 adopted UDP.
- 10 No trees shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 11 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.

- 12 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following: Implementation, supervision and monitoring of the approved Tree Protection Scheme. Implementation, supervision and monitoring of the approved Tree Work Specification. Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme. Timing and phasing of Arboricultural works in relation to the approved development. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.
- 13 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.
- 14 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 UDP.
- 15 All planting, seeding or turfing comprised in the approved details of soft 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 same location 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 and CN17 of the UDP.
- 16 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 opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same

species and size as that originally planted shall be planted at the same place, 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.

- 17 Before the development commences details of a scheme of working shall be submitted to and approved in writing by the LPA. 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 UDP.
- 18 Unless otherwise agreed in writing with the LPA, 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
- 19 Notwithstanding the submitted plans, none of the dwellings shall be occupied until the estate road and parking courts have been completed in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 20 Notwithstanding the submitted plans, none of the dwellings shall be occupied until details of a pedestrian crossing point with the associated drop kerbs and tactile paving across the site access have been submitted to and agreed in writing. Once agreed, the crossing point shall then be set out in accordance with these details within a timescale to be agreed with the LPA and maintained as such thereafter, in the interests of highway safety and in order to comply with Policy T14 of the UDP.
- 21 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 UDP.

APPENDIX - COPY OF REPORT TO DEVELOPMENT CONTROL (NORTH
SUNDERLAND) SUB COMMITTEE MEETING OF 27TH
NOVEMBER 2007

North
Sunderland

Reference No.: 07/04546/SUB Resubmission

Proposal: **Demolition of existing church and construction
of 12 dwellings with associated works.
(Resubmission)**

Location: St Margaret's Church Hylton Castle Road Castletown
Sunderland

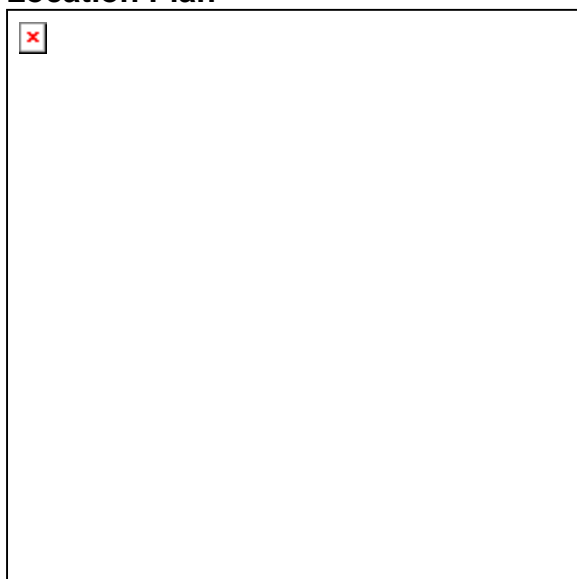
Ward: Castle

Applicant: UK Listing Ltd

Date Valid: 8 October 2007

Target Date: 3 December 2007

Location Plan



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PROPOSAL:

The application being considered is for a resubmission of a previous proposal for the site (ref no 07/00907/FUL). This previous application was withdrawn on Officer advice on 11.05.2007. The scheme has been revised as a result of several meetings between the applicant and the Council.

The site is currently occupied by the vacant former St. Margaret's Church and its associated buildings. The church is of a brick construction with slate roofing. St. Margaret's Church itself was built in 1874 for Colonel Briggs of Hylton Castle in memory of his parents and has been empty since 2003.

The proposal is to demolish the existing buildings and to redevelop the site by constructing 12 no. residential properties, arranged around a central courtyard. The site is accessed from Hylton Castle Road and lies within a predominately residential area, with sheltered accommodation to the east, a cemetery to the south and private residencies to the north and the west.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Education
County Archaeologist
Director Of Community And Cultural Services
Northumbrian Water

Final Date for Receipt of Representations: **09.11.2007**

REPRESENTATIONS:

Neighbours.

No objections / observations received

Consultees.

Northumbrian Water - No Objections

The County Archaeologist has advised that this part of Sunderland is of considerable archaeological interest. The submitted archaeological report concludes that prehistoric and Roman finds have been found in the wider area.

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)
CF_2_Consideration of alternative community uses when existing sites become surplus
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_1_Provision for new housing

H_4_Density of housing development to at least reflect that of the locality
H_8_Windfall sites to accord with other policies unless specific benefits are provided
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- The principal of the use
- The loss of the existing buildings
- Archaeology
- Wildlife and Trees
- Design and Layout
- Impact upon neighbouring properties.
- Highways / Parking
- Sustainability
- Children's Play

The principal of the use.

The principle of residential development in this location is acceptable, it being in accordance with policy EN10, subject to satisfactory compliance with policy CF2 and B2. EN10 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, due to the site currently having redundant church buildings present, the site is considered as being brownfield in a predominantly residential area.

Policies DP1 and DP2 in Regional Planning Guidance 1 require that a sequential test and sustainability test are submitted for consideration by the LPA for all "windfall" sites of 10 units or more, which have not been identified in the Councils Interim Housing Land Strategy. Such a test has been submitted, which demonstrates that the site is in an accessible and sustainable location. Although the density of the development is relatively high (57 dph) it is not considered that the proposal in itself would detract from the sites identified within the ISHL, due to the relatively small number of new dwellings that the development as a whole would create. A higher than normal density for this particular site is considered appropriate in this instance due to the particular characteristics of the site, which is open on two sides. The development creates a strong frontage to the main road, with a courtyard to the rear, around which the dwellings are located.

As such, the principle of the re use of the site for housing purposes is considered to be in accordance with the objectives of both the ISHL and UDP Policy EN10.

The loss of the existing buildings.

The loss of the existing church buildings would be regrettable as the properties, though not listed or within a conservation area, are of notable architectural quality and currently make a positive contribution to the character of the locality. In order to consider the appropriateness of the loss of the church buildings, the following scenarios have to each be explored in turn.

Re-use of the buildings.

Before accepting the demolition of the buildings on site, it is necessary to explore whether or not it is viable for these to continue as a community facility or be converted to an alternative use such as residential. The applicant has demonstrated that the premises have been advertised for rent / sale on two separate occasions over the last two years for a range of uses, (subject to obtaining the necessary planning consents), during which time five offers were received, all of which were for residential redevelopment of the site. No enquiries were received over this period for other uses, such as community or conversion to residential or commercial use.

When considering whether or not there is actually any need for community facilities in the area, weight also has to be given to the existence of Castle View School, the entrance to which is only 25 metres away. This school is scheduled to be redeveloped as part of the Building Schools for the Future programme (BSF), which will result in more appropriate, modern facilities for community uses to be available.

The BSF vision of extended schools sees schools as assets at the heart of the community, with facilities which everyone can use and benefit from beyond the school day, increasing opportunities to provide better access to education and other essential services. Health, pastoral and social care are among the additional services that can be brought together, offering services tailored to a wide range of local needs and demands. The facilities that extended schools could offer include:

- early years and childcare/crèches;
- adult learning;
- breakfast clubs and after-school clubs;
- school holiday clubs;
- doctor's surgeries, clinics and social services offices;
- public libraries
- community sports facilities;
- community halls for drama, shows, meetings, exhibitions, etc.

Clearly, there is to be an adequate provision for the community, due to the opportunity that will exist for them to use this new purpose-built facility, which is scheduled to commence on site during 2008. On balance, the loss of the existing buildings, insofar as they have the potential to provide space for community groups is considered acceptable on this occasion.

Demolition and Redevelopment of the site.

Strictly speaking, the demolition of these buildings and their replacement with residential units is contrary to guidance, as it would fail to preserve or enhance the established urban character of the area. (The loss of the bungalow to the rear, which does not display any notable architectural quality, is not a concern however).

Due to the design of the existing buildings and their positioning on site, it is considered as being unrealistic and unviable to be able to reasonably expect these to be easily converted for residential purposes. Ideally, a development on this site that replaces the existing church buildings should be of equal or higher architectural quality, otherwise it would be preferable for the church buildings to be retained. The applicant has argued that the size and location of the site, situated within a large estate of post-war social housing, could only realistically sustain housing geared towards the prevailing housing in the area (i.e the lower-end of the housing market) and as such, they consider the design of new buildings should be of a traditional domestic appearance, commensurate with the surrounding area, in order to appeal to the potential housing market in the locality. On this occasion, it is accepted that whilst regrettable, it would indeed be appropriate for the scale and appearance of the development to be as such.

Taking all the above into account, it is not considered to be a viable proposition for the buildings to be re-used and as such, rather than run risk of the buildings falling into a state of dereliction and disrepair, the demolition of the buildings in order to bring the site forward for redevelopment is on balance, on this occasion considered as being acceptable and most suitable solution.

Archaeology.

The site once formed part of the estate of the medieval Hylton Castle. The submitted archaeological report also suggests that the lost medieval village of Newton may have been located in this vicinity. As such, buried medieval remains may therefore be present. On a map of 1800 the site lies within a field in the Hylton Castle estate called Burnt Land. The origin of this name is unclear.

Due to the church being of considerable architectural merit and historic interest, the County Archaeologist has requested that it be recorded as part of the preliminary archaeological work, which has now been done. Further Archaeological work is still required, including:-

A copy of the report and associated photographs to be sent to Tyne and Wear Archives.

The memorials built into the walls of the church need to be recovered during demolition. Ideally these would be placed in the adjacent cemetery, otherwise they should be offered to a collecting museum such as Beamish or Tyne and Wear Museums.

A programme of archaeological trial trenching is required. The purpose of this is to ascertain if any medieval or post medieval remains survive and also to check that there are no unmarked graves adjacent to the church. If graves were to be found, a Ministry of Justice licence would be required to lift them. Four initial

trenches are proposed. If archaeological deposits are found within these trenches, the area of archaeological excavation will need to be increased. A watching brief may also be required in due course.

The above can be secured via condition, should Members be minded to approve the application and if imposed would be considered appropriate in order to comply with Policies B11, B13, & B15 of the UDP.

Wildlife and Trees.

A wildlife survey report submitted in support of the application focuses on bats and is considered appropriate for the demolition and development proposals. The mitigation and enhancement proposed in section E (Mitigation and Compensation) require the applicant to submit further drawings showing the location of bat units, slates, landscape plans and schedules; and to subsequently install correctly and maintain bat boxes in the trees before any work starts on site. These requirements can be secured via the imposition of an appropriately worded condition, should Members be minded to approve the application.

In respect of the trees on site, the submitted tree implication report has been conceived using a previous site layout and it should be noted that its recommendations regarding tree protection and tree work in general do not necessarily apply to the latest layout proposals. However the tree appraisal comments are in most cases still relevant. In order to overcome this deficiency and to satisfy the Councils Tree Officer, conditions can be imposed in order to not unnecessarily delay the planning application process and to comply with Policies CN18 and CN22 of the UDP.

Design and Layout.

Following the previous submission for the development of the site, a number of meetings have been held between the agent and the Council, resulting in the scheme being revised in order to respond to the concerns raised. A number of minor alterations have been made to the layout of the scheme during the design process and is deemed generally acceptable. The proposed layout creates a strong frontage onto Hylton Castle Road, is legible and generally has parking which has been carefully considered. Where concerns have been raised with regards to the level of natural surveillance the developer has responded by providing additional gable windows as requested.

The proposed housetypes appear to be very standardised. The developer states within the design and access statement that 'The proposal is to construct two storey dwellings of a traditional construction and design, to compliment the surrounding houses. Consideration has been given to reflect the local built environment. Without further details within the supporting information it is not clear how the design reflects the local built environment or why a traditional architectural approach has been adopted. However given the architectural quality of the immediate area the proposed dwellings are deemed acceptable in this location.

The choice of building materials will have a significant impact on the success of the proposals. It is clear from the submitted details that some general materials

have been selected for the scheme. However there are insufficient details regarding proposed brick type, render, windows, roof tiles etc. It will be necessary for full details of all external materials and finishes, comprising roof cladding, wall facing materials, door and window frames, decorative features etc. to be submitted for approval prior to construction, which can be secured via the imposition of appropriate materials should Members be minded to approve the application.

The scheme also includes a range of boundary treatments throughout to delineate between the public and private realm. These take the form of low level brick/stone walling, hedges, railings and fences, which are considered as being appropriate in their context and on balance, enhance the appearance of the development as whole, which is considered to accord with Policy B2 of the UDP.

The impact upon neighbouring properties.

The development is not considered to adversely effect the amenities of any of the surrounding properties, as these are all over 21 metres away. The Spacing standards as recommended in the Councils adopted Supplementary Planning Guidance (SPG) are also achieved throughout the development itself.

To conclude, in design terms, due to the reasons set out above, the scheme as submitted is considered to be in compliance with Policy B2 of the UDP.

Highways / Parking.

The parking for the development is accessed from Hylton Castle Road. The access point, is considered acceptable provided that details of a pedestrian crossing point with the associated drop kerbs and tactile paving are provided. Moving into the site, a variety of parking solutions have been incorporated within the development, the proposed road layout providing the requisite number of parking spaces for residents and visitors on a 1 visitor parking space per 3 dwelling ratio, with the visitor parking located around a central court, which also provides adequate space for manoeuvring of service vehicles. Residents parking is located in separate parking areas situated between/to the rear of the dwellings, helping to minimise the impact that parked vehicles can have on the visual quality of a development. The access and amount of car parking provision for the proposal is considered to accord with Policy T14 of the UDP and is therefore acceptable in highway terms.

Sustainability.

There is no information within the application that explains how the development proposal incorporates the principles of sustainability and energy conservation. It is considered that the scheme should demonstrate a commitment to sustainability and energy conservation issues, aiming to achieve an excellent 'Ecohomes' accreditation (residential version of BREEAM Building Research Establishment Assessment Method) or similar accreditation such as the new 'Code for Sustainable Homes'. A condition to this effect should be attached to any consent granted, should members be minded to approve the application.

Children's play.

As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. As the submitted scheme does not provide any on-site facilities, the applicant has agreed to make a financial contribution for off-site play provision (£7,920). This will be undertaken through the signing of an agreement between the applicant and the Council. The Director of Cultural and Community Services has confirmed that the facilities will be sited in either Hylton Castle Play Area or the Billy Hardy Play Area. The signing of the agreement under Section 106 of the 1990 Town and Country Planning Act will need to be undertaken before the 13 week determination date for the application, which is 07.01.2008 and once completed, will effectively meet the requirement of H21 of the UDP.

CONCLUSION.

The development of the site is considered to be an appropriate and acceptable in this location and has considered the loss of the existing buildings together with the potential archaeological and wildlife issues associated. As such, Members are recommended to Delegate the determination of the application to the Director of Development and Regeneration for determination as set out below.

RECOMMENDATION: Delegate the decision to the Director of Development & Regeneration.

- 1) Grant Permission subject to the following conditions and subject to completion of a Section 106 agreement by 07 January 2008 or such other date as is agreed by the Director of Development and Regeneration.
- 2) Refuse permission should the legal agreement not be completed by 07 January 2008 or such other date as is agreed by the Director of Development and Regeneration.

The legal agreement to secure the following:-

Off site play provision at Hylton Castle Play Area or the Billy Hardy Play Area.

RECOMMENDATION: Delegate the decision to the Director of Development & Regeneration for approval, subject to signing Section 106.

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 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.

- 3 No development work shall take place until a programme of archaeological work (starting with evaluation trial trenching) 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 by the LPA before works commence, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to accord with Policies B11, B13 and B15 of the UDP.
- 4 Notwithstanding the submitted plans, the buildings on site shall not be demolished until a contract for the undertaking of the development of the land has been made and a copy of the method statement that will be issued to the contractor(s) carrying out the demolition works has been submitted to and approved in writing by the LPA. For the avoidance of doubt, such a method statement should include details of the removal of the memorials built into the walls of the church, in the interests of preservation of the historic fabric of the site and in order to comply with Policy B16 of the UDP.
- 5 Prior to the demolition of the buildings on site, details of the proposed location for the memorials removed from the walls shall be submitted to and agreed in writing with the LPA. For the avoidance of doubt, such details should preferably show the memorials as being placed in the adjacent cemetery; otherwise they should be offered to a collecting museum such as Beamish or Tyne and Wear Museums in the interests of preservation of the historic fabric of the site and in order to comply with Policy B16 of the UDP.
- 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 UDP.
- 7 Notwithstanding the submitted plans, wildlife mitigation and enhancement works to the site shall be carried out in complete accordance with section E (Mitigation and Compensation) of the submitted E3 ecology report 'A Wildlife Survey of St Margaret's Church and Church Hall, Castletown, Sunderland' (dated 30.8.07). If the demolition works have not been undertaken by 30.08.2008, a fresh bat survey will have to be undertaken and submitted to and approved in writing by the LPA in the interests of nature conservation and in order to comply with Policies CN17, CN18 and CN22 of the UDP.
- 8 Prior to the commencement of development, details of the provision of 6 no bat boxes to be erected on site shall be submitted to and approved in writing by the LPA. Once agreed, the bat boxes shall be erected prior to the commencement of development and maintained as such thereafter, in order to provide alternative roosting opportunities in the interests of nature

conservation and in order to comply with Policies CN17, CN18 and CN22 of the UDP.

- 9 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 LPA, 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 adopted UDP.
- 10 No trees shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 11 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
- 12 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
 - Implementation, supervision and monitoring of the approved Tree Protection Scheme.
 - Implementation, supervision and monitoring of the approved Tree work Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.
 - Timing and phasing of Arboricultural works in relation to the approved development.

In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

- 13 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method

Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

- 14 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 UDP.
- 15 All planting, seeding or turfing comprised in the approved details of soft 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 same location 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 and CN17 of the UDP.
- 16 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 opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, 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.
- 17 Before the development commences details a scheme of working shall be submitted to and approved in writing by the LPA. 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 UDP.
- 18 Unless otherwise agreed in writing with the LPA, 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

- 19 Notwithstanding the submitted plans, none of the dwellings shall be occupied until the estate road and parking courts have been completed in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 20 Notwithstanding the submitted plans, none of the dwellings shall be occupied until details of a pedestrian crossing point with the associated drop kerbs and tactile paving across the site access have been submitted to and agreed in writing. Once agreed, the crossing point shall then be set out in accordance with these details within a timescale to be agreed with the LPA and maintained as such thereafter, in the interests of highway safety and in order to comply with Policy T14 of the UDP.
- 21 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 UDP.

Reference No.: 08/03245/LAP Development by City(Regulation 3)

Proposal: **Construction of two steel mesh sculptures on concrete plinths surrounding each gas vent.**

Location: Land adjacent to Sunderland Aquatic Centre Vaux Brewery Way Sunderland

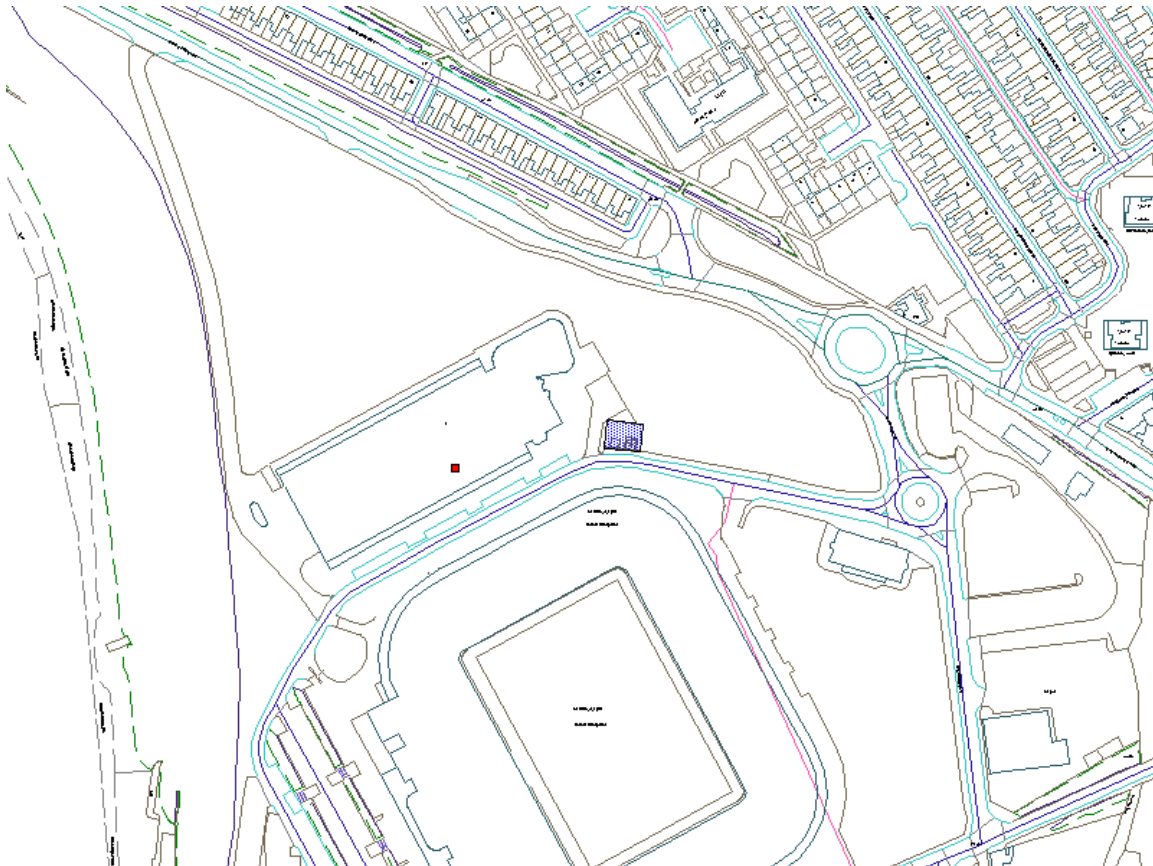
Ward: Southwick

Applicant: Community And Cultural Services

Date Valid: 14 August 2008

Target Date: 9 October 2008

Location Plan



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PROPOSAL:

The proposal is for the construction of two steel mesh sculptures on concrete plinths surrounding each gas vent on land adjacent to the Sunderland Aquatic Centre and Stadium of Light, Vaux Brewery Way, Sunderland.

The proposed sculptures will surround two existing gas vents, which are owned and managed by the Coal Authority. These gas vents allow for the safe escape of mine gases from the former Monkwearmouth Colliery.

The submitted Design and Access Statement explains that with the opening of the Aquatic Centre there was a consensus that the gas vents and surrounding security compound detracted from the visual quality of the new centre. Therefore as the existing vents are important from a health and safety perspective and must remain, it was considered that an art installation was the most appropriate and effective route to the enhancement of the public realm. Consequently the 'Looking In Facing Out' sculptures have been designed to create a bold new artwork, replacing the existing red palisade fencing and provide for a more aesthetically pleasing barrier.

The scheme consists of two sculptures; one sculpture consists of two large faces in profile which have been arranged so the viewer perceives them as a 360 degree silhouette. In the second sculpture, the two large faces are positioned looking inwards so the viewer will only initially make out the contour of a head and then on closer examination recognise the sculpture, as an inward-facing 360 degree silhouette. The profiles will be constructed out of eight separate steel components, connected by a steel mesh.

The concrete plinths on which the sculptures will be based will have a height of 0.8m, whilst the 'Looking Out' sculpture will have a height of 6.5m and the 'Looking In' sculpture will have a height of 6.25m. The Design and Access Statement also refers to a lighting scheme as the mesh material is semi-transparent and the sculptures will necessitate the repositioning of a CCTV camera.

The artwork will maintain a safe and secure perimeter between pedestrians and the gas vents, as a doorway has been incorporated into the sculpture to enable the Coal Authority regular access to maintain the gas vents.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist
The Council For British Archaeology
ARC
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **16.09.2008**

REPRESENTATIONS:

Neighbours

One letter of representation was received as a consequence of the neighbour consultations. Sunderland Association Football Club is in full support of the proposed art installation. They consider the sculptures will enhance the site and add real presence to what is effectively the gateway to Stadium Village.

Consultees

Community and Cultural Services

Comments have been received stating that on-site operations should take place between the hours of 07:00 and 19:00 Monday and Friday and 07:30 and 12:00 Saturdays and at no time on Sundays and Bank Holidays. Furthermore, comments were received stating that as the development site has previously accommodated an industrial activity it may have resulted in contamination of the land. As such, regard must be had to the potential for employees working on such land to be exposed to any contaminants present therein, and this risk incorporated into any risk assessment, method statement or safe working practice. Consequently it is considered that a suitable condition should be included requiring a restriction to working hours and construction methodology.

County Archaeologist

There were no comments or observations from the County Archaeologist.

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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

1. Principle of use,
2. Highway considerations,
3. Visual and residential amenity implications.

1. Principle of use

Stadium Park is identified as a leisure-led mixed-use site that will accommodate a range of large-footprint leisure-related uses. As part of the redevelopment of the site there is a requirement for extensive public realm provision. Therefore, it

is considered that the proposal complies with UDP Alteration No. 2 Policy NA3A.1, as it will improve and enhance the public realm of Stadium Park. Furthermore, the sculptures will still act as a barrier for public health safety and thereby perform the same function as the existing red palisade fencing, consequently the proposal is also considered to comply with UDP Policy EN10 of the UDP, as the existing land use will be retained.

2. Highway considerations

The sculptures will be adjacent to a public footpath and as such are sufficiently distanced away from the road. It is considered that they will not cause traffic congestion or highway safety problems and they do not impact access and egress to the Aquatic Centre for vehicles, pedestrians, cyclists and other road users. Consequently the proposal is not considered to be detrimental to pedestrian or highway safety and accords with UDP Policy T14.

3. Visual and residential amenity implications

The sculptures are situated at a distance of 104 metres from the nearest residential property and as a consequence it is considered that there are no residential amenity implications regarding the proposed installations and as such accords with UDP Policy B2.

In terms of visual amenity it should be recognised that the application site is at a prominent location, situated along the public highway on route to the Aquatic Centre and the Stadium of Light. It is considered that the current red palisade fencing which surrounds the gas vents is unsightly. Therefore, the proposed 'Looking In Looking Out' art installation will add a greater degree of interest to the public realm and contribute to the continued redevelopment of Stadium Park. Therefore the proposal is considered to comply with UDP Policy B2 and UDP Alteration No. 2 Policy NA3A.1.

Conclusion

For the reasons set out above the proposal is considered acceptable in that it complies with the relevant UDP and UDP Alteration No. 2 policies in respect of principle of development, highway matters and visual/residential amenity. Consequently Members are recommended to grant consent for the proposal subject to the conditions set out below.

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

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 Before the development hereby permitted commences on site, the repositioning of the CCTV camera shall be submitted to and approved in writing by the local planning authority. The CCTV camera shall then be repositioned and functioning within two months of development commencing on site, in the interest of visual amenity and to comply with policy B2 of the UDP.
- 3 Before the development hereby permitted commences, or by such other time as may be agreed in writing by the Local Planning Authority, details of any lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development 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.
- 4 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the health and safety of the construction workers and general public and in order to comply with policy B2 of the UDP.