

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.

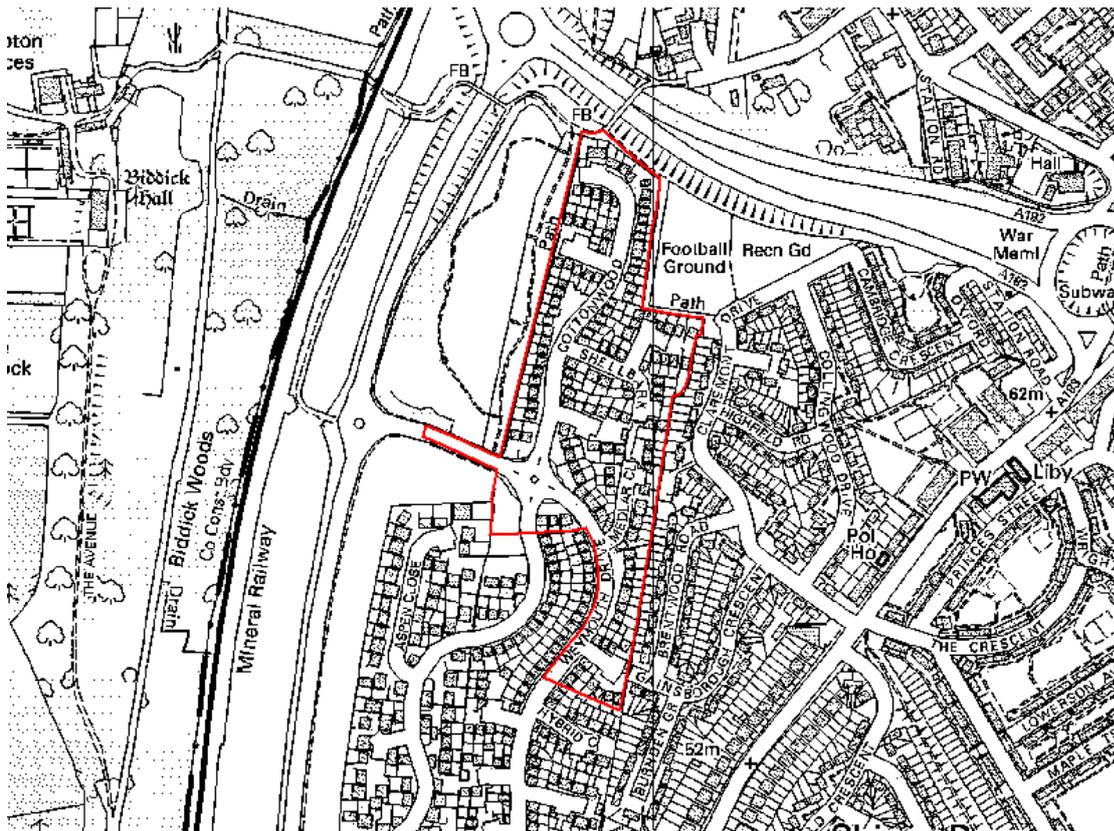
Reference No.: 09/01286/VAR Variation of Condition

Proposal: Removal of condition No. 11 of planning permission 98/00514/OUT for residential development (known as Biddick Woods) and the making of a financial contribution towards the upgrade of play facilities at Grangewood Park in lieu of improvements to the football field to the north of Claremont Drive.

Location: Biddick Woods Shiney Row Houghton-le-Spring

Ward: Shiney Row
Applicant: Persimmon Homes
Date Valid: 28 April 2009
Target Date: 23 June 2009

Location Plan



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PROPOSAL:

The application which is submitted under s73 of the Town and Country Planning Act seeks to remove condition 11 on the original consent for the Biddick Woods development (consent no.98/00514/OUT) to the west of Shiney Row, with a financial contribution of £50,000 being proposed via a unilateral undertaking under s106 of the Town and Country Planning Act 1990 to be utilised for the upgrade of children's play facilities at Grangewood Park.

The original condition required the upgrade of a nearby football field (adjacent to Claremont Drive) which was subsequently determined to be inappropriate by the Director of Community and Cultural Services. The condition read as follows:

"Details of the provision of equipment/facilities in the existing football ground to the north east of the application site which shall include details of the siting and design of boundary enclosures shall be submitted for the approval of the Local Planning authority and all approved works completed prior to the occupation of the fiftieth dwelling, in the interests of residential amenity."

The application follows the issuing of a Planning Contravention Notice in respect of the non-compliance with the condition and subsequent discussions between council officers and the applicant. Members should also be aware that the applicant is currently working up the programme for the provision of a new play area on the southern edge of the site in order to comply with condition 12 of consent no. 98/00514/OUT.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fire Prevention Officer
Force Planning And Police Architectural Liaison Officer
Director Of Childrens Services
Director Of Community And Cultural Services
Environment Agency
Nexus
The Highways Agency

Final Date for Receipt of Representations: 01.06.2009

REPRESENTATIONS:

Neighbours

Only one letter has been received from third parties following the publicity undertaken on the application and that only sought clarification of the location and type of play facilities to be provided. No further response was received following the provision of that information. Consequently, no objections have been received to the proposal.

Consultees

There have been no objections to the proposal both the Environment Agency and the Highways Agency indicating that no objections were offered.

POLICIES:

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

COMMENTS:

The main issues which need to be addressed in the consideration of the application are:

The principle of the unilateral undertaking
The effect of the removal of the condition.

As members may be aware the Biddick Woods development is essentially complete with the play provision and landscaping being the two outstanding issues. Both the applicant and council officers in discussing the play issues have to sought to achieve an acceptable resolution as quickly as possible, however it is accepted that, for a number of reasons, this has taken longer than was originally anticipated.

The principle of the Unilateral Undertaking

In considering the acceptability of a unilateral undertaking for a financial contribution towards off site play facilities rather than on-site/near site provision regard has to be paid to policy H21 of the adopted UDP. The policy sets out the open space and play space requirements for new residential developments of more than 40 bedspaces (essentially 10 dwellings). The supporting text also indicates at para 5.97 that in some cases it may be appropriate for applicants to enter into a planning obligation to secure provision in line with policy R3 (which relates to infrastructure provision via planning obligations).

Normally in drawing up an agreement under s106 of the 1990 Act all persons with an interest in the ownership of the application site would need to be signatories to that agreement. Phase 1 of Biddick Woods, to which this application relates, consists of some 154 dwellings. In normal circumstance a section 106 agreement has to be signed by all persons with a freehold or

leasehold interest of more than 7 years in all or part of that land. In order to avoid a situation where over 150 signatures were required, it was determined that it would be more appropriate for Persimmon Homes to serve notice on the owner-occupiers and submit a unilateral undertaking to make the payment of £50,000.

The proposed replacement of condition no. 11 on consent no. 98/00514/OUT by a financial contribution under s1096 of the 1990 Act for the upgrade of existing facilities is considered to be acceptable in terms of meeting the requirement for children's play and accords with the requirements of policy H21 of the adopted UDP.

The effect of the removal of the UDP.

If Members are minded to approve the application it would result in the issuing of a new decision notice for the development which would include all the other conditions on the original consent (98/00514/OUT) which would however not replace that decision notice. As indicated above the development is essentially complete with the majority of the conditions on that consent having been previously discharged either in part or fully.

The condition may have resulted in play facilities being provided close to the Biddick Woods development, however as can be seen from the wording set out above, the condition was not specific as to the works required and made no reference to children's play. Some time ago officers of the Director of Community and Cultural Services indicated to the developer that the upgrade of the football field was no longer appropriate, as it did not fit in with the strategy for children's play. However, at that time no clear conclusion was reached as to what alternative provision should be made or where it should be. Provision for younger children is currently under preparation and implementation at the southern edge of the Biddick Woods site in association with Phase 2 of the development. The contribution proposed by Persimmon is proposed to be put towards the upgrade of the facilities in Grangewod Park, particularly the multi use games area (MUGA) which serves a wider age range of children including teenagers. Those facilities will be available to children from the wider Shiney Row area rather than just Biddick Woods and the immediate environs which would have been the scenario had the football field upgrade been carried out. It should also be borne in mind that the children on the Biddick Woods estate are likely to be already using some facilities in Grangewod Park and therefore will be accustomed to travelling there.

Consequently it is considered that the removal of the condition far from resulting in no improvements to children's play in the area, would lead to the enhancement of the facilities available in the wider Shiney Row area to a wider age range of children.

In the event that Members approve the application the need for enforcement action for non-compliance with the condition, which would be expensive in terms of time and resources will be removed.

Conclusion

It is considered that the proposed removal of condition no. 11 on consent no. 98/00514/OUT with the signed submission of the unilateral undertaking

accompanied by a financial contribution of £50,000 on issue of the decision notice is acceptable for the reasons set out above and that it accords with the requirements of policy H21 of the adopted UDP.

RECOMMENDATION: Approve subject to conditions (to be set out on supplement).

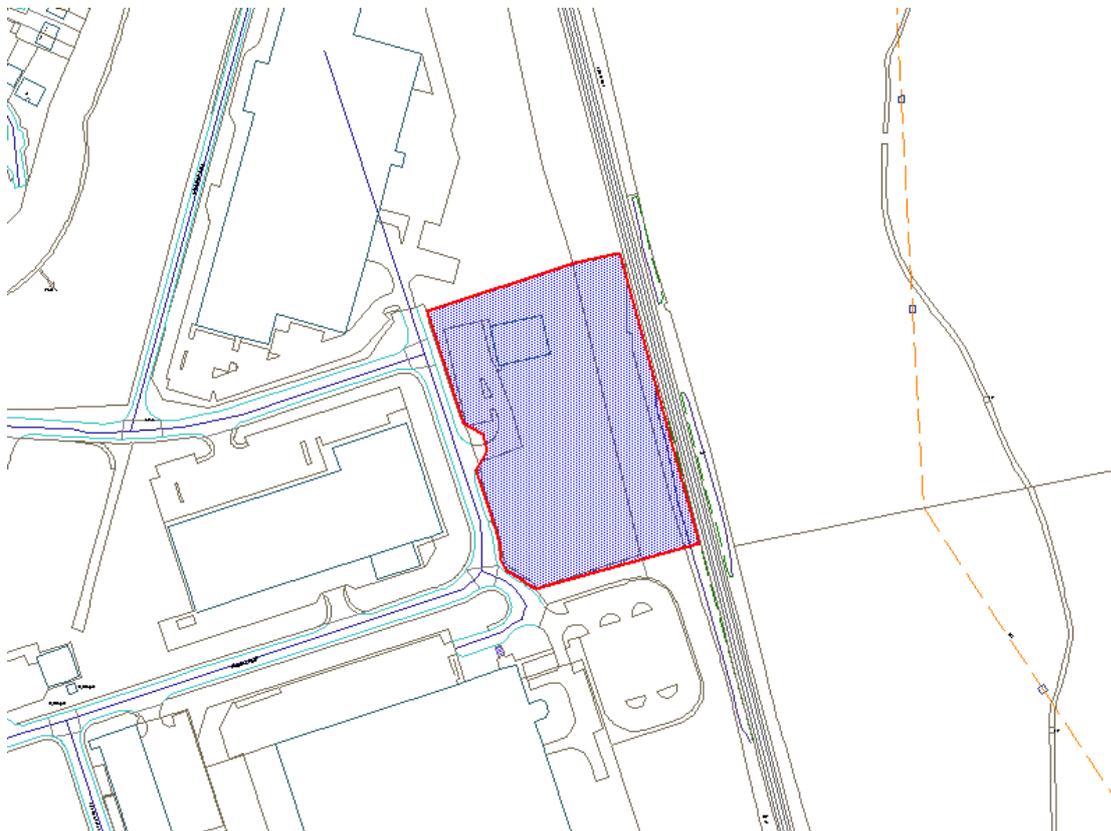
Reference No.: 09/01280/SUB Resubmission

Proposal: **Erection of extension to existing Industrial unit, (Eastern elevation) and associated ground works and landscaping.**

Location: **Heyrod Construction Limited Rainhill Road Washington**

Ward: **Washington North**
Applicant: **Heyrod Construction Ltd**
Date Valid: **15 April 2009**
Target Date: **10 June 2009**

Location Plan



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PROPOSAL:

The proposal involves the erection of an extension of some 664 square metres to an existing industrial unit to provide additional covered storage space with additional hardstanding but no additional car parking provision. The proposed extension is a metal clad steel framed construction which matches the design and form of the existing industrial unit. The proposed additional storage floorspace extends eastwards from the existing building and requires the removal

of a section of the landscaped bund which runs long the eastern boundary of the site. The extent of the bund removal has been reduced to a length of approximately 45 m to accommodate the building extension and the adjacent hardstanding which is required for access and manoeuvring in to the unit. Some replacement tree planting is proposed to provide screening of the development from the adjacent green belt.

The original proposal was for the same form of building extension but the removal of the whole length of the bund within the site, approximately 100 metres long and between 20-22 metres wide (over 2000 sq.m.) and approximately 3 metres high. The bund runs parallel to the adjacent Leamside line and is planted with mature and semi-mature trees which along with shrubs and low planting successfully screens the Stephenson Industrial Estate from the adopted Green Belt to the east. To mitigate this loss the application includes a proposed 5 metre wide and 2.5 metre high bund with trees planted along it.

Members may recall a planning application for the erection of an additional 664 sq.m for storage extending 36 metres to the east (08/04634/FUL refers). The application was withdrawn by the applicant to allow further discussions as the recommendation was to refuse to grant planning permission.

Members may also recall a planning application for the erection of a 725 sq m extension to the east of the existing factory unit extending 42 metres to the east (06/02020/FUL refers), the scheme also allowed for the provision of an additional 37 car parking spaces. The application was also withdrawn by the applicant to allow further consideration as the recommendation was also to refuse to grant planning permission.

Both schemes were considered unacceptable for the following reasons:-

- 1 The proposal would result in the loss of mature trees in a strategic screen planting area to the detriment of visual amenity and contrary to policies CN16, CN17 and WA17 of the adopted UDP.
- 2 The proposal will result in the loss of trees which act as a screen between Stephenson Industrial Estate and the adjacent Green Belt resulting in a loss of visual amenity from the Green Belt contrary to policy CN5 of the UDP.

In between the above submissions an application (07/01064/FUL) for the erection of an 807 sq m extension to the existing factory unit in the form of a metal clad steel framed construction matching the design and form of the existing factory aligned in a north south direction from the existing building parallel to the adjacent Leamside line was granted planning permission on 24 April 2007. This consent has not been implemented.

At the June 2nd meeting of the Sub Committee Members deferred the decision on the application in order to undertake a site visit. That visit is due to take place on 22nd June, after the preparation of this report.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Environment Agency

Final Date for Receipt of Representations: **07.05.2009**

REPRESENTATIONS:

Director of Community and Cultural Services.

The Director has stated that trees are a mixed species and they have established well upon a difficult site, the trees have been thinned and are growing well. They currently provide an established screen between the Green Belt and factory units.

The option to remove and replace the bund and then replant may result in the replacement trees not establishing and therefore the screen they could potentially provide would be lost.

Neighbours

No third party representations have been received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

CN_5_Safeguarding the visual amenity of the Green Belt

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_17_Tree Preservation Orders and replacement of trees

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

T_22_Parking standards in new developments

WA_1_Retention and improvement of established industrial / business area

WA_17_Provisions for maintaining the environmental identity of Washington New Town

WA_26_Identification of Strategic multi-user routes and their protection from development

COMMENTS:

The key issues to consider in determining this application are:-

The principle of the use.
Highways/Parking.
Scale, massing, layout and setting.
Effect on views from the Green Belt.
Effect on the identity of Washington New Town
Economic Development Issues

The principle of the use.

The site lies within the Stephenson Industrial Estate and as such is on land which is allocated for industrial purposes in the UDP, policy WA1.10. As such, an extension to an existing industrial unit is considered as being acceptable in principle and appropriate in this location.

Highways/Parking

No additional parking bays are to be provided as part of this application. The applicant has indicated that the number of spaces will remain unchanged at 33 spaces, which meets the parking requirement for both the existing operation and the proposed extension.

The applicant has provided swept path diagrams which illustrate that appropriate turning and manoeuvring facilities, which allow vehicles to access the workshop and storage areas and then exit in a forward gear, will be provided within the development boundary,

The Leamside line is located immediately to the east of the proposal, and is to be protected from development and maintained as a public transport corridor/strategic multi-user route in accordance with UDP policy WA26.3. The line is not directly affected by this development proposal.

There are currently no claimed public rights of way within the site boundary although there are signs of at least one worn track across part of the site. The applicant has been made aware of the provisions of Section 31 of the Highways Act 1980 which relate to presumed dedication of public rights of way where there has been 20 years use by the public as of right and without interruption, and also Section 53 of the Wildlife and Countryside Act 1981 by means of which such tracks may be added to the Definitive Map.

The highway arrangements are considered to be satisfactory and to accord with the requirements of policies T14 and T22 of the approved UDP.

Scale, massing, layout and setting,

In assessing the scale, massing layout and setting of new development it is necessary to consider the requirements of policy B2 of the approved UDP, which requires that the new development, including extensions, should respect and enhance the best qualities of the locality.

The scale and design of the proposed extension are considered to be acceptable. The extension is the same form and height as the existing building and the materials proposed to be used as the same/similar to those of the host building. The building and extension is located on a large site and covers only about 15% of the total site and therefore is not of a scale which is considered to be excessive. The scale and massing are therefore considered to be acceptable and in accord with policy B2 of the approved UDP.

The layout and setting of the revised proposal are still being assessed.

Conclusion

Members will be aware from the report to the June 2nd meeting that the layout and setting and affects on the adjacent Green Belt and identity of Washington New town caused particular concerns which were considered sufficient to warrant a recommendation of refusal. In view of the recent submission of an amended scheme which proposes the removal of around only 50% of the bund and trees, these aspects of the scheme are being re-assessed together with the economic development issues which it raises. It is anticipated that those deliberations together with any issues raised at the Members site Visit will be addressed and a recommendation made on the supplement.

RECOMMENDATION: Director of Development and Regeneration to Report