

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

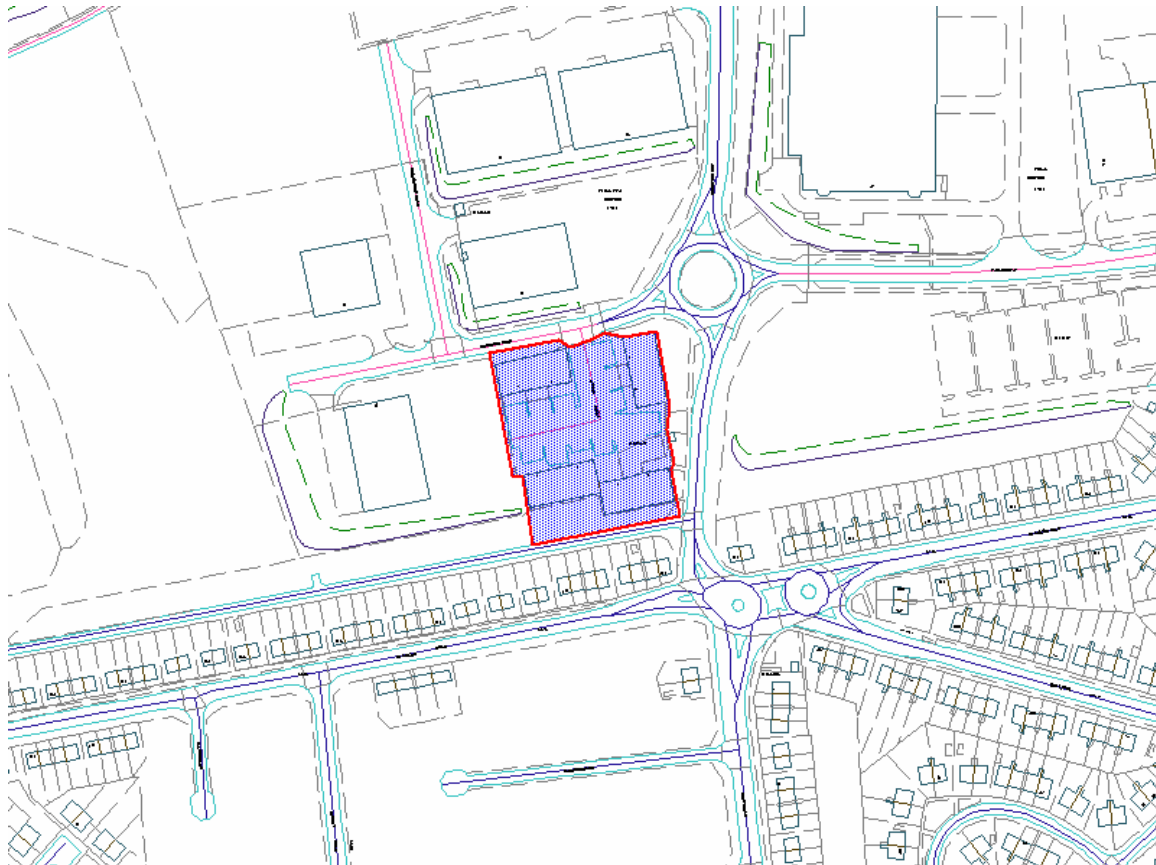
Reference No.: 13/00199/FUL Full Application

Proposal: Demolition of units 1-3 and 5-8 Rheims Court and installation of 160 containers to facilitate the use of the site as a storage facility. Erection of 3 no. 8 metre high pole mounted security cameras/lighting columns, provision of 14 no. parking spaces, retention of unit 4 Rheims Court for office/administration purposes. Partial retention and reduction in height of walls of existing factory buildings to provide site boundary walls, retention of existing 2.4m palisade fencing around site boundary and erection of new gates at site entrance.

Location: Rheims Court Pallion Industrial Estate Sunderland

Ward: Pallion
Applicant: Orange Box Self Storage LTD
Date Valid: 12 February 2013
Target Date: 14 May 2013

Location Plan



PROPOSAL:

The site to which the application relates is that of Rheims Court, a complex of eight disused industrial units accessed from Brussels Road, located in Pallion Industrial Estate.

A mix of land uses are in evidence in the vicinity of the application site, with industrial premises in Pallion Industrial Estate prevailing to the north, east and west of site and residential properties on Saint Lukes Road being the closest properties to the south of the site. The rear gardens of the dwellings on Saint Lukes Road are separated from the application site by a footpath.

Planning permission is sought for the demolition of units 1-3 and 5-8 Rheims Court and the installation of 160 containers to facilitate the use of the site as a storage facility. The proposed development also includes the erection of three pole mounted security cameras/lighting columns, each of which would be eight metres high, the provision of 14 parking spaces and the retention of the existing industrial premises at unit 4 Rheims Court for office/administration purposes connected to the operation of the site. The proposal would also see the partial retention and reduction in height of some of the walls of the existing factory buildings to provide site boundary walls, as well as the retention of an existing 2.4m palisade fencing around site boundary and the erection of new gates at site entrance.

The submitted information indicates that the storage facility is aimed at providing affordable, secure, accessible storage for use by local businesses and private individuals. The containers would be grouped in rows orientated east to west, with the 14 car parking spaces interspersed around the site, with eight at the site entrance and the other six adjacent to the rows of containers. The security cameras/lights would be located centrally in the site adjacent to the rows of containers.

The proposed development would see the existing rear walls of units 1-3 and 5-8 Rheims Court retained, but reduced in height to 2.1 metres, which combined with the retention of the existing palisade fencing between the units would see a secure boundary retained around the site.

The company who would occupy the site, Orange Box Self Storage Ltd presently operate from a site on Alexandra Business Park, but require new premises as their existing site is due for clearance in the near future in connection with the construction of the new bridge over the Wear.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

City Services - Network Management
Environmental Health
Business Investment
Pallion - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.03.2013**

REPRESENTATIONS:

Neighbours

No representations have been received.

Consultees

Network Management

The Network Management Team has been consulted in respect of highway safety and car parking issues and has raised no observations or recommendations.

Business Investment

The Business Investment Team has raised no matters of principle in connection with the proposed development.

Environmental Health

The Environmental Health Team has offered various observations in connection with the proposed development as follows:

The applicant should be aware that the proposed site has previously accommodated an industrial activity which may have resulted in contamination of the land. It is advisable that this be taken into consideration during the development of the land.

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from City Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction (including demolition) sites, should be followed.

Regard should be had to the following to minimise noise emissions:

- the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

Vibration from demolition operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be adversely affected.

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down prior to and during the demolition.

Stockpiles of waste materials arising from or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site.

Detailed consideration must be given to British Standard 6187:2000, Code of Practice for Demolition.

POLICIES:

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

SA_1_Retention and improvement of existing employment site

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 determining this proposal are:

- i) Principle of the development.
- ii) Layout of the site.
- III) Impact on amenity.
- iv) Access and highway issues.
- v) Environmental issues.

Principle of the development

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The site to which the application relates lies within the boundary of the area wherein the adopted UDP alteration No.2 (Central Sunderland) is applicable. Within this document, the site is not allocated for any specific purpose, but it does lie within the area where policy EC10A seeks to ensure that the City Council will support the regeneration of Central Sunderland, seeking to maximise investment in employment. The City Council will seek to resist development that detracts from efforts to encourage regeneration within the area. In this regard, the proposal would see the reuse of a site which presently comprises disused and derelict industrial units. As the site lies within the Pallion Industrial Estate and considering that the industrial use of the existing disused units could recommence at any time without the need for planning permission, the proposal is considered to be acceptable in principle and would not conflict with the aims of policy EC10A, being compatible with existing surrounding land uses within the industrial estate.

It should also be noted that policies EC4 and SA1.6 of the adopted Unitary Development Plan (UDP) identify the area in which the application site is located as an established industrial estate, in this case Pallion which extends to 25.7 Hectares. The UDP identifies the primary allocated uses of the estate as being for light industry, offices, research and development, general industry, storage and distribution (Uses falling within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order) which should be retained and improved. In this regard, acknowledging the provisions of UDP alteration No.2 as set out above, the use of the site as a storage facility is considered to be a use which falls within Use Class B8 and as such is one of the uses which are specifically identified as being the primary acceptable uses in this location in the UDP policies.

For the reasons set out above, the proposed development is considered to be acceptable in principle with due regard to policy EC10A of UDP alteration No.2 as well as policies EC4 and SA1.6 of the Unitary Development Plan.

Layout of the site

Policy B2 of the Unitary Development Plan dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

In this regard, the site would be organised so as to retain the existing Unit 4 Rheims Court as an office/administration base, this being the closest building to the site entrance from Brussels Road. Eight car parking spaces would be provided adjacent to this retained unit and the new gate would be installed adjacent to these car parking spaces so as to ensure the security of the site. Within the site, the 160 containers proposed would be sited in groups on an east to west alignment with two groups of 16, two groups of 32, two groups of 13, a group of 18 and a group of 20, with car parking spaces provided adjacent to certain groups of containers. The containers would be of two sizes, of which 129 would be 6 metres long, 2.4 metres wide and 2.4 metres high, whilst the remaining 31 would be 3.05 metres long, 2.44 metres wide and 2.59 metres high. The containers would be grouped according to their size.

The rear walls of the industrial units to be demolished would be retained, which combined with the retention of the existing palisade fencing around the site and the new gate would provide a secure site boundary, with the retained factory walls to a height of 2.1 metres also providing a degree of screening for the storage containers to be installed on the site to facilitate its use as a storage facility.

Given the acceptability of the proposed use in principle and its siting within the industrial estate, the layout of the site is considered to be appropriate to the proposed use, whilst the retention of the walls of the industrial units to be demolished to a height of 2.1 metres will provide a degree of screening for the containers when viewed from outside of the site. For these reasons, the layout of the site is considered to be acceptable, notwithstanding the assessment of the impact of the proposal upon amenity which is considered below.

Impact on Amenity

Policy B2 of the Unitary Development Plan dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

In assessing the impact of the proposal upon amenity, regard must be had to the appearance of the proposed development and its inter-relationship with the existing street scene as well as any impact upon the amenities of adjacent properties, in this case, with particular regard to the nearest residential properties to the site on Saint Lukes Road.

In considering the impact of the proposed development upon the street scene, it is noted that the proposed development shows that the rear walls of the existing units to be demolished would be partially retained and reduced to a height of 2.1 metres. The effect of this would be that the proposed containers would be largely screened from view from the path to the rear and roads to the front and side of the site by the retention of these walls and also with particular regard to views from the rear of the site, it is noted that the existing tree and shrub planting would be retained which would further screen the development from view. Whilst the containers would be visible from the sides of the site where palisade fencing is the proposed means of enclosure and from the front of the site through the gates, the containers are considered to be of an appearance compatible with the industrial surroundings of the site and it is not considered that their visibility from certain vantage points on European Way and Brussels Road is unacceptable so as to warrant a refusal of planning permission. For these reasons, the impact of the proposed development upon the visual amenity of the area and the street scene is considered to be acceptable with due regard to UDP policy B2.

Turning to consider the likely impact of the proposal upon the amenities of occupiers of surrounding properties, it is noted that the adjacent properties on Brussels Road from which the site is accessed are a mix of industrial uses, the amenities of which are not considered likely to be compromised through the introduction of the proposed storage use, which is itself industrial in nature, to the site. A key consideration is the inter-relationship between the proposed development and the nearest residential properties, which are located south of the application site on Saint Lukes Road. In considering the likely impact of the proposed development upon the amenities of occupiers of these dwellings, it is noted that the rear boundaries of the curtilages of the nearest dwellings, numbers 270-286 Saint Lukes Road are separated from the rear boundary of the application site by 7 metres, with a footpath and verge as an intervening land use. The original rear elevations of the dwellings and the closest part of the rear wall of units 5 and 6 Rheims Court which is to be reduced in height and retained as a site boundary and would screen the proposed containers are separated by approximately 25 metres. The retention of the boundary walls, combined with the existing screening around the site and the distance between the nearest dwellings and the closest operational part of the proposed storage site are considered to be sufficient in order that a refusal of planning permission for the proposed use of the site could be justified based on the inter-relationship with the adjacent dwellings. This assessment also has regard to the fact that industrial use of the existing buildings could re-commence without the need for planning permission.

For the reasons set out above, it is not considered that the proposed development would unacceptably prejudice the amenities of either the visual quality of the street scene or of nearby residents so as to warrant a refusal of planning permission. The proposal is therefore considered to be acceptable with due regard to UDP policy B2 as detailed above.

Access and highway issues

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

As detailed earlier in this report, the Network Management Team has offered no observations or recommendations in connection with the proposed development and use of the site. The provision of 14 on-site car parking spaces is considered to be sufficient and accords with the standards set out within the adopted Unitary Development Plan Supplementary Planning Guidance - Development Control Guidelines, in respect of the amount of car parking spaces recommended for uses falling within Use Class B8.

For this reason, the proposal, which includes the installation of new gates at the site entrance is considered to be acceptable with due regard to UDP policies T14 and T22 as it would not cause detriment to highway safety and the levels of car parking to be provided are sufficient to meet the likely demand created by the proposed use of the site.

Environmental Issues

UDP policy EN1 seeks to secure improvements to the environment through minimising all forms of pollution.

As set out above, the Environmental Health Team have offered a number of observations in respect of the proposed demolition and construction works, as well as highlighting the fact that the site is potentially contaminated due to its previous industrial use. In order to minimise noise disturbance to nearby residents, it is also recommended that the works required for the demolition of the existing buildings and to implement the proposed scheme shall only be carried out between 07:00 and 19:00 on Mondays to Fridays and 07:30 to 14:00 on Saturdays. This working pattern can be ensured through the imposition of a condition to any planning permission should Members be minded to approve the application.

The applicant has provided a statement in respect of the proposed means of demolition and this combined with the addition of informative notes detailing the comments made by the Environmental Health Team to any planning permission issued is sufficient so as to ensure that no detriment to amenity would result during the demolition or construction works and therefore, the proposal is considered to accord satisfactorily with UDP policy EN1.

Conclusion

In light of the above, the development is considered to be acceptable in terms of its principle, layout, amenity issues and the impact on the highway network.

Members are recommended to approve the application subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Topographical Survey - Drawing Number RCP1, received 28 January 2013;

The Site Plan/Roof Plan - Drawing Number UP/16, received 28 January 2013;

The Standard Container Details - Drawing Number UP/17, received 28 January 2013;

The Standard Container Details - Front Elevation - Drawing Number UP/18, received 12 February 2013;

The Standard Container Details - Rear Elevation - Drawing Number UP/19, received 12 February 2013;

The Standard Container Details - Side Elevations - Drawing Number UP/20, received 12 February 2013;

The Proposed Fence Elevation - Drawing Number SD/24, received 28 January 2013;

The Cross Section through the 2100 high brickwork wall - Drawing Number SD/41, received 12 February 2013;

The Cross Section through the existing metal palisade fence, received 12 February 2013;

The Proposed Tilt-Over Tubular Column details, received 12 February 2013 and

The Location Plan, received 28 January 2013.

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

- 3 No demolition or construction works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays and 07.30 and 14.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The proposed site boundary enclosures i.e. the proposed 2.1 metre high blockwork wall to be created following the partial demolition of units 1-3 and 5-8 Rheims Court as shown on drawing number SD/41, received 12 February 2013 and the existing palisade fencing as shown on drawing number SD/24, received 28 January 2013, shall be put in place prior to the site being brought into use for the purposes hereby approved and shall be retained in the positions shown on drawing number UP/16, received 28 January 2013 at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in the interests of visual and residential amenity and to accord with policy B2 of the adopted Unitary Development Plan.

Reference No.: 13/00253/FUL Full Application

Proposal: **Change of use from a former night club to place of worship and community centre, to include alterations to the front elevation.**

Location: Former New Monkey 17 Pallion Road Sunderland SR4 6LR

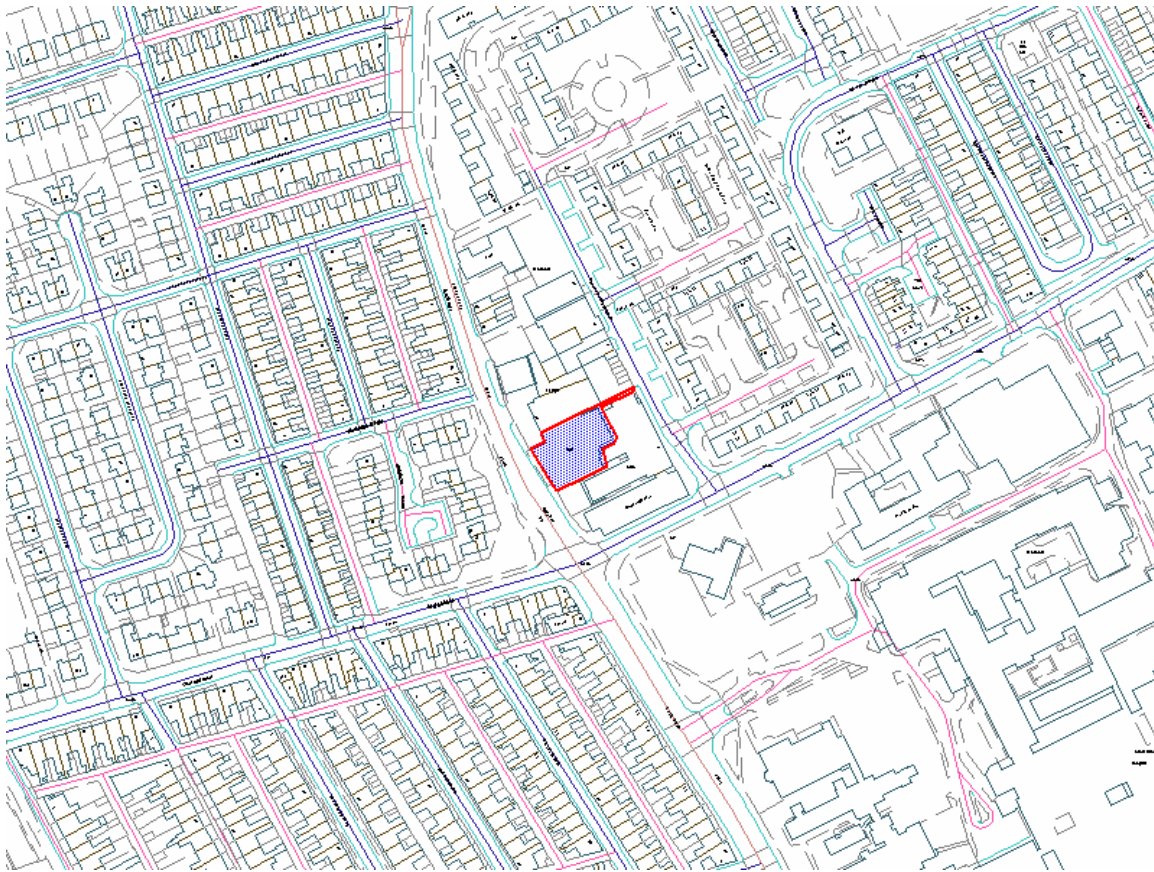
Ward: Millfield

Applicant: Mr Lawrence Fagbayi

Date Valid: 6 February 2013

Target Date: 8 May 2013

Location Plan



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PROPOSAL:

The site to which the application relates was formerly occupied by a bingo hall and night club and is located on Pallion Road within the Pallion area of Sunderland. The rather imposing building which is currently vacant and showing signs of disrepair is situated within a mixed use area and is flanked by an MOT

garage and petrol station to the north, a social club to the south/east and the classified Pallion Road (C152) to the west.

Outside the confines of the immediate site and adjoining buildings the nearest residential properties are located at Highfield Place some 30m to the west whilst student accommodation serving Sunderland University is situated beyond the heavily utilised Peacock Street West to rear of the building.

Planning permission is sought for the change of use of the building to a place of worship and community centre (Use Class D1). The proposal includes some minor alterations to the front elevation of the building involving changes to the first floor fenestration and ground floor access points. These elements are to be removed and replaced with alternative fenestration considered to be in keeping with the proposed use of the building. It is noted that the plans indicate that new signage is proposed to be emblazoned across the buildings front elevation however this would require a separate permission for advertisement consent and is not subject to consideration in respect of this application.

The submitted plans indicate that there would be limited internal reconfiguration of the buildings 1.379m² of floor area with the main alterations concentrating on the addition of a new stage and gallery within the main auditorium and a cafeteria to the rear. The remaining rooms are to be utilised for functions associated with the proposed use.

The application is made by 'The Redeemed Christian Church of God Living Praise Sunderland who are currently based at the Living Praise Community Centre in Lily Street, Millfield. It is understood that the church has outgrown their existing premises and are looking to establish the church in building which can appropriately accommodate their current and projected needs going forward. The planning statement accompanying the application states that the use will provide a place of worship and community centre for members of the churches immediate community and for people within the wider area of the city.

The proposed community uses for the elderly are to involve weekly tea and coffee mornings, dance groups, IT training as well as knitting groups and a walking club, whilst projects for youths are also proposed and are to include music classes, IT training, after school classes, sporting events, drama productions and the organisation of a youth club and holidays.

In addition to the above, facilities for younger children are also proposed. These are to include play group meetings, singing classes and outings.

The building would also be utilised for wider community uses including hiring out the IT suites, seminar rooms and training rooms as well as the main hall for wedding ceremonies, receptions and birthdays etc.

In respect of the place of worship the applicant has stated that Sunday Services will run from 8.30-9.30am (Church workers meeting), 9.30-10.30am (Sunday school) and 10.30 -1.00pm (Main Sunday Service). In addition to the above a Sunday thanksgiving service is to operate monthly (10.30-1.30pm)

Tuesday and Thursday services (bible study and prayer meetings) are to commence at 7.00pm and finish at 8.30pm whilst monthly services will operate on the first day of every month (6.30-7.30am) with monthly 'revival meetings' to

be conducted on the last three days of every month. The 'revival meetings' are understood to operate on the last Wednesdays and Thursdays (7.00-8.30pm) and the last Fridays (10.00pm-1.00am).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Millfield - Ward Councillor Consultation
City Services - Network Management
Force Planning And Police Architectural Liaison Officer
Environmental Health

Final Date for Receipt of Representations: **12.03.2013**

REPRESENTATIONS:

Representations

Neighbours

1 letter of concern has been received from the occupant of a nearby property on Hazeledene Terrace in Pallion.

The content of the letter is primarily concerned with the potential impact the proposal will have on parking within the immediate area and has raised the following issues;

- The area already has Deptford and Millfield Community Centre and Steels night club within the immediate vicinity as well as an existing Gospel Hall nearby which creates some on-street parking in Arlington Street and Hazeldene Terrace when large functions are held.
- Some nearby streets are used by hospital staff, visitors and patients and also cars associated with Pallion Health Centre and Peacock Street Tyres.
- Parking problems will be exacerbated when the hospital starts on the new multi-storey car park as spaces will initially be reduced resulting in cars spilling out onto surrounding streets.
- Will the building be sound proofed as people in nearby residential properties deserve some peace and quiet?
- Is the church proposing to take over the groups that currently attend Deptford and Millfield Community Centre and is the Church and Community Centre located on the junction of Hylton Road/Franklin Street fully used?
- Will there be a restriction on the hours the Church would be able to operate as people do not want to have noise and parking related problems seven days a week?
- When it was the old Plaza the floor used to slope. Will this be made flat as it would be no good if the applicant's were providing indoor bowls or ball room dancing?

Consultees

Executive Director of City Services (Network Management)

The Executive Director of City Services (Network Management) has been consulted in connection with the application and provided the following initial comments;

1) Parking Demand

The parking guidelines for the change of use from bingo hall / nightclub to place of worship and community centre are similar, however the development proposal has the potential to lead to both short and long term on street parking in the vicinity of the premises, including nearby residential streets and the busy congested hospital area.

2) Traffic Regulation Order

The main roads in the vicinity of the site are already subject to a No Waiting at Any Time restriction (Double Yellow Lines), so as to improve road safety and aid traffic movement in the area.

In view of the above it is recommended that the applicant/agent should submit an assessment of anticipated parking demand which may be generated by the development. This may be based upon experience at similar sites elsewhere or a prediction of the patronage of the site.

It is apparent that there is no scope to provide in-curtilage parking within the boundary of the property. The applicant should consider options and opportunities for the use of any off-street parking spaces in the area, as part of a package of measures to accommodate parking demand. Enquiries should therefore be made with neighbouring premises etc.

Executive Director of City Services (Environmental Health)

The Executive Director of City Services (Environmental Health) has been consulted in connection with the application and has provided the following comments:

The close proximity of the premises to nearby residential dwellings indicates that noise emissions from the property as a result of the provision of public entertainment, may give rise to noise complaints. As such the applicant should appoint a suitably qualified and experienced noise control consultant to undertake a noise assessment.

The assessment shall be undertaken to ensure that at the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 min and, where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention,

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAeq 5 min) should not exceed 5 dB below the minimum external background noise level expressed in any of the

individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 min for each of the octave bands during the operating period. Following the assessment a report should be submitted detailing the measures that are to be adopted to ensure that noise as a result of the public entertainment does not cause a nuisance to local residents or other noise sensitive premises.

Recommendation that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

T_22_Parking standards in new developments

EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

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

- 1) Principle of the Development.
- 2) Siting and design of the building and amenity issues.
- 3) Highway issues.
- 4) Noise and disturbance issues.
- 5) Other issues raised in representations.

1 Principle of Development

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- development proposals that accord with the development plan should be approved without delay;
- where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
 - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
 - (ii) specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998, the UDP Alteration Number 2 (Central Sunderland) adopted in 2007 and the Regional Spatial Strategy.

The host site is not allocated for any specific land use in the adopted Unitary Development Plan. Consequently, the proposal needs to be considered against policy EN10 which envisages that the existing land uses will remain but also seeks to ensure that all proposals for new development are compatible with the principle land use of the site and neighbouring area.

The host building is located within a mixed use area comprising of both commercial and residential dwellings and has a longstanding history of commercial usage including that of a cinema, bingo hall and more latterly a night club. In this respect it is considered that the use of the premises as a place of worship would accord with the types of land use found within the vicinity.

As such, the principle of utilising the building for the purposes of a place of worship is considered to be appropriate and in accordance with policy EN10 of the UDP.

2) Siting and design of the building and residential/visual amenity issues

Paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 states the importance attached by Government to planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In respect of Local Planning Policy, UDP policy B2 dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

The application indicates that there would be minimal external development carried out. However the works that are proposed, including the new fenestration and rendering to the façade, would undoubtedly assist in revitalising the tired and worn appearance of the existing building and thereby significantly improving its visual appearance within the context of the area.

In terms of overlooking and privacy it is evident that the applicant proposes to utilise the existing second floor windows and whilst these windows are currently bricked/rendered over, there is noted to be considerable spacing between the façade of the host building and the nearest residential elevation on Highfield Place (approximately 32m). For such reasons it is not considered that the re-use of these windows would create an unreasonable or intimate level of overlooking or loss of privacy for any occupiers in nearby dwellings.

In light of the above it is considered that the proposal would accord with the provisions of UDP policy B2 and the contents of aforementioned NPPF paragraphs 56 and 57.

3) Highway issues

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

The host building has no associated in-curtilage parking and is located within an area of the city which is known to suffer from high levels of on-street parking, a fact which was further acknowledged during the officer site visit when the levels of parking to the rear on Peacock Street West were noticeably high.

On submission of the application there was little information provided to help inform the Council how any anticipated parking demand would impact on the area and this was considered to be of particular concern given that the proposed use has the potential to lead to both short and long term on-street parking in the vicinity of the premises, including nearby residential streets and the busy congested hospital area.

In light of the above and to help inform the Local Planning Authority, the applicant was requested to submit an assessment of the anticipated parking demand which may be generated by the development along with consideration of any further options or opportunities for accommodation any off-street parking within the area.

In response to this request the applicant has submitted further information which is aimed at providing a background to existing car borne use and a package of

measures designed to alleviate any potential parking concerns within the immediate area.

Currently;

- The majority of the members of the church are students at the University of Sunderland who live at university hostels at Roker, the High Street East area, Chester Road area and Clanny House behind the site.
- None of the students currently drive and a church shuttle bus service currently picks and drops off students. As the use would be located adjacent to Clanny House this would reduce the number of shuttle bus journeys.
- 10 members currently own and travel to the existing church in cars.

In anticipation of future growth the measures contained within the applicant's letter include the following parking arrangements.

1. An arrangement to use the car park belonging to Peacock Tyre Company Limited which can accommodate up to 25 bays. This car park is located to the rear of the host building on Peacock Street West.
2. The use of existing building on Lily Street in Millfield. It is understood the Church is proposing to retain this building and it can accommodate approximately 15 cars
3. An agreement with W.H Forster (Printers) Ltd located on Pallion Quay to utilise their parking lot which can accommodate 30 cars. This would necessitate the use of a shuttle bus to transport members to and from the site as it is located approximately 0.7miles away.
4. On Sundays during the worship times of 10.30am to 1.30pm, the church have identified that parking is generally available at the Clanny House overspill parking area. In addition, it has also been observed that parking at this site is nearly always free from 6pm and that this would accommodate parking for the weekly evening services.

Evidently, some of the proposals put forward by the church such as the use of the car parks at Peacock Tyres and W.H Forster (Printers) Ltd are based on intention and this arrangement would not be able to be controlled by a standard planning condition as it relates to off-site provision which has no connection to the host site. Whilst in some instances it can be possible to enter in to a legal agreement to ensure that such arrangements are undertaken, it is not considered that it would be reasonable or appropriate to insist that this approach is taken on this occasion. The building already has permission to operate under an unrestricted D2 (Assembly and Leisure) use and this would effectively allow other D2 uses such as Cinemas, music and concert halls, bingo halls and casinos etc to operate from the premises without the requirement of planning permission.

It is also apparent that as the majority of services to be held at the site would be conducted during periods of the day when levels of on-street parking associated with commuting would be low (i.e. Sundays and evenings); it is considered that there would be capacity for surrounding car parks to largely accommodate

associated parking without causing undue detriment to the amenity of nearby properties through on-street parking in surrounding residential streets. Furthermore, the presence of waiting restrictions within and adjacent to the junction of Pallion Road, Kayll Road and Hylton Road would ensure that there would be no highway safety concerns as a result of the proposal.

Based on the additional information provided by the applicant, the Executive Director of City Services (Network Management) are satisfied that consideration for accommodating future parking demand has been given and in light of the fall back uses that could be operated from the building, have raised no further observations or recommendations to the proposal from a highway safety perspective.

Notwithstanding the above, it is acknowledged that the D1 use class, within which a place of worship falls, can also accommodate uses such as clinics, day centres and nurseries all of which may have the potential to require greater parking at peak times of the day. In such instances it is considered that the merits of such proposals should be fully assessed through the submission of a planning application. It is therefore considered that it would be necessary to remove the permitted changes within the D1 use class and condition that the use of the building be restricted to a place of worship with ancillary community facilities only.

For the above reasoning the proposal is considered to accord with policies T14 and T22 of the adopted Unitary Development Plan.

4) Noise and disturbance issues

UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the ambient sound or vibration levels in residential or other noise sensitive areas, the Council may require the applicant to carry out an assessment of the nature and extent of likely problems or to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission may be refused.

In addition, UDP policy EN10 seeks to ensure that all proposals for new development, including applications for the change of use of existing buildings will be judged in accordance with the policies and proposals on the plan. Particularly pertinent is the requirement that proposals for development need to be compatible with the principal use of the neighbourhood.

The existing building has in recent years operated in a similar model to that of a night club and a number of complaints were received at that time by Environmental Health from the occupiers of nearby properties regarding the levels of noise generated through the playing of music and the associated comings and goings of customers.

In general, it is acknowledged that the proposed use is unlikely to generate the level of noise previously associated with the last operation and many of the anticipated activities to be conducted within the building are unlikely to have any discernable impact on nearby residents in this respect. However, notwithstanding the above, the use does propose certain activities such as wedding receptions and birthday parties which may have the potential to generate a level of noise and disturbance within the immediate locality. In this respect and given the proximity of nearby residential dwellings, the Council, acting in its capacity as

Local Planning Authority (LPA), need to be assured that the resultant noise emissions do not adversely impact on the amenity of these properties.

In order to allay these concerns and comply with UDP policy EN5, it is considered that the applicant should undertake a noise assessment in accordance with the recommendations of the Executive Director of City Services. Following the outcomes of the assessment the applicant would be required to submit a report detailing the measures to be adopted to ensure noise as result of public entertainment would not cause a nuisance to local residents. The above can be achieved through the imposition of a suitably worded condition.

As it is possible to adequately control the potential internal noise associated with the proposed use it is not considered necessary or appropriate to restrict the hours the place of worship can operate. It is clear that places of worship will inevitably require a freedom of expression to pray or follow religious instruction throughout varying periods of the year and such expression is integral to the very nature of the use.

Given the proximity of some residential dwellings, it would however be necessary to ensure that on-site operations are conducted at appropriate times of the day. Again this can be adequately dealt with through condition.

Given the above reasoning, it is considered that any potential issues that arise in respect of noise and disturbance can be adequately overcome through the imposition of conditions. For this reason the proposal is considered to be acceptable from a noise and disturbance perspective and therefore accords with policy EN5 of the UDP.

5) Other issues raised in representations

There have been some questions posed in relation to whether the church proposes to take over the groups currently operating at the nearby Deptford and Millfield Community Centre and whether the Church and Community Centre located on the junction of Hylton Road/Franklin Street is fully used.

In respect of the above, the inference appears to be, is there a need for this new use given the proximity of other similar uses?

In terms of planning, whilst the appropriateness of a use in terms of its impact on the amenities of the area can be material in the determination of a planning application, the question of need cannot. Furthermore, it must be noted that the prospective occupants of the building are already an established Church and Community group operating out of a relatively small building in Millfield and they are of a different denomination to the parishioners of the Pentecostal Church referred to in the representation.

The potential logistical issues over any slope present within the internal floor of the building would purely be a matter for the applicant to resolve if required and is of no planning consequence to the acceptability of the overall proposal.

Conclusion

The principle of the use of the land for the purposes of a place of worship and community centre, which falls within Use Class D1 of The Town and Country

Planning (Use Classes) Order (As Amended) is considered to be acceptable with due regard to policy EN10 of the Council's adopted Unitary Development Plan.

The siting and design of the building is considered to be appropriate as the proposal relates to only minor physical alterations to an existing stand alone building in connection with the intention to develop the site as a place of worship and community centre. The relationship between the application building and the surrounding residential and commercial properties is considered to be acceptable from both a visual and amenity perspective and with due regard to paragraphs 56, 57 and 64 of the National Planning Policy Framework and policy B2 of the adopted Unitary Development Plan.

Whilst the building can not accommodate parking on site, it is acknowledged that the buildings existing D2 use could generate similar levels of parking for uses such as cinemas, music and concert halls, bingo halls and casinos etc. In this respect it is considered that the proposed use would not significantly impact upon the surrounding highway network over and above the uses as identified above. In this respect the proposal is considered to be satisfactory in regard to UDP policies T14 and T22.

Subject to the undertaking of a noise assessment and the implementation of any recommendations contained within the subsequent report, it is considered that the proposed use would not create any significant level of noise and disturbance for any neighbouring residential properties. For this reason the proposal is considered to be acceptable from a noise and disturbance perspective and therefore accords with policy EN5 of the UDP.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant national and local planning policy.

As such, Members are recommended to approve the application subject to the draft conditions set out below:

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The floor plans, elevations and site plans as existing and proposed received 04.02.2013 (Plan refs: SCC/MA0315/100, SCC/MA0315/200 and SCC/MA0315/800) and the location plan received 04.02.2013.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 Before the operation hereby approved is brought into use, the developer shall appoint a suitably qualified and experienced noise control consultant to undertake a noise assessment to ensure that noise emanating from the operation does not cause harm to the residential amenity of nearby properties

For the avoidance of doubt, the assessment shall be undertaken to ensure that at the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level shall be expressed in terms of the lowest LA90, 15 min. and where noise from the premises contains tones or is intermittent sufficient to attract attention the noise generated within each octave band level (LAeq 5 min) shall not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels at the nearest façade of the nearest noise sensitive property. The background noise level shall be expressed as the lowest LA90, 15 min for each of the octave bands during the operating period.

On completion of the assessment outlined above, a report shall be submitted to and be approved in writing by the Local Planning Authority detailing the measures that are to be adopted to ensure that noise as a result of the public entertainment does not cause a nuisance to local residents or other noise sensitive premises. Thereafter, the use shall not be carried out other than in accordance with the approved details unless first agreed in writing with the Local Planning Authority in the interests of limiting noise pollution and to comply with policy EN5 of the Unitary Development Plan.

- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday inclusive and between the hours of 07.30 and 14.00 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
- 6 The premises shall be used as a place of worship with ancillary community facilities only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in

order to achieve a satisfactory form of development and to accord with policy B2 of the UDP.

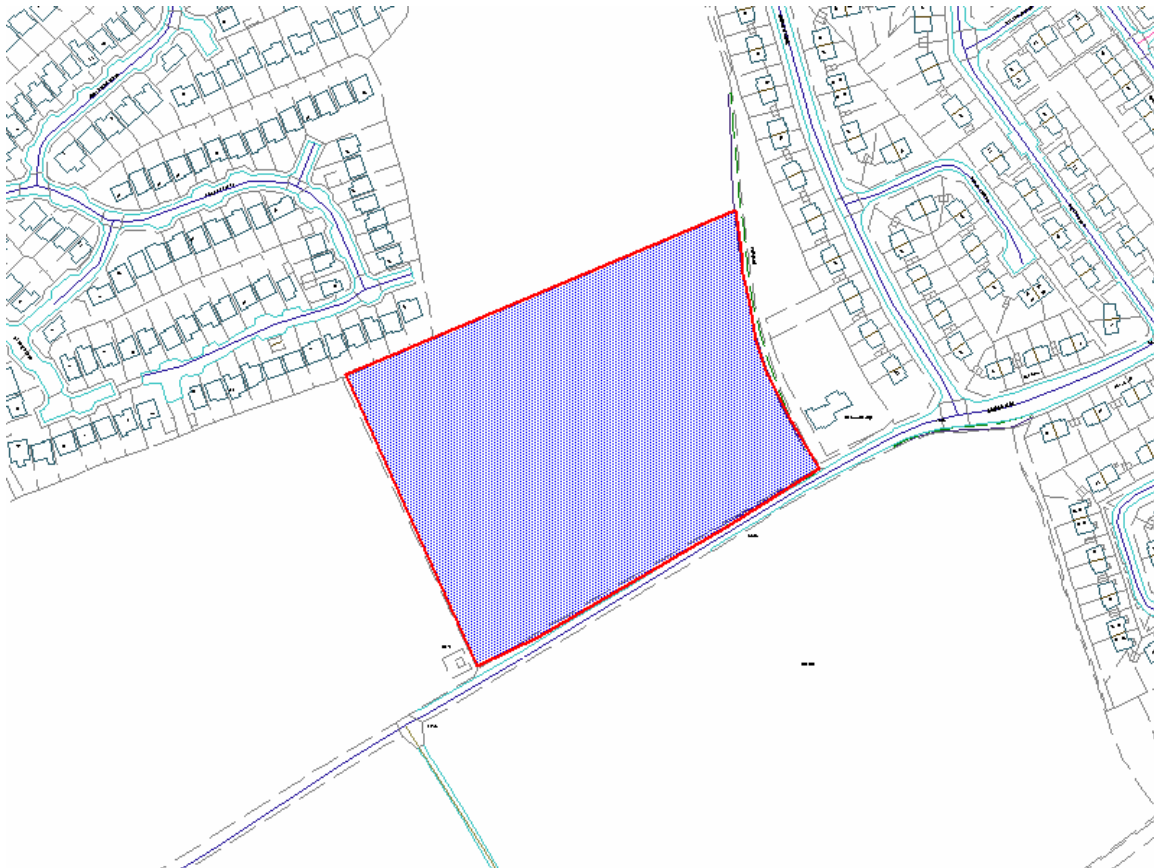
Reference No.: 13/00400/VAR Variation of Condition

Proposal: **Variation of condition 2 (approved plans list) to substitute the approved layout plan for an amended plan showing a wider roadway to allow improved access to the land to the west of the site for previously approved application 11/03345/SUB (Residential development comprising of 77 dwellings with associated access and landscaping).**

Location: Land At Burdon Lane Burdon Sunderland

Ward: Ryhope
Applicant: Bellway Homes Ltd (North East)
Date Valid: 20 February 2013
Target Date: 22 May 2013

Location Plan



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PROPOSAL:

This planning application is a variation to the approved planning application 11/03345/SUB which was approved on 5th July 2012.

The application was for full planning permission for 77 houses on a site which is roughly rectangular in shape and covers 2.5ha. It forms part of a larger field with land to the north and is in agricultural, presently intensive arable, use. There is a fall of approximately 5m from the south-western to north-eastern corners.

Therefore the principle of the development has been established through planning application 11/003345/SUB, which is currently being implemented and conditions are in the process of being discharged. This current planning application seeks to provide a western roadway at 6.7m wide within the housing development as a variation to the proposed 5.5m wide cul-de-sac roadway previously approved. The use of this roadway as a through route would be dependant upon there being an agreed overall strategy for the area and will require the construction of an additional section of the Ryhope Doxford Park link road.

The proposal is in part a departure from the approved Development Plan in that part of the site is allocated as open space and it has been advertised accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Environment Agency
Environmental Health
Northumbrian Water
County Archaeologist
Force Planning And Police Architectural Liaison Officer
City Services - Parks
Natural England

Final Date for Receipt of Representations: **26.03.2013**

REPRESENTATIONS:

Neighbour Representation

No letters of representation have been received to the proposed widening of the internal road.

Consultee Responses

Natural England - No comments on the proposed variation of condition 2

Northumbrian Water - No comments on the proposed variation of condition 2

County Archaeologist - No comments on the proposed variation of condition 2

POLICIES:

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

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

T_20_Manage the highways system by regulation and physical improvement.

T_22_Parking standards in new developments

COMMENTS:

The key areas for consideration are:-

- 1) Impact on overall scheme
- 2) The impact of widening the internal road.
- 3) Section 106 Agreement

Impact on overall scheme

It should be noted that the widening of the road has not altered any of the positions of the plots and as such the remainder of the scheme remains as previously approved.

The impact of widening the internal road.

The proposal is to provide a western roadway at 6.7m wide within the housing development currently under construction, as a variation to the proposed 5.5m wide cul-de-sac roadway previously approved. The use of this roadway as a through route will be dependant upon there being an agreed overall strategy for the area and will require the construction of an additional section of the Ryhope Doxford Park link road.

The proposed widening of the road is considered acceptable in principle and as such complies with policy T14 and T22 of the adopted Unitary Development Plan.

Outstanding Issues

The proposed revision has reduced the number of visitor car parking bays by 4 and in this regard the applicant has been advised that these bays need to be reinstated elsewhere within the proposed layout.

The traffic calming measures which were shown on the previously approved scheme have also been omitted. In this regard, the applicant has been advised that the traffic calming measures needs to be shown on the proposed plans.

It is anticipated that an amended plan will be submitted to resolve these outstanding minor issues.

Section 106 Agreement

A deed of variation is currently being drafted by the City Solicitor to contain the same heads of terms as set out in the section 106 agreement attached to planning application 11/03345/SUB.

Heads of Terms of agreed Section 106 Agreement attached to 11/03345/SUB.

Affordable housing,

10% of Affordable Housing - 8 Houses in total, 6 of these will be social rented and two of these will be for intermediate use.

The applicant proposes to make a contribution towards the Ryhope Doxford Link Road (RDPL) to the amount of £380,113 (£4936.53 /dwelling). This is acceptable in principle but would not pay for the whole of the next section of the road. This will be considered further in the supplementary report.

The applicant proposes to make a contribution towards a multi user route to the amount of £21,525 (£297.54/dwelling). This is considered to be acceptable in principle.

The applicant proposes to make a contribution towards the provision of equipped children's play facilities within the vicinity of the site to the amount of £37,180 (£482.86/dwelling). This is considered to be acceptable in principle.

The applicant proposes to make a contribution towards Great North Forest Planting to the amount of £13,942 (£181.08/dwelling). This is considered to be acceptable in principle.

The total contribution to be provided is £506,572.00.

Conclusion

The proposed widening of the road is considered to be acceptable in principle and as such complies with policy T14 and T22 of the adopted Unitary Development Plan. However, amended plans are required to resolve the outstanding minor highways issues and as such it is recommended that the application be Delegated to the Deputy Chief Executive to enable the minor outstanding highway issues to be resolved and the signing of the Deed of Variation within the prescribed 13 week period.

It should be noted that the conditions from 11/03345/SUB will be attached to this permission with condition 2 varied.

RECOMMENDATION: Delegate to Deputy Chief Executive