

**Development Control (South and City Centre)
Sub-Committee**

22 April 2014

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

South

S1	The Grindon Mill, 131 The Broadway, Grindon
S2	17 Mowbray Road, Sunderland

1.

South
Sunderland

Reference No.: 13/03256/FUL Full Application

Proposal: **Change of use from public house to gym, dance studio, and a salon. Various external works to include first floor extension to existing toilet block and external alterations (amended 17th March 2014).**

Location: The Grindon Mill 131 The Broadway Grindon Sunderland SR4 8HB

Ward: Sandhill
Applicant: GW Architectural
Date Valid: 28 January 2014
Target Date: 29 April 2014

PROPOSAL

Planning permission is sought for the change of use of the former Grindon Mill Public House into a gym, dance studio and salon. The application includes proposals for external works to include a first floor extension to the existing toilet block, new fenestration and alterations to the external facades and an extension to the car park area. A proposal to alter the position of the existing access into the car park, off The Broadway, has been deleted from the application.

The site comprises a former public house, which is a part two storey/ part single storey building located at the junction of Grindon Lane and the A183 The Broadway, which is a major route into and out of the city centre. Attached to the pub, on the southern side of the building, is a residential bungalow. There is a hairdressing salon on the ground floor to the north east of the building that would be retained. Similarly, the existing upper floor flat would remain unaffected by the proposal. Externally, there is an enclosed courtyard, and a car park on the west side of the building that is accessed off a roundabout on The Broadway. To the west of the site is a petrol filling station. To the south and south west is a bowling green and residential dwellings in Grindon Park. East and north of the site are further residential dwellings.

It is proposed to change the use of the pub, which has been vacant for some time, into a gym, dance studio and salon. The gym is proposed to operate 24 hours per day and would comprise separate male and female gym facilities, dance studios, beauty salon and treatment rooms. The ground floor of the former pub would provide male gym/changing facilities along with salon facilities to include tanning and steam rooms. The existing kitchen area to the south west of the building would be subdivided to provide dance studios and exercise classes. Storage rooms are shown to the south of the building. On the first floor, the existing function room would become the female gym. A changing area would be created on this upper level by extending a single storey extension to the south of the main building, up to first floor level. (see details below).

The applicants state that the proposed business could employ between 20 and 25 staff and would also provide the local community with facilities that could be hired out for exercise, drama and dance.

The former pub is rendered with timber detailing in a Tudor style with timber boxed surrounds to the first floor windows. The windows themselves are a mixture of timber, metal and uPVC frames. It is proposed to replace the render and timber detailing with an off white render finish. At first floor level on the north, west and east elevations timber cladding would also be applied to add interest and detailing. The timber windows would be replaced with uPVC frames. The main entrance area would be within an existing single storey offshoot along the north elevation of the property fronting The Broadway, which is set back from the front elevation. A curved polycarbonate canopy would be installed above the glazed entrance door and cycle racks are also to be provided in this area. The rear (south) elevation would be rendered and painted.

The proposed first floor extension would be erected above a single storey extension that is located mid way along the rear elevation of the building. It would project 3.2 m and is designed with a flat roof to match the existing two storey offshoot to which it is attached.

Externally the car park would be resurfaced and reorganised to improve manoeuvrability. To help achieve this, the current car park area would be extended onto a concrete strip of land that is approx. 3 metres wide, along the southern boundary. A total of 30 car parking spaces would be provided to serve the development, which represents an increase of four compared to the previous use. Soft landscaping would be provided by means of planters and vegetation to the side and rear of the existing car park.

The applicant has submitted a 'Business Impact Review' which explains the reasons why the site was chosen and what other premises in the city were considered prior to the application being submitted.

Additionally, a noise statement has been submitted with the application that explains the impact that the proposed use will have on surrounding residential occupiers.

REPRESENTATIONS:

Neighbours - one letter of objection has been received as a result of the consultation and publicity exercise. In summary, the objections relate to the following:

- a gym, dance studio and salon operating 24 hours per day is not sensitive or in keeping with the local residential area.
- the use would create noise pollution and disturbance, highway safety/visibility and congestion. Hiring out the building would exacerbate the matter further.
- If the newly created footway from the site to Grindon Lane is used by customers this would encourage traffic to park on street which would have a huge impact on the local area due to increased demand. Any traffic parking in Grindon lane and Glenleigh Drive could cause road safety issues, obstruction and inconvenience to other road users.

- Previously the pub operated to set opening hours and minimum vehicles. The gym with its additional facilities, equipment, fans, ventilation units, amplified sound, large groups congregating and potential for antisocial behaviour on a 24 hour basis is unacceptable in this exclusively residential area. It would have a harmful effect on the living conditions of residents than currently exists.

N.B. The 'Issues' section below provides a response to the neighbours objections.

Network Management

No objection on the basis that the access is retained in its existing position and that four additional car parking spaces are to be provided to satisfy peak demands for the proposed use. Request conditions that parking within the site provides maximum capacity available (30 spaces). If parking demand in the future increases, the applicant should review the parking arrangements and land identified to the rear boundary of the Grindon Mill Land (parking as shown on original proposal plan) could be utilised.

Environmental Health

No objection subject to conditions relating to hours of operation, noise, construction works and external lighting.

SPPM

Comments that whilst the sequential test could be stronger on why it has discounted certain sites, there is no reason to resist the proposal on policy grounds.

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_5_Protecting sensitive areas from new noise/vibration generating developments

T_22_Parking standards in new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues relate to land use, impact on residential and visual amenity, and highway safety.

1. LAND USE

The site is subject to policy EN10 of the UDP which states that all proposals for new development will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. The principal use of the area in this case is residential. However, on the west side of Grindon Lane, to the south of The Broadway, there is a cluster of non residential uses, including the former public house/hairdressers, a petrol filling station and a bowling green. In this regard the proposed use as a gym/dance studio/salon retains the current level of non residential uses and is acceptable, subject to other relevant UDP policies identified below.

Paragraph 24 of the National Planning Policy Framework (NPPF) states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre. The proposed gym, whilst one such town centre use, is, however, not of a size that would trigger the need for an Impact Assessment (above 2,500 sqm). In this regard the 'Business Impact Review ' submitted with the application identifies that other areas within Sunderland were considered for the development of this business, such areas included Pennywell Shopping Centre, Harbour View Motors, Barnes Park, 184 Chester Road and 226 Chester Road. In this regard the submitted review states that none of the above identified sites provided adequate parking provision or suitable floor space. The review also outlines that on the north side of the River Wear there is DW Sports, Fitness 2000, Exercise4Less, and PureGym (Tesco). On the South side of the river there is currently only one gym with adequate parking spaces for its members, which is Virgin Active. Most smaller Gyms, i.e. Cheemas, Golden Leisure, Premier Gym, Grangetown gym, and Shapers provide little or no parking for their customers, and are close to residential properties. The proposed site would provide in the region of 30 parking bays for customers, which would be convenient for customers from Grindon, Pennywell, Grangetown, Barnes, South Hylton and the surrounding areas, residents who would otherwise have to travel to the North side of the river.

2. IMPACT ON RESIDENTIAL AMENITY

The proposed use would operate on a 24 hour basis. There are residential dwellings in close proximity to the site both to the south west and east. The nearest dwelling to the south west is within 2 metres of the boundary with the car park of the site and within 28 m of the building itself. Dwellings to the east are located on the opposite side of Grindon Lane, the closest being approx. 18 metres away from the subject building.

The applicants have submitted a statement relating to potential for noise from the proposed business entitled 'Grindon Mill Conversion Statement' which outlines the activities that will take place at the premises and the potential noise implications along with noise mitigation measures. In summary the report specifies the following:

As part of the renovation it is proposed to fit new triple glazed U-PVC windows which will help combat noise breakout from the gym areas.

The gym will provide dance studios for dance and exercise classes or possible hire by community groups for rehearsals or meeting of local social groups. These classes and activities would not extend beyond 10pm so the exiting of larger numbers of users would be earlier than that of the former public house, which closed around 11:30pm.

As part of the dance and exercise classes music will be played but it is the clients intention to ensure that the level of noise from these classes will not breakout of the building, and any impact would be less than the noise generated by the hire of the function room and live music that was put on during the Grindon Mills operation as a public house.

Current market research also shows that due to market demand it is unlikely that classes that use music will extend past 8pm.

The areas of the gym that are intended to be in 24hr use are the male and female gyms offering individual exercise machines, so any media or music supplied to these machines will be via personal headphones, so there will be no noise break out from these areas.

Whilst the gym provides space for floor exercises and free weights it will also promote cardio and body shaping rather than body building and serious weight training, which can give rise to increased levels of noise commonly associated with competitive levels of weight lifting.

The entrance to the Gym is located on the front of the building away from any neighbouring residential properties on the same side of the road, with the Broadway separating the Mill from the properties on the opposite side of the road.

The car park is between the Mill and the petrol station and as part of the work proposed to the car park new soft landscaping is proposed to the rear of the car park to shield the properties at the rear of the site from any disturbance of customer arriving and leaving during night time hours.

South Hylton Properties are happy to explore noise attenuation options to address any concerns for noise breakout that either the Planning Department or Environmental Health has about the proposed change of use.'

Whilst it is accepted that the proposal is likely to generate noise, it is essential, particularly during the hours of darkness, that the residential occupiers who live in close proximity to the site are not disturbed. Nevertheless, the immediate area around the application site is characterised by a mix of residential and non residential uses and background noise levels are higher than might be expected in a residential setting. This is due to the proximity of the busy A182 primary route but also the activity associated with the adjoining petrol filling station, which opens on a 24 hour basis, and indeed the former public house. The measures which have been outlined above to mitigate noise are welcomed and will ensure that noise disturbance is kept to a minimal level. In particular, the use of triple glazed window openings; positioning the entrance door away from residential dwellings; and a limit on noise levels and the operational hours of activities that use amplified sound will all help to minimise noise impact on adjoining residential occupiers.

The existing car park would be extended in a southerly direction, which would bring it closer to the dwelling along the south western corner of the site. For this reason it is considered essential that a noise barrier should be provided around this boundary of the car park to minimise noise, disturbance and loss of privacy, particularly during the hours of darkness. This may be achieved by a combination of landscaping and fencing and all mitigation may be imposed by way of conditions, should planning permission be forthcoming.

There are no ventilation or condenser units proposed as part of the current application. A fresh application would be required should the applicants propose to introduce such apparatus in the future, at which stage any noise implications could be assessed.

Should the above issues be implemented the proposal is in accordance with policies EN5, EN10 and B2 of the UDP, which seek to ensure that all new development does not give rise to unacceptable levels of noise; is compatible with the principal use of the neighbourhood; and retains acceptable levels of privacy.

The proposed first floor extension to the rear is some distance away from adjoining residential occupiers. The proposed external alterations to the elevations of the building would not cause any undue detriment to residential amenity due to outlook, light or privacy.

3. IMPACT ON VISUAL AMENITY

Whilst it is regrettable that the former Tudor style timber detailing around the main building is proposed to be removed from the building it is considered that the building itself, whilst an established part of the local area, is not of sufficient historic merit to warrant retention of its external features. The scheme has been amended since its original submission to show the addition of timber cladding to three sides of the first floor to add detail to the rendered facades and this is considered to be appropriate, in principle, in both its setting and from a design point of view. Discussions are still ongoing to finalise the details of the timber cill and it is anticipated that this information will be available at the Committee meeting. Should this not be possible, given the negotiations that are taking place the final upper floor details could be submitted by way of a planning condition, should permission be forthcoming.

There are a variety of signs shown on several of the elevations to help identify and advertise the proposed business use. The majority of these would need to be considered as part of a separate application for advertisement consent.

The proposed first floor extension to the rear of the property is designed with a flat roof, which is not always the most appropriate design solution. However, in this case, there is a similar flat roofed extension along the rear elevation behind which the new extension would be viewed from public land along Grindon Lane. This helps to minimise the impact from a visual amenity point of view and complies with policy B2 of the UDP which seeks to ensure that all new development respects and enhances the best qualities of nearby properties and the locality.

4. HIGHWAY SAFETY

The application includes an extension to the existing car park area to enable a total of 30 car spaces to be provided on site. This represents an increase of four spaces over the previous capacity of the car park. The arrangement of the spaces in relation to the existing access of the roundabout is acceptable from a highway safety point of view. As far as the number of spaces is concerned the highways engineers have advised that there is sufficient parking proposed on site to accommodate staff and visitors at peak times of demand. With regards to the concerns raised by a resident about a pedestrian access being created that gives access to the proposed car park from Grindon Lane, which could give rise to car parking on nearby residential streets. The applicant has stated that this entrance is for the use of the bowling club only and there is no through route into the car park. Generally, there is some additional scope to provide additional car spaces on land to the south of the car park, should demand increase once the business has established. This could be required by way of a condition if circumstances dictate and planning permission is given. Against this background it must be noted that not all users of the gym will arrive by car. The site is readily accessible by public transport, on foot for those living nearby, and cycle racks are also to be provided on site.

In light of the above it is considered that there is adequate parking on site to meet the future demands of the proposed gym and that the proposal complies with policy T14 and T22 of the UDP which require all new development to be readily accessible, not cause traffic congestion or highway safety problems on existing roads, and provide adequate parking for the use concerned.

CONCLUSION

The proposed gym and associated facilities is an acceptable alternative to the previous public house use. Whilst it is intended to operate on a 24 hour basis and is in close proximity to residential dwellings, mitigation measures may be put in place to ensure that the living conditions of adjoining occupiers are not adversely affected. There is adequate provision on site to meet the car parking requirements of the use with some scope to increase provision, should demand exceed expectations in the long term. The changes to the external appearance of the building are acceptable in relation to the building itself and would not adversely affect visual amenity or the character of the locality.

Therefore having regard to all of the above it is recommended that Members approve the application subject to a series of conditions which will be circulated at the meeting.

RECOMMENDATION: APPROVE subject to conditions

Reference No.: 14/00089/FUL Full Application

Proposal: **Change of use of rear section of building to supported living accommodation (C2 Use) to accommodate up to 8 no. children in need of full time care.**

Location: 17 Mowbray Road, Sunderland

Ward: Hendon

Applicant: HMO Northeast T/A Forevercare

Date Valid: 5 February 2014

Target Date: 2 April 2014

As stated in the main report, the broad principle of the change of use of the rear annexe of 17 Mowbray Road to supported living accommodation for up to 8 no. children is considered to be acceptable, given that the use is ultimately residential in nature and the subject building is located within a primarily residential locality. The proposal therefore accords with the requirements of UDP policy EN10.

However, at the time of writing the main report, consideration was still being given to the impact of the proposed use upon the amenity of the locality and the impact of the use on highway and pedestrian safety. These outstanding matters are considered in turn below.

IMPACT OF USE ON AMENITY OF LOCALITY

As noted in the main report, policy H17 of the Council's adopted Unitary Development Plan (1998) states that the provision of nursing homes and other residential accommodation for people in need of care (i.e. C2 uses) will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met. In addition, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.

The objections and petition submitted in respect of the application consistently raise concern in relation to the potential impact of the proposed use of the annexe on the amenity of the locality, particularly in respect of the generation of crime, anti-social behaviour and noise and disturbance. The representations explain that the amenity of residents living in proximity to the application site was significantly compromised during Centrepoint's occupancy of the premises for these reasons and it is feared that the new proposed use will have similar consequences.

As advised in the main report, it would not be reasonable to make a direct comparison between Centrepoint's use of the building and the use proposed by this application - the uses are materially different (Centrepoint provided accommodation for homeless young persons up to the age of 21, whilst the

current proposal is for children up to the age of 17 in need of full-time care), the current application has been submitted by a different applicant who will manage the premises in a different way and the proposal also only affects the rear annexe to the building and so is far less intensive than Centrepoint's use of the building, which affected the whole premises.

Notwithstanding the above, however, the potential impact of the proposed use on the amenity of the locality must be given proper consideration.

As a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.

The primary fear of the objections to the proposal centres on the concern that the occupiers of the proposed home will engage in noisy, boisterous and anti-social behaviour, to the detriment of the residential amenity of the locality. It cannot be assumed, however, that all, or even a high proportion of prospective residents of the children's home will engage in anti-social behaviour - this would depend upon the nature and background of individual children and the supervision/quality of care they receive. Indeed, it is considered reasonable to suggest that the age of the children in the home (no older than 17) is such that the likelihood of residents engaging in anti-social behaviour is reduced, as, for example, they will not be old enough to consume alcohol.

Nevertheless, the behaviour of children on site, and to an extent beyond the site, can be managed and supervised by the applicant. In this regard, a management plan and supporting statement has been submitted with the application. The submitted management plan and supporting information indicates, for example, that children will be supervised at all times within the home and be contactable at all times when outside the home via a mobile phone provided to each child. The applicant also intends to install CCTV within and outside the premises and will register the facility with Northumbria Police, the Local Authority, Ofsted and a range of charities and user groups that will use and benefit from the services to be provided.

All staff will be expected to have experience of residential child care and suitably qualified and there will be staff present within the building at all times, including during the night, at a ratio commensurate to the number of children resident at any given time. Residents in the vicinity of the property will also be provided with a number via which Forevercare staff can be contacted if necessary. The applicant will also operate a vetting procedure before a child is accepted into the home in order to ensure their needs can be met by Forevercare and the behaviour of children will be risk assessed, monitored and reviewed as their stay progresses.

The concerns of local residents regarding the potential for noisy and/or anti-social behaviour to be exhibited by residents of the proposed children's home are acknowledged and the experiences of residents during Centrepoint's occupancy of the building are recognised and not disputed. Furthermore, it is accepted that it would be naive to assume that there will be no difficulties arising as a result of

the proposed use throughout Forevercare's occupancy of the premises.

The management plan and supporting statement and proposed staffing arrangements are, however, considered to demonstrate that the applicant recognises their responsibilities in relation to the behaviour of children residing at the home and in operating a facility which co-exists satisfactorily with the other residential properties in the locality. There appears to be an intention to provide high levels of supervision and support to resident children throughout the day and night. Provided that the applicant's apparent desire to operate a well-run facility which will co-exist harmoniously with other neighbouring residential properties is maintained, there is not considered to be reason to presume that the operation of the children's home will result in a significant increase in noise, disturbance, crime or anti-social behaviour in the vicinity of the application site.

In the event there are instances of noise and disturbance or anti-social behaviour, these matters can be addressed by the management team of the premises, environmental health legislation (in relation to noise nuisance) and, in the case of anti-social behaviour issues, via police action. In addition, the home would also be subject to inspection and regulation by other regulatory bodies.

It must also be recognised that the proposed use of the annexe is not particularly intensive, with the applicant only intending to accommodate a maximum of 8 no. children at any one time. Members are advised that, in the event they are minded to grant planning permission, a condition restricting the number of children able to be accommodated at any one time could be imposed in order to ensure the proposed use does not become overly intensive. Members can also, if so minded, impose a condition which restricts the use of the annexe to supported living accommodation for children only, and for no other uses falling within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), so that the Council can ensure any future uses of the annexe continue to be appropriate.

In addition to the above, it must also be recognised that the subject premises is detached from surrounding residential properties, an arrangement which would assist in limiting the effect any noise emanating from the premises would have on the living conditions of nearby dwellings.

Some of the objections to the application have suggested that the type of supported accommodation with care to be provided by the applicant is not conducive to improving the well-being of children. This concern is noted, however it is not the role of the planning system to determine whether this type of facility is successful in terms of supporting and improving the lives of the children it seeks to assist.

Furthermore representations have also suggested that the building itself is not suitable for the form of accommodation to be provided, with a lack of usable external amenity space highlighted. The property does benefit from a small yard to the west side of the link corridor and a small garden to the east side, which, the applicant has advised, could be used as a play area, communal area or even developed into a small allotment to allow for children to learn horticultural skills. In addition, the property is within 200 metres of Mowbray Park, a large public park with a variety of leisure and recreational facilities, whilst the amenities of the City Centre itself are only a little further on. Given the above, it is considered that the building itself and the available external amenity space is satisfactory in

relation to providing a facility of this type.

With regard to the above comments, it is considered that whilst the fears of residents in respect of noise, disturbance and anti-social behaviour are acknowledged, these concerns do not necessarily have a solid or reasoned evidential basis which could be upheld by a refusal of planning permission. Indeed, provided the facility is effectively managed by the applicant, it should be able to co-exist satisfactorily with the existing residential properties in its vicinity.

As such, the proposal accords with the requirements of policies H17 and B2 of the UDP and the core principles of the NPPF in respect of the amenity implications of the development.

IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking.

As noted in the main report, the applicant has identified a car parking area at the rear of the property which, it is suggested, can accommodate up to 6 no. vehicles. The Council's Network Management team has advised that, in reality, the parking area can only accommodate 3 no. vehicles, unless the cars are parked 'nose to tail'. Nevertheless, this level of parking is considered to be acceptable for the number of staff anticipated to be at the premises at any one time, in accordance with policy T22's requirements. It is therefore considered that the proposed use of the premises is unlikely to lead to any significant increase in on-street parking in the vicinity of the site or highway and pedestrian safety concerns, in accordance with the requirements of policy T14.

IMPLICATIONS OF APPLICATION REF. 14/00380/VAR

As Members are aware, a second application to remove the 'student only' occupancy condition on the existing house in multi-occupation use of the main, front part of the building has also been submitted and is to be considered by this Committee (application ref. 14/00380/VAR).

Whilst the two uses would affect the same building, they would occupy distinct parts of it and the current connection between the two would be closed. In addition, the plot occupied by the building and annexe is unusually large and consequently, the premises and its plot appear broadly capable of accommodating both uses together. With regard to the amenity of the locality, it is considered, for the reasons set out above, that the proposed use of the rear annexe as a children's home would not, provided it is properly managed, result in undue harm to residential amenity and it is considered it will be able to satisfactorily co-exist with the established use of the remainder of the building as an HMO.

CONCLUSION

For the reasons given in the main report and set out above, it is considered that the proposed use of the rear annexe of 17 Mowbray Road as supported living accommodation for up to 8 no. children in need of care is acceptable in principle.

In addition, the Council's Network Management team has advised that the proposed use raises no significant concerns in respect of highway and pedestrian safety.

The impact of the proposed use of the annexe in respect of the amenity of neighbouring existing residential properties has been carefully assessed, but, as outlined above, it is considered that it would not be reasonable to presume that the use of the rear annexe would inevitably result in an increase in noise, disturbance, crime and anti-social behaviour. The applicant is also considered to have demonstrated a pro-active and responsible approach to the staffing arrangements and management of the proposed children's home in the management plan and supporting statement submitted with the application.

Furthermore, whilst the proposed staffing arrangements and management plan have been important considerations in assessing the implications of the proposal in respect of the amenity of the locality, it is considered that a condition attached to any grant of planning permission which attempts to ensure strict accordance with the stated intentions would be unreasonable and unenforceable. Nevertheless, in order to affirm the importance of the management plan, it is suggested that in the event Members are minded to grant planning permission, it is included in the list of approved plans and documents.

The objections from the secretary of the Park Place East and The Oaks Residents' Associations have suggested that the Council should consider granting permission for the removal of the condition for a temporary period only, in order to allow for the implications of the condition's removal to be assessed again in light of experience, particularly with regard to the management of the HMO. The planning system does allow for temporary permissions to be granted, but Government advice is that such permissions should only be granted in certain circumstances and must be reasonable having regard to, for example, the capital expenditure involved in the development proposal and the particular nature of the proposal.

The applicant will inevitably incur expense in fitting out the annexe of the building to ensure it is suitable for the proposed use, but perhaps of greater importance in this case is to consider the implications of a temporary permission in respect of staffing and the well-being of the children accommodated by the facility. In this sense, it is considered that granting a temporary permission may affect the ability of Forevercare to recruit the highest-quality staff as, in theory, it may not be able to offer permanent contracts if there is some doubt as to the long-term future of the facility. In addition, it should surely be the aim of any care provider to afford children with a stable living environment and only granting the children's home a temporary permission would not be conducive to achieving this objective.

In this instance, it is considered that, having had regard to relevant material planning considerations, the proposed use of the rear annexe as a children's home for up to 8 no. children is acceptable and to comply with the requirements of the aforementioned policies EN10, H17, B2 and T14 of the adopted UDP and the core principles of the NPPF. As a consequence, there is not considered to valid reasons to refuse permission or only grant permission for a temporary period.

The application is consequently recommended for approval, subject to the following conditions:

RECOMMENDATION: APPROVE

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- the location plan received 15.01.2014;
- the site plan received 15.01.2014 (drawing no. PL_673_001);
- the existing floorplans received 15.01.2014 (drawing no. PL_673_201);
- the proposed floorplans received 15.01.2014 (drawing no. PL_673_301);
- the management plan received 29.03.2014

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. The rear annexe of 17 Mowbray Road shall be used as supported living accommodation for children in need of care and for no other purpose (including any other purpose in Class C2 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 ensure the continued appropriate use of the annexe and to accord with policy B2 of the UDP.

4. The supported living accommodation hereby approved shall be occupied by no more than 8 no. persons in need of care at any one time, in order to ensure an appropriate intensity of the use of the premises and to accord with the requirements of policy B2 of the UDP.