
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 Sunderland

S1	68-84 Hylton Road, Sunderland
S2	Land Off Leechmere Road, Grangetown, Sunderland
S4	150 Cleveland Road, Sunderland

**Development Control
(South Sunderland) Sub-Committee**

SUPPLEMENT

26 February 2013

Number:	S1
Application Number:	12/02901/FUL
Proposal:	Refurbishment and extension of ground floor retail units, creation of new ground floor flat, enlarged entrance and new link access to flats. Reconfiguration and extension of first floor student accommodation and installation of new windows to front and rear at first floor level.
Location:	68-84 Hylton Road, Sunderland

Further to the main agenda report in connection with this application, additional consideration has been given to the principle, layout, siting, design and highway issues.

Principle of development

As set out in the main agenda report, a number of national and local planning policies are relevant to the proposal.

In respect of national planning policy, the National Planning Policy Framework (NPPF) seeks to ensure that plans which accord with an up to date local development plan should be approved. In respect of local planning policy, the adopted Unitary Development Plan (UDP) seeks to ensure compatibility of land uses, and also includes specific policies to which regard should be had in the vicinity of the site to seek improvements to housing stock and open space provision where possible. In addition, specific policies seek to govern proposals for conversions of properties to multiple occupation accommodation.

In this regard, it should be noted that the proposal is for the refurbishment and extension of the ground floor retail units at 68-84 Hylton Road (a total of nine units at present, some of which would be combined as part of this scheme resulting in a total of six units) and the creation of a new ground floor flat, as well as an enlarged entrance and link access to the residential accommodation. Also included is the reconfiguration and extension of the existing first floor student accommodation.

The applicant has submitted existing plans which show the layout of the property as incorporating nine commercial units at ground floor level with residential bedrooms served by shared communal facilities across the upper floor of all nine commercial properties. The Council holds no record of any planning applications for the use of the upper floors of the properties as residential accommodation and the most recent floor plan of the properties is held in connection with an application for an extension to the rear of number 74 in 1990, when the properties were in commercial use. Although there is no mention of residential use of the upper floor in that application, the layout shown at that time is similar to that shown on the existing layout submitted by the applicant with the exception that it appears that some partition walls have subsequently been erected to create some of the bedrooms.

In support of the assertion that the proposal is solely for the reconfiguration of an existing residential use, the applicant has provided a planning statement setting out a case aiming to demonstrate that on the balance of probability, the property has been in use for residential purposes for in excess of 10 years. The planning consultant also refers to the fallback position of permitted development rights afforded by Part 3, Class F of the Town and Country Planning (General Permitted Development Order) (As Amended) which would allow for the provision of two self contained flats above a shop without the need for planning permission. In effect, given the present layout of the ground floor of the building where nine commercial units are provided, this potentially allows for the creation of 18 self contained flats to the upper floor of the building without the need for planning permission.

Section 191 of the Town and Country Planning Act states that where a use has taken place continuously for in excess of ten years, no enforcement action can be taken. The applicant is therefore seeking to demonstrate that the upper floor of the premises to which the application relates have, on the balance of probability, been in continuous residential use since 2003.

The appendices accompanying the applicant's Planning Statement include sworn declarations from two employees in the Pallion Properties Office which operated from 82-84 Hylton Road, adjacent to the application site. The writers of these statements suggest that to their knowledge, the upper floor of 68-84 has operated continuously as multiple-occupation residential accommodation since 2002, with no other intermittent uses. In addition, an appendix shows photographs of the upper floor of the building as it was at the time of the architect's site survey, showing the accommodation set out for residential purposes.

The applicant has also provided information from a Government website showing Council Tax registrations dating back to 2000 in respect of the property. The records date from 2000-2001, 2003-2007 and 2009 onwards, until a prohibition notice served by the Tyne and Wear Fire Service in 2011 preventing the use of the upper floor for residential purposes, although as shown in the photographs taken by the agent surveying the property to submit this application, it was still laid out for residential purposes in July 2012. The Council Tax records submitted by the applicant all refer to the first floor bedsits within the property. It is noted that the 2000-2001 entries refer to first floor bedsits at numbers 72-84 whilst those from 2003 onwards include the full terrace of properties, numbers 68-84 within the address for which Council Tax was paid.

The Planning Statement also refers to information held by the Council's Housing Renewal Team who record the first floor of the premises as being in use for residential purposes since 2004, which is as far back as the records held by this team extend.

The Planning Statement concludes that:

- The property was classified for residential purposes in 2000-2001, 2003-2007 and 2009 onwards in Council Tax records;
- The residential use continued until a prohibition notice was served by the Tyne and Wear Fire and Rescue Service on 23 June 2011;
- Photographic evidence shows that the last use was residential during a site survey carried out by the architect in July 2012;
- A single point of entry exists to the first floor; a similar first floor layout going back to 1990 and a lack of other planning applications relating to the upper floor indicates consistent residential use;
- The Council's Housing Renewal Team have records of residential use of the property since 2004;
- Permitted development rights exist for the creation of flats above shops.

On this basis, the applicant concludes that on the balance of probability, the upper floor of the premises has been in residential use for the period between 2003 and 2013.

In consideration of the principle of development, it is considered that the information submitted in the Planning Statement and the supporting appendices, together with the records of the Housing Renewal Team that on the balance of probability, the upper floor of the premises have been in residential use for a period of 10 years or more and as such, the basis on which the application has been made, i.e. reconfiguration and extension of the existing residential use is reasonable. Notwithstanding this, an important consideration is to ensure an adequate layout, siting and design is achieved in any development and these issues are considered below.

It should also be noted that as set out in the Planning Statement supplied by the applicant, a fallback position for the applicant would be that under permitted development rights, it is now possible to create two self contained flats above a shop. Given that the terrace presently comprises nine retail units at ground floor level and even following the completion of the works proposed by this application, six would remain, this would allow for the creation of between 12 and 18 self contained flats without the need for planning permission.

Layout, siting and design

Important considerations in this regard are the interface of the proposed use with existing adjacent properties and also the standard of amenity to be created for residents of the proposed accommodation. As set out in the main agenda report, UDP policies B2 and H18 are considered to be important considerations in this regard.

In respect of the inter-relationship with adjacent properties, a key assessment is considered to be the erection of the new extensions to the rear and the incorporation of new windows and the manner in which these extensions and new windows relate with the nearest residential properties to the rear, particularly 55 Lime Street and 69 Ravensworth Street,

which are oriented such that the rear elevation of the application buildings faces the rear yard areas and side elevations of the rear offshoots of these properties.

The proposal incorporates a two storey rear extension, built across the rear elevation of number 74 and part of the rear elevation of number 72. This extension adjoins an existing two storey rear offshoot and incorporates new residential accommodation at ground floor level and first floor levels. In the rear of the extension, facing 69 Ravensworth Street two are windows proposed serving one of the shared living and kitchen spaces to be provided at first floor level. It is further noted that due to the proposed internal reconfiguration of the accommodation, the rooms served by a number of existing window openings are altered, notably four bedrooms are now to be provided in the rear offshoot at numbers 82-84, which is the closest part of the application site to 55 Lime Street.

As set out above, the rear elevation of the properties to which the application relates face the rear yards and offshoot windows at 55 Lime Street and 69 Ravensworth Street. In respect of the relationship with 55 Lime Street, whilst it is noted that the spaces served by a number of existing windows to the rear of the building would be altered, as the longstanding residential use of the upper floors of the building is considered to be established on the balance of probability based on the evidence provided by the applicant as set out above, there would be no restriction which could be made as to the residential uses of individual rooms. Thus, whilst in the layout shown on the existing plans, three of the windows closest to 55 Lime Street are indicated to serve a kitchen, W.C. and shower room, there would be no mechanism through which the Local Planning Authority could prevent these rooms being used for other residential purposes i.e. bedrooms, lounges or other habitable rooms. It is noted that the proposal includes the replacement of two existing small windows in the rear elevation of number 82 with one large window to match those existing adjacent to it. Whilst this window is larger than the two which it would replace, given that it would be in a similar position and would match those windows which exist directly adjacent to it, it is not considered that this would cause unacceptable harm to the amenities of occupiers of 55 Lime Street. In such circumstances, a refusal of planning permission based on the inter-relationship with 55 Lime Street is considered unlikely to be sustainable in the event of an appeal.

Turning to consider the impact on 69 Ravensworth Street, the proposed rear extension faces the side boundary of this property and also the windows within the side elevation of this property's rear offshoot. As set out above, the extension would incorporate new residential windows at ground and first floor level, although those at ground floor level would be screened from view by the existing high wall around the rear yard of the properties. The submitted plans indicate that the proposed rear extension to the application property would be offset by approximately 14 metres from the side elevation of the offshoot of number 69, which contains windows. This distance between the existing windows in the side offshoot at number 69 and the rear elevation of the new extension hereby proposed is considered to be acceptable in order that a refusal of planning permission based around loss of residential amenity or overlooking is unlikely to be justified or sustained in the event of an appeal.

For the reasons set out above, it is considered unlikely that a refusal of planning permission based on the inter-relationship of the proposed extensions and the altered layout within the building in relation to existing properties could be justified.

Turning to consider the acceptability of the proposed development in respect of the amenity of future occupiers of the building, UDP policies H18 and section 4 of the adopted Development Control Guidelines Supplementary Planning Guidance (SPG) are applicable. Policy H18 of the UDP states that proposals for the provision or conversion of dwellings into bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality and appropriate arrangements are made to secure the maintenance of gardens and external spaces. The conversion of non-residential buildings which are vacant or under-used will normally be approved where they will not conflict with other policies and proposals of the plan. In all cases, proposals must include satisfactory provision for parking, servicing and other design aspects.

An expansion of this guidance is provided at section 4.1 of the Development Control Guidelines Supplementary Planning Guidance (SPG) which identifies general principles for conversion to flats and houses in multiple occupation. Therein, it is stated that proposals must reflect the general character and amenity of the area and those which represent an over intensive form of development will normally be resisted. Planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area. Existing features which contribute to the character of the area should be retained. Depending on the degree of self containment, there may be a requirement to provide communal facilities.

It is further recommended at section 4.2 of SPG that in order to ensure the privacy of neighbours and occupants, habitable room windows should not be unduly overlooked by people going to and from areas of car parking associated with properties. External entrances to flats or houses in multiple occupation should normally be located on the main road frontages.

Section 4.3 of SPG states that each self contained unit or house in multiple occupation must have direct pedestrian access to the front of the property, the allocated car parking area and the bin storage area. Furthermore, the SPG seeks to ensure that where extensions are proposed, these should comply with Council guidance on house extensions and also, any new windows serving living rooms, kitchens, bedrooms or other habitable rooms should not overlook or be overlooked by adjoining properties to an unacceptable degree and should have a reasonable outlook. Main living room windows should have a reasonable outlook and should not be lit solely by roof lights and habitable windows should not be in close proximity to high boundary or gable walls. Bin storage should be at the rear of buildings and easily accessible to residents.

In this regard, the proposal shows the accommodation across the upper floor of the building as well as the ground floor of the proposed two storey rear extension divided so as to form five units of accommodation and a total of 25 bedrooms. The proposal would see the bedrooms divided into five units, three containing six bedrooms, one with five bedrooms and one with two bedrooms, with each of these benefiting from shared living and kitchen facilities and all bar those in the area marked on the plans as 'Flat B' benefiting from ensuite facilities. Flat B benefits from two separate shared bathrooms rather than individual ensuite facilities. Based on the submitted plans, the bedrooms all appear to be of reasonable size,

as do the communal areas, given that the maximum number of bedrooms which would share them would be six. The provision of a shared lobby between the shop fronts of number 74 and 76 allows access to each of the separate flats proposed to be created to be taken from Hylton Road itself and whilst ground floor bedrooms proposed in the ground floor of the rear extension within the rear yard would have limited outlook, all of the bedrooms benefit from individual windows allowing light to reach them. It is not considered that the limited outlook to the rooms in the ground floor of the rear extension would be sufficient reason to warrant a refusal of planning permission. In addition, the shared communal accommodation for bedrooms 24 and 25 is located so as to be offset from the position of the proposed car parking spaces in the rear yard of the property. Access is provided by way of the new shared corridor to the rear to allow occupiers of each flat to access the bin storage facilities in the rear yard and also to enter/exit the property via a side door to Ravensworth Street.

For the reasons set out above, the quality of the accommodation proposed is considered to be acceptable with due regard to UDP and SPG policies as set out above.

In respect of the alterations to the appearance of the building, the alterations proposed are predominantly concentrated around the rear elevation, with single and two storey extensions proposed. The new extensions and link corridor would in the main be hidden from easy public view by the high wall which exists around the rear yard, with only the new two storey rear extension and alterations to the roof of the existing offshoot to the rear of number 78 appearing easily visible over the wall. Subject to the use of appropriate materials to clad the proposed extensions, their appearance does not appear at odds with the existing appearance of the rear elevations of the properties within the terrace. This can be secured through discussion with the applicant and imposition of a condition in respect of materials to any planning permission.

For the reasons set out above, the layout, siting and design of the proposed development are considered to be acceptable.

Highway Issues

The impact of the development in terms of highway safety has been considered in light of the comments of the Network Management Section as set out in the main agenda report. In particular, regard has been given to the recommendation of the Network Management Section that the proposed parking area in the rear yard be given over to the residential use rather than the commercial use as shown on the originally submitted plans.

Upon being made aware of the comments of the Network Management Team, the applicant has amended the plan to show the parking area within the rear yard as being allocated to the residents rather than the commercial units. This alteration is also reflected in the omission of the previously included door providing access to the rear of the retail units from the rear yard, meaning that the parking can be dedicated to the residential accommodation. This amendment, coupled with the findings as set out above in respect of the probable longstanding use of the upper floor of the building for residential purposes is considered to be such that the proposed and previous uses of the building are comparable and as such, a refusal of planning permission on highway safety grounds is not warranted.

The comments made in objection to the proposal regarding the extension to the roller shutter door to the rear yard wall and the provision of the new roller shutter access for deliveries to the retail unit from Lime Street are noted. However, the Network Management Team has considered the application and following this, it is not considered that either of these elements of the proposal would create conditions prejudicial to highway safety so as to refuse planning permission on that basis.

Conclusion

For the reasons set out above, it is considered that the proposal which seeks planning permission for the refurbishment and extension of the ground floor retail units, the creation of a new ground floor flat, an enlarged entrance and a new link access to the first floor residential accommodation, along with the reconfiguration and extension of the existing first floor accommodation and installation of new windows to front and rear at first floor level is acceptable.

It is recommended that the application be approved subject to the conditions set out below:

Recommendation: Approve subject to conditions

Conditions:

1) 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 Existing Floor Plans – Drawing Number RS/71076/01 Revision A, received 24 October 2012;
- The Existing Elevations – Drawing Number RS/71076/02, Revision A, received 24 October 2012;
- The Proposed Floor Plans – Drawing Number RS/71076/11, Revision E, received 25 February 2013;
- The Proposed Elevations – Drawing Number RS/71076/12, Revision E, received 25 February 2013;
- The Existing and Proposed Roof Plans – Drawing Number RS/71076/14 Revision A, received 24 October 2012;
- The Location Plan – Drawing Number RS/71076/100, Revision A, received 24 October 2012;
- The Existing Site Plan – Drawing Number RS/71076/101, Revision A, received 24 October 2012 and
- The Proposed Site Plan – Drawing Number RS/71076/102, Revision A, received 25 February 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.

2) Notwithstanding any indication of materials which may have been given in the

application, within one month of the date of this planning permission, samples of the timber cladding and brickwork to be used for the external surfaces of the proposed rear extensions shall be 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.

3) The area identified for the parking of vehicles marked as 'Parking for Residential Use' on drawing number RS/71076/11 Revision E, received 25 February 2013 i.e. the car park to the rear of the buildings containing six spaces shall be made available for use for the parking of vehicles associated with the residential use of the building prior to the first occupation of the reorganised residential accommodation and shall remain available for the parking of vehicles associated with the residents of the development at all times thereafter for the lifetime of the development unless first otherwise agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.

**Development Control
(South Sunderland) Sub-Committee**

SUPPLEMENT

26 February 2013

Number:	S2
Application Number:	12/03152/OUT
Proposal:	Outline application for the erection of a new bingo club with associated access (appearance, landscaping, layout and scale all reserved).
Location:	Land Off Leechmere Road, Grangetown, Sunderland

Further to the main agenda report a response has been received from Network Management.

The application has been submitted with a comprehensive Transport Assessment and Travel Plan reports.

The outline application only seeks approval for the access arrangements to the site. It is considered that on balance a satisfactory form of access can be taken from Leechmere Road, which would require improvements to the existing access point.

The applicant has proposed highway works outside the redline boundary of the planning application in terms of turning pockets, the highway section considers this necessary in order to achieve a satisfactory form of development and to comply with policies T14 and T22 of the Unitary Development Plan. Should members be minded to grant planning permission it is recommended that a Grampian condition be imposed to ensure that the highways improvements are carried out prior to development commencing on site.

Responses from Nexus and Northumbrian Water are still outstanding; the final date for response is the 1st March 2013. Should any negative responses be received to the application the matter shall be report back to the next available sub-committee meeting.

Conclusion

The proposed development is considered satisfactory in terms of land use allocation and

highway safety requirements and as such is considered to comply with the relevant policies of the Unitary Development Plan as set out in the main agenda report and the aims of the National Planning Policy Framework guidance in terms of economic development,

Recommendation:- Delegate to the Deputy Chief Executive for approval subject to conditions as listed below and for the expire of the consultation period.

- 1 Reserved Matters Time Limit Condition
- 2 Reserved matters to be submitted
- 3 Plans
- 4 Scale, massing and layout of the building and associated
- 5 Grampian Condition in respect of highway works
- 6 Details of plans of access arrangements
- 7 Land Contamination conditions
- 8 Dirt , Noise and Debris
- 9 Hours of Operation
- 10 Landscaping details
- 11 Site Levels
- 12 Environment Agency Conditions in respect of surface water drainage, surface water run off, car park area drainage, Foul Drainage.
- 13 Site Management Plan
- 14 Materials
- 15 Travel Plan
- 16 Boundary Enclosures

**Development Control
(South Sunderland) Sub-Committee**

SUPPLEMENT

26 February 2013

Number:	S4
Application Number:	13/00025/FUL
Proposal:	Change of use from bakery (B1) to retail shop (A1) and provision of new shopfront
Location:	150 Cleveland Road, Sunderland

Subsequent to the main report to the Sub-Committee, the applicant has clarified that, whilst the majority of the upper floor of the building is vacant, it also contains a single flat which is currently occupied. It is proposed to discontinue the use of this space as a flat and, instead, the upper floor would be used as office space and storage in association with the proposed ground floor shop.

The statutory period for the receipt of representation has now expired and representations have been received from residents/owners of a total of 20no. neighbouring dwellings in opposition to the proposal, in addition to 2no. petitions - one submitted by a local resident which contains 101no. names and the other submitted by the nearby Spar shop at no. 36 Ewesley Road which contains 526no. entries from residents. The issues raised within these representations are summarised as follows:

- the proposed use of the property as a shop conflicts with the predominant residential nature of the locality
- the proposed use of the property would attract additional vehicles to the site, including those of customers and staff as well as delivery vehicles, which would exacerbate existing traffic congestion, visibility and parking problems in the locality, to the detriment of the safety of motorists and pedestrians, including children travelling to and from school
- the lane which runs along the rear of the site may become blocked by delivery vehicles or indiscriminate parking by customers or staff
- the proposal would result in disturbance to neighbouring residents, particularly during early mornings and late at night, by noise from deliveries and customers
- the proposal would result in the generation of additional litter as well as pollution from the

attraction of vehicles

- the proposal would result in anti-social behaviour
- an additional retail unit is not needed in the locality given that there exists a Spar and other shops and amenities on this and nearby streets
- the proposed shop would compromise the viability of existing shops in the area, which may lead to a loss of jobs
- the statement within the Design and Access Statement that there is sufficient space to park 4no. cars to the rear of the premises is inaccurate

A representation has also been submitted on behalf of the owners of no. 36 Ewesley Road, from which a Spar shop is currently operated, in objection to the application. This representation cites a number of UDP policies, including S5 which was not 'saved' under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and has therefore expired. Policies EN10, S3 and S8, which have also been sited, have been 'saved' and will be elaborated upon later in this report.

This representation goes on to argue that the site is not a local centre, but instead is situated within a residential area, hence the amenity of residents would be compromised by the attraction of vehicles together with a lack of off-street parking as well as the proposed late opening hours. It is also argued that there is no evidence of a local need for an additional shop and the design of the proposed shopfront is not sympathetic to the host building or surrounding area. It is also noted within this representation that no reference has been made to the parking requirement of the existing upper floor offices and details of the location of the external element of the refrigeration unit has not been identified whilst the quality of the Design and Access Statement is criticised. In respect of the latter point, the LPA is satisfied that sufficient information has been provided in order to allow a fully informed recommendation and decision to be made.

In response to these representation, the applicant has submitted a supporting statement wherein the following points are made:

- the need for an other shop in the area is irrelevant; the proposal would create additional local competition rather than attract additional visitors to the area
- an HGV would deliver only one per week, only milk and bread would be delivered daily a smaller vehicle and deliveries would be taken during daytime hours
- the proposed facility is intended to cater for local residents, who would be more likely to travel to and from the site by foot rather than vehicle
- any people travelling to the site by vehicle, as well as delivery vehicles, would park for only a short period of time
- allegations that the proposal would increase litter and anti-social behaviour are questioned
- constructing 4no. dwellings on the site would pose worse parking problems than the proposed use
- many residents are in favour of the proposal [Members are advised that no evidence of this has been provided to date]
- the proposal would create between 5no. and 10no. new jobs
- a revised closing time will be accepted if necessary to address neighbour's concerns regarding late-night disturbance

Network Management have advised that the proposed change of use from a light industrial / commercial premises to a retail shop would not significantly increase vehicle movements, or parking demand in the area and, whilst the delivery and servicing to the premises with an HGV vehicle through a primarily residential area is undesirable from a highway and public amenity perspective, it is unlikely that a recommendation for refusal on this reason alone would be sustainable in an appeal situation.

Environmental Health raised no objections and recommended means of minimising disturbance to neighbouring residents during construction works in terms of restricting hours of construction and minimising the generation of noise, vibration and dust.

As set out in the main report, the main issues to consider in assessing this proposal are:

- the principle of the proposed change of use;
- the impact of the proposed development on residential amenity
- the impact of the proposal on visual amenity and the accessibility of the premises;
- any parking / highway implications; and
- the potential for the generation of litter.

Principle of Use

The site is not allocated for any specific land use by the UDP and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In addition, whilst the site is not situated within any shopping centre specifically designated by the UDP, policy S3 seeks to retain other existing shopping centres, local groups and small shops providing for everyday needs and specifies that new provision will be allowed in areas which do not have ease of access to a range of local shopping facilities at present (including areas not well served by public transport) and areas where substantial new residential development has taken place or is proposed.

The host property is situated within a predominantly, but not wholly residential area; whilst the site is surrounded by residences, there is a barber shop at no. 161 Cleveland Road directly opposite and Spar shop within particularly close proximity at no. 36 Ewesley Road, also on the opposite side of Cleveland Road, around 20m away which has been in situ since the early 1970s and is open between the hours of 07:00 and 22:00 daily, although there are no planning restrictions over its operating hours. There is also a florists at no. 144 and a newsagents at no. 203 Cleveland Road (both around 100m from the site) and further shops in Ormonde Street over 100m away, namely an off-licence at no. 67 and a Post Office at no. 70, in addition to other amenities nearby.

It is noted that the host unit was most recently operated as a bakery factory and, therefore, currently has implied consent to operate under Class B1 (offices, research and development and light industry), so the proposal would not result in the creation of an additional commercial unit within the area. Therefore, the principle of the proposed use may be

considered acceptable, but only if the proposal accords with the other issues to be addressed below.

Residential Amenity

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Policy B2 of the UDP requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality.

In assessing such an impact, consideration must be given to the existing lawful use of the property. This would allow the premises to be operated for any purpose under Use Class B1 which, particularly in the case of light industry, could pose a significant detrimental impact on the amenity of neighbours in respect of noise and disturbance. However, any such use must also have regard to the relevant Environmental Health legislation and, should it be found that a particular operation constitutes a statutory nuisance, it could be open to enforcement action. Therefore, in practical terms, the prospect of the premises being used for light industry, or any other operation within Class B1 which would be likely to generate excessive noise, is doubtful and, given the likelihood of complaints arising from residents, it is not considered that the premises offers attractive accommodation for an industrial operation. Indeed, the unit has been vacant for over 10no. years to date.

Having regard to the current proposal, it is considered that the increased level of activity which is likely to be brought about by the proposed shop would give rise to a significant increase in disturbance to neighbouring residents. In particular, the host unit has a gross floor area of 389sq.m, over 100sq.m greater than that of the nearby Spar, which is likely to attract more customers to the area, both by vehicle and on foot. There are unrestricted areas of highway to the front, side and rear of the property on which cars could park so as not to directly affect the amenity of neighbouring dwellings. However, should no space be available at these areas, which is often the case, customers visiting the property by vehicle would be likely to park on the opposite side of Cleveland Road or in Abingdon Street beyond the rear alleyway directly in front of existing dwellings (this may also lead to indiscriminate parking, to be discussed later in this report). The parking of additional vehicles in such areas would result in disturbance to residents as a result of the arrival and departure of vehicles, car stereos and the slamming of car doors. Disturbance is also likely to be caused by pedestrians visiting the premises, who would be readily heard by residents given the particularly close proximity of the premises to residential properties. Such matters are a particular concern during late hours when residents are entitled to expect a quiet ambience given the predominant residential nature of the area.

It is noted that HGVs would only visit the site once per week and smaller vehicles would deliver to the site daily, all of which, the applicant estimates, would stay for no longer than 30no. minutes at any time. However, it is considered that the attraction of additional goods vehicles to a predominantly residential area would be likely to result in disturbance to neighbouring residents. Whilst such disturbance would be occasional, it would remain in perpetuity for the lifetime of the proposed use.

The offer of the applicant to reduce the proposed closing time from 22:00 to 21:00 daily would aid in addressing the above concerns to some degree, however it is not considered that this would adequately mitigate the potential for noise disturbance, particularly given that the site physically adjoins a residence to the east side and is surrounded by further dwellings.

In respect of the representations which have been received, whilst the level of opposition or support to a proposal is not material to the planning merits of a proposal in its own right, it is considered that those who live in, represent and know the locality well should be in a good position to judge whether the proposal would be harmful to their living conditions. This is an example of 'Localism' at work, whereby residents have indicated their wishes in relation to a planning decision within their locality. The applicant has indicated that a significant number of residents have expressed their support for the proposal, however no evidence of this has been received to date.

For such reasons, it is considered that the proposal would be detrimental to the amenity afforded to neighbouring residents.

Visual Amenity and Accessibility of Premises

Policy S8 of the UDP relates specifically to shop fronts and states, 'new and redesigned shop fronts should be of a scale, design and materials which relate satisfactorily to the building in which the shop front is to be installed, also to adjacent buildings. Access for people with disabilities should be provided wherever possible in new shop front design in accordance with development control guidance'.

The proposed shop front is of modern design and is typical of retail premises. Whilst it is not considered to be of any particular architectural merit, the ground floor frontage of the building is currently in a poor state of repair and has been subjected to a number of unsympathetic alterations. Therefore, on balance, it is not considered that the proposal would be detrimental to the visual amenity of the street scene.

In terms of accessibility, there would be only a marginal step into the property, the internal ground floor being approximately level with the adjacent footway. As such, it is considered that the proposed arrangement would provide an acceptable inclusive means of access.

Parking / Highway Implications

It is stated within paragraph 32 of the NPPF that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

Strong concern has been raised by local residents that the proposal would exacerbate existing traffic congestions within the area and would compromise highway safety. As summarised above, Network Management has reviewed the proposal and have advised that, whilst there are concerns in respect of deliveries, it is unlikely that a recommendation for refusal on highway grounds alone would be sustainable in an appeal situation.

In respect of the applicant's assertion that the proposal would not attract additional vehicles to the area, but would instead merely add competition, it is noted, as explained previously, that the floor area of the proposed unit is over 100sq.m greater than that of the nearby Spar, so it is likely that the proposal would attract more custom to the area by car. Consequently, it is considered that the proposal would result in an increase in the volume of vehicular traffic within the vicinity of the site.

Whilst a similar level of parking would be required for a Class B1 use, it is not considered that such a use, where those driving to the site would typically be staff parking for long periods, is comparable to the proposed use, where the majority of visitors would be customers parking for short periods of time. Given the level of parking congestion which is commonplace within the vicinity of the site, it is considered likely that customers, when unable to find a suitable parking space, will park indiscriminately on the basis that it would be for a short period of time only, which is likely to lead to further congestion. It is also considered that the delivery vehicles visiting the site will further compound congestion concerns, a problem which residents have expressed already occurs at the nearby Spar premises. It is noted that the majority of Abingdon Street is particularly narrow and the alleyway to the rear of the site is well-used, so the attraction of any additional vehicles to the area is likely to significantly compound local traffic congestion. In addition, this part of Cleveland Road also part of a bus route, therefore it is particularly important to ensure that adequate provision for vehicles to pass is maintained.

For such reasons, it is considered that the proposal would be detrimental to highway safety and the free passage of traffic.

Litter

Numerous concerns have been raised to residents to this regard, many of whom have cited an existing litter problem pertaining to the nearby Spar shop as evidence that the current proposal may result in such a problem. However, it is not considered that there is any conclusive evidence which demonstrates that the current proposal would pose any significant increase in litter. If littering is identified, this is a criminal offence which should be reported to the police.

Other Issues

As summarised earlier in this report, a number of local residents have questioned the need for an additional retail unit within the locality. In particular, it is noted that there is a Spar shop within particularly close proximity at no. 36 Ewesley Road in addition to other shops and amenities nearby. However, a needs assessment is not considered to be required

given the scale of the proposed shop and the issue of competition is not a consideration which is considered to be material to the planning merits of this proposal.

Concerns were also raised that the proposal would attract anti-social behaviour, however no evidence has been submitted to demonstrate that this would be the case.

It is accepted that the proposal would carry the benefits of creating additional jobs and bringing a currently vacant unit which is in a state of disrepair back into use. However, it is not considered that such benefits outweigh the harm described above.

Conclusion

Notwithstanding the other matters discussed within this report, for the reasons given above it is considered that the proposal would be detrimental to the residential amenity afforded to neighbouring properties through the generation of noise and consequent disturbance, particularly at night, and would be detrimental to highway safety and the free passage of traffic through the attraction of additional vehicles to the site, contrary to the requirements of policies B2, T14 and T22 of the adopted UDP and paragraphs 17 and 32 of the NPPF. It is therefore recommended that Members refuse the application.

RECOMMENDATION: REFUSE

REASONS

1. The proposed use would result in unacceptable levels of disturbance to nearby residential properties, caused by the noise generated by the comings and goings of customers and their vehicles, which will extend into evening periods, and delivery vehicles, conflicting with the established character of the area. The proposal therefore fails to comply with the requirements of policy B2 of the Council's adopted Unitary Development Plan and paragraph 17 of the National Planning Policy Framework.

2. The proposed use would lead to the attraction of a significant number of additional vehicles to and from the site and, without adequate off street parking facilities, will lead to an increase in vehicular activity and parking on and adjacent to the site, to the detriment of highway and pedestrian safety and the free passage of traffic. The proposal therefore fails to comply with the requirements of policies T14 and T22 of the Council's adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.