

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

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North
Sunderland

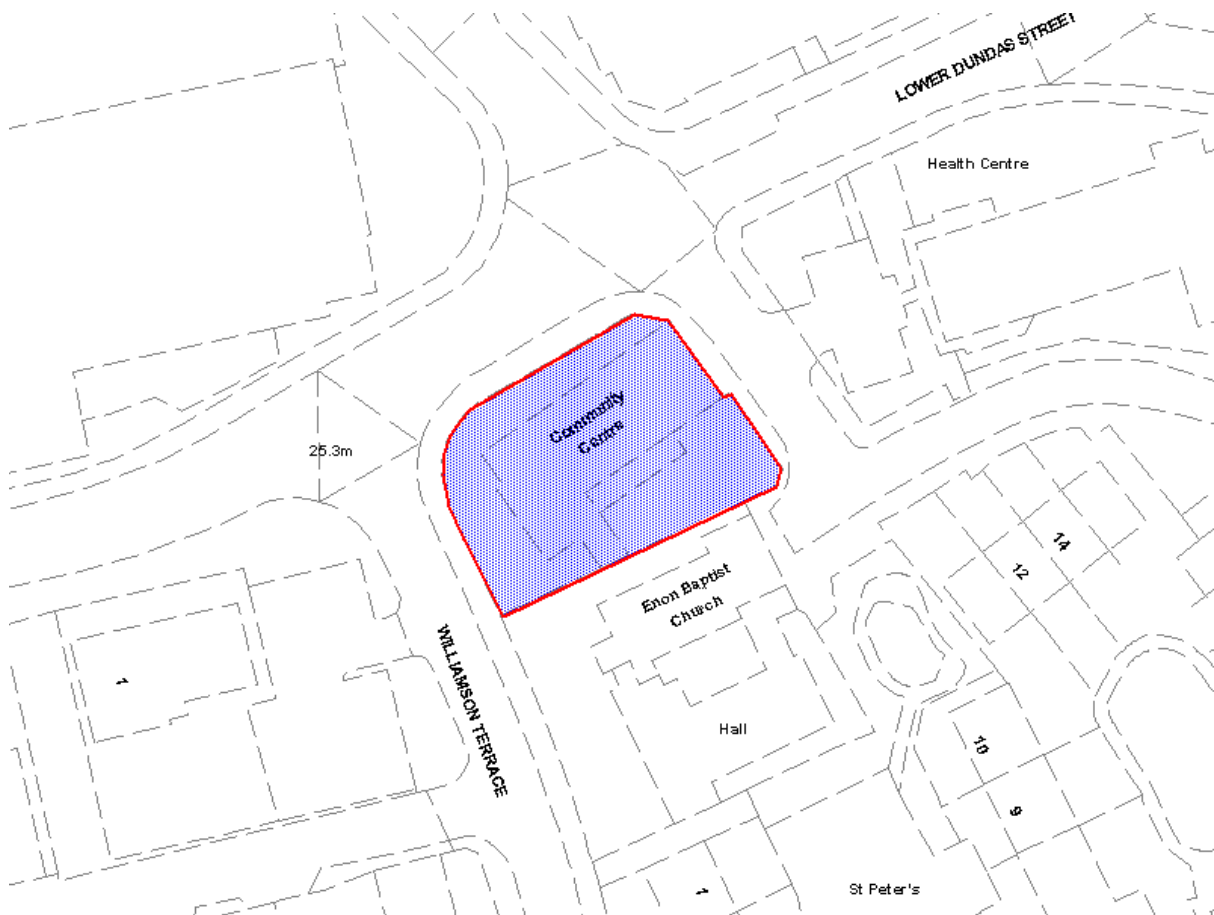
Reference No.: 14/02789/LP4 LP4 (Regulation 4) 3rd Party Developer

Proposal: Change of use from former theatre to 9 two bedroom self-contained apartments and 1 self-contained one bedroom apartment, to include external alterations to provide new windows to all elevations.

Location: No Limits Theatre Dundas Street Sunderland SR6 0AY

Ward: St Peters
Applicant: Leah Properties Ltd
Date Valid: 16 December 2014
Target Date: 17 March 2015

Location Plan



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PROPOSAL:

The application site is a flat roofed three-storey building situated on the corner of Dundas Street and Williamson Terrace. It is currently vacant but was previously

used as a theatre. It has a small single storey addition to the side/rear and is situated within a limited curtilage with a small garden area to the rear.

The application relates to the change of use of the premises to 9 two-bedroomed apartments; three on each floor, and a single bedroomed apartment within the single storey part of the building. All apartments will be self-contained having a lounge/kitchen, bedroom(s) and bathroom. The proposal includes external alterations to provide fenestration to all habitable rooms and communal areas. No particular social group has been indicated as the target end-user.

Access to the single bed flat is proposed to be from the side, off Williamson Terrace, whereas access to the main building will be from the rear from what is proposed to be communal amenity space. A refuse store and cycle parking is also proposed at the rear.

There is no incurtilage car parking, however, the applicant has indicated that the existing car park across Williamson Terrace will be available. It is understood that this car park was allocated for the use of the theatre and will be included in the sale of the premises from the council.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

DC North Chair And Vice Chair Consultation
St Peters - Ward Councillors Consultation
Network Management
Northumbrian Water
Environmental Health
Nexus
Force Planning And Police Architectural Liaison Officer
Theatres Trust

Final Date for Receipt of Representations: **11.02.2015**

REPRESENTATIONS:

Neighbours

One letter of objection has been received.

The objector's main concerns relate to the possibly undesirable nature of the potential occupiers and that the development would introduce an inappropriate type of accommodation in a predominantly family-based residential area, to the detriment of the amenities of the area.

Consultees

Nexus have confirmed that they have no objections to the proposal and have commented that there are good public transport links to the site.

Northumbrian Water have confirmed that they have no comments to make.

The Network Management Team have indicated that for general residential accommodation the parking requirement would be 1 space per apartment plus 1 visitor space per three apartments, in this case totalling a minimum of 13 spaces.

The Refuse and Recycling Team have provided advice regarding acceptable refuse arrangements.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

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

T_22_Parking standards in new developments

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should pro-actively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy B2 requires new development proposals to maintain an acceptable standard of visual and residential amenity. Furthermore, policies T14 and T22 seek to maintain acceptable levels of highway and pedestrian safety and provide new developments with appropriate levels of dedicated car parking respectively.

The main issues to consider in this case are;

- principle of the development,
- design and amenity issues,
- ecology issues,
- access and highway issues,

Principle of development

Policy EN10 states that any planning application should be compatible with the dominant land use of the vicinity. In this instance, the site is positioned on the entrance to St Peter's View, and the surrounding area, particularly to the south, is predominantly residential in character. As such, the residential development of the site is considered to be acceptable in accordance with UDP policies EN10.

Design and amenity issues

The existing building is a rather bland, imposing, brick built structure with limited fenestration. The proposed alterations to the exterior will serve to break up large sections of blank brickwork and introduce a palette of materials (subject to agreement by condition) that would add new interest to the building. It is therefore considered that the proposal would not result in a detriment to the visual amenities of the area.

The previous use of the premises as a theatre would have seen large groups of visitors to the site at any one time, probably late into the evenings. The proposed use is unlikely to generate the same level of comings and goings to the site. With regard to the objector's comments, it is considered that whilst the fears of nearby residents in respect of noise, disturbance and anti-social behaviour are acknowledged, there is no evidence to indicate that this would directly result from the development to merit a refusal of planning permission. As a residential use in a predominantly residential area, it is not considered likely to result in conditions that would be prejudicial to the residential amenities of the area.

Given the above, it is considered that the proposal complies with policy B2 of the UDP, which requires new development proposals to maintain an acceptable standard of visual and residential amenity.

Ecology

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the

Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites.

There are two relevant designated sites within the vicinity of the proposal; the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. The potential source of impact in this case would be from increased recreational visits to the coastal areas as a result of the development.

The development proposes 10 apartments. The impact of the small numbers of potential visitors to the coast arising from the development is not likely to have a significant effect upon the identified European sites either alone or in combination with other plans or projects. It is therefore considered that a full Appropriate Assessment is not required in this case.

Access and highway issues

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 across the road from the property which, it is suggested, can accommodate up to 15 no. vehicles. The applicant intends to erect suitable signage to ensure the availability of the car park for use by residents and visitors only. The Council's Network Management team has advised that this arrangement and level of parking is considered to be acceptable in accordance with policy T22's requirements.

A cycle parking area is indicated within the communal area to the rear. Amended drawings have been submitted to show a curved roof 'Speedy' cycle shelter with Sheffield style racks to provide covered, secure cycle storage for 10 cycles. This is considered to be an acceptable arrangement which supports section 4 of the NPPF 'Promoting Sustainable Travel'.

Although the submitted drawings show a refuse store to the rear, it is not of a sufficient size to accommodate the required number of refuse bins. However, the store and the remaining garden area is considered to be capable of accommodating a bin storage system that would be accessible from all flats and to the street. It is considered that these details could be agreed by condition.

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.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below:

RECOMMENDATION: GRANT Consent Under Regulation 4

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:
 - location plan, drawing number C-00, received 16/12/14,
 - existing floor plans, drawing number C-01, received 16/12/14,
 - existing elevations, drawing number C-02, received 16/12/14,
 - proposed floor plans, drawing number C-03, received 16/12/14,
 - proposed elevations, drawing number C-04, received 16/12/14,
 - proposed site plan as amended, drawing number C-05 rev A, received 3/3/15,
 - existing site plan, drawing number C-06, received 16/12/14,
 - cycle shelter details, received 3/3/15,

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 The area indicated on the submitted plans for the parking and manoeuvring of vehicles shall be maintained and made available for such use for residents and visitors to the site at all times, and shall be used for no other purpose, in the interests of highway safety and to comply with policies T14 and T22 of the UDP.

- 5 No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the details hereby approved. These facilities shall then be retained, maintained to a functional standard and permanently reserved for bicycle parking to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policies T14 and T22 of the UDP.
- 6 Notwithstanding the submitted details, before the development hereby permitted is occupied, facilities for the storage of refuse within the site shall be provided in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority, and shall be maintained and made available for such use at all times thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.
- 7 Prior to the occupation of the building, a Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to include details of the arrangements for the maintenance of the communal areas of the building, the external garden area, and the arrangements for bin collections. The building shall be maintained and operated in accordance with the agreed details at all times thereafter, in order to achieve an acceptable form of development and to comply with policy B2 of the UDP.