

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 2 on Tuesday 27th
May, 2014 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith).	55

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

15th May 2014

Item 3

Development Control (South Sunderland) Sub-Committee

27 May 2014

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

South & City Centre Area

1. Site of Former Ford & Hylton Social Club, Poole Road, Sunderland.
2. 17 Mowbray Road, Sunderland.
3. Oakwood House, 17 Mowbray Road, Sunderland.
4. Ryhope General Hospital, Stockton Road, Ryhope, Sunderland.
5. 22 Percy Terrace, Hendon, Sunderland.

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or email Development Control dc@sunderland.gov.uk

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

Reference No.: 13/03796/FUL Full Application

Proposal: **Residential development comprising 14 no. dwellings to include 6 no 3 bed and 8 no 2 bed properties. (Amended description, amended plans received 20.03.2014)**

Location: Site Of Former Ford And Hylton Social Club Poole Road Sunderland

Ward: Pallion
Applicant: Inspiring Environments LLP
Date Valid: 24 December 2013
Target Date: 25 March 2014

PROPOSAL:

The application seeks approval for the erection of 14 dwellings with associated access, parking and landscaping works. It should be noted that the description has been amended to reflect a reduction of 4 dwellings from the scheme as originally proposed due to concerns pertaining to the density of the development.

The roughly rectangular site equates to approximately 0.30 hectares and is bound by longstanding two storey semi detached properties situated within the surrounding residential streets of Poole Road, Fordfield Road and Padgate Road. The cleared site rises on a north to south axis and was formerly home to the Ford and Hylton Social Club. More recently the land has been the subject of a planning approval for a care home that was granted in 2009.

More specifically the submitted scheme proposes the erection of 6no 3 bed and 8no 2 bed two storey dwellings, the provision of 19no in-curtilage parking bays and associated landscaping. Vehicular access to the development would be achieved via a new access on Poole Road whilst the redundant accesses on Fordfield Road and Poole Road are to be re-instated back to public footpath.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Pallion - Ward Councillor Consultation

Network Management
 Northumbrian Water
 Environmental Health

Director Of Childrens Services

Final Date for Receipt of Representations: **25.04.2014**

REPRESENTATIONS:

Neighbour representations -

No representations have been received as a result of the neighbour consultation letters issued, the site notice posted, or the press notice published.

Network Management -

Observations have been made on the basis that works would need to be undertaken within the adopted highway. Works would include the provision of a new access on Poole Road, footway crossings on Poole Road and Padgate Road and the reinstatement of redundant accesses back to footway.

It has been acknowledged that 5 visitor parking bays are proposed within the development but it would be preferable if two of these bays were to be positioned along the side of the turning head.

The existing wall on Padgate Road should be retained for visibility and, if any, no boundary feature over 0.6m in height should be within the 2.4m x 45m visibility splay at the entrance to the site.

Environmental Health -

Comments have been received regarding the proximity of the development to nearby residential. As such it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive and 07:30 and 14:00hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays without first obtaining consent.

Further advice on issues pertaining to noise/vibration/dust generation and suppression in connection with the future construction has also been provided.

Northumbrian Water -

It has been noted that the application does not provide sufficient detail with regards to the management of surface and foul water from the development. In this respect it has been requested that a condition requesting such details should be submitted if the application is to be approved.

POLICIES:

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

B2 Scale, massing layout and setting of new developments

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

H1 Provision for new housing

R2 Taking account of spare infrastructure / reduced travel / vacant & derelict land

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

T22 Parking standards in new developments

COMMENTS:

The key issues to consider in relation to the application are:-

- The principle of the land use.
- The appearance and layout of the development.
- The impact of the development upon neighbouring properties.
- Highways Issues.
- Section 106 contributions.

The principle of the land use

The land is not allocated for a particular use in the UDP and therefore policy EN10 is applicable. This states 'all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this 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'.

In addition Policy H1 (New Housing Provision) of the UDP, seeks to ensure that sufficient new housing is provided which will maximise locational choice, caters for reduced out migration and increasing household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land.

Policy R2 of the UDP, Resource Utilisation, states that in considering proposals for new development the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure, minimises the need for travel and makes use of vacant and derelict land.

In respect of the above it is clear that the development proposes the re-use of vacant brownfield land and is to be situated within a sustainable location characterised by residential dwellings. The use of the land for residential development is therefore considered to be acceptable in principle and in accordance with the provisions of policies EN10, H1 and R2 of the UDP.

The appearance and layout of the development

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'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 reflects the above, stating that "the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas". Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

As has been discussed at the beginning of this report, the over intensive nature of the initial proposal was considered to be unacceptable due to the adverse impact it was deemed to have on matters pertaining to layout, physical spacing, and residential amenity. In this respect and following discussions with the agent the quantum of development was reduced from 18 dwellings to 14 dwellings.

The proposed dwellings are all two storey in scale presenting two different house types. The layout proposes 8no dwellings to the north of the site which would continue the existing building line provided by the properties on Fordfield Road. 3no dwellings would face onto Poole Road whilst a further 3no dwellings would face onto Padgate Road to the south of the site. Vehicular access into the development is to be achieved via Poole Road with space for 19 cars provided to the rear of units B1 to B8. An area of landscaping/planting is to be provided alongside the eastern boundary within the confines of the development site.

Overall the proposed scale, massing, layout and design of the development are considered to be acceptable on balance. Whilst the proposed dwellings offer a notably smaller footprint than the existing housing stock within the immediate area, the massing is largely proportionate with the approved Gleeson residential development proposed to the east and the development is purported to be aimed at the 'low cost' end of the housing market.

Within this context the development does provide reasonable areas of internal and external amenity space and the overall development would not appear out of keeping within the context of the area. Indications of proposed materials have been provided which include facing brickwork, interlocking concrete tiles and render. Notwithstanding this, specific details of all materials and proposed boundary treatments would be required to be submitted for approval via condition should the application be approved.

The impact of the development upon neighbouring properties.

The proposed dwellings are not considered to significantly affect the living conditions of existing neighbouring properties and as such the development is considered to comply with Policy B2 of the UDP.

Minimum separation distances are shown to be met, with all main facing windows in excess of the 21 metres standard, as recommended in the Council's Residential Design Guide. On this basis it is not considered that the new dwellings would appear overbearing, visually, intrusive or result in the loss of significant levels of sun/daylight to any surrounding occupiers.

Highways Issues

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

Sufficient parking would be provided within the confines of the site with one space per dwelling and five visitor bays proposed. It has been suggested that two bays should ideally be positioned to the east alongside the turning head; however this is not considered to be integral to the overall acceptability of the scheme. Highway works would need to be undertaken within the adopted highway and an informative will be placed on the application to this effect.

On the basis of the above, the development is considered to accord with the provisions of policies T14 and T22.

Section 106 contributions

Education

Paragraph 72 of the NPPF states that, 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted'.

In addition, UDP policy R3 states that, where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made.

It has been confirmed by the Schools and Relationships Manager that that there is not going to be sufficient spaces in the nearest school (Highfield) to meet the

needs of the proposed development as this school is currently full and is projected to be so into the future. Further pressure is also going to be put on school places following the recent approval of the Gentoo and Gleeson housing developments.

Based on the number of dwellings proposed, the Council's Children's Services section has set out the requirement for a financial contribution of £21,970 to accommodate the additional primary school places which are estimated to be generated by the proposed development, using the Department for Children Schools and Families basic need cost multipliers.

Play Space

Paragraph 73 of the NPPF indicates that 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.

Policy H21 of the UDP reflects this, setting out the Council's requirements for open space provision within new developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide contributions towards new, or the maintenance of existing, children's play equipment.

The Council's Sport and Leisure section has advised that a financial contribution of £9,814 is required in this instance, which would be spent at the nearby King George Play Area to support the ongoing maintenance of the play park.

Conclusion

The development would involve the re-use of vacant brownfield land within a sustainable and predominantly residential location whilst contributing towards the City's housing land supply. Further, the proposed scale, massing layout and design is considered to be appropriate within the context of the area without impinging on the living conditions of existing nearby residential occupiers.

As such, Members are recommended to Delegate to the Deputy Chief Executive who is minded to approve subject to the completion of a S106 Agreement in respect of education and play space and the conditions set out below.

RECOMMENDATION: Delegate to Deputy Chief Executive

Conditions:

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

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

The proposed elevations as amended received 20 March 2014 (Drawing No's A(00)GAE001 and A(00)GAE002 REV3)

The proposed floor plans as amended received 20 March 2014 (Drawing No's A(00)GAP001 and A(00)GAP002 REV3)

The proposed site sections and elevations as amended received 20 March 2014 (Drawing No A(00)GAE100 REV3)

The proposed site plan as amended received 13 May 2014 (Drawing No. A(00)GAP001 REV5)

The location plan received 4 December 2013

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 5 Notwithstanding the approved plans, no development shall be carried out until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; trees; noting species; plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details, in the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of

visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.

- 7 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 8 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of any construction compound and site cabins, routes to and from the site for construction traffic and measures to ameliorate noise, dust, vibration and containing construction dirt and debris within the site and so implemented, including the provision of a wheel wash facility, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the adopted Unitary Development Plan.
- 9 The development shall not commence until a detailed scheme for the disposal of surface and/or foul water from the development hereby approved has been submitted to and approved by the Local Planning Authority. The development shall not be brought in to use until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

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 SR2 8EW

Ward: Hendon

Applicant: HMO Northeast T/A Forevercare

Date Valid: 5 February 2014

Target Date: 2 April 2014

PROPOSAL:

The proposal relates to the change of use of the rear section of 17 Mowbray Road, Hendon, Sunderland, SR2 8EW to supported living accommodation (use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to accommodate up to 8 no. children in full-time care.

The proposal affects an annexe at the rear of a large, three-storey detached property occupying a large (approximately 815 sq. metres) plot at the junction of Mowbray Road and Toward Road, which flanks its western side. The main building is set behind a large walled front garden and is a relatively attractive property of some age, but to its rear is the fairly modern, substantial two-storey annexe, which is attached to the main building via a connecting enclosed hallway. The area surrounding the subject building is predominantly residential in nature, with residential terraces to the south, on the opposite side of Mowbray Road, to the west (The Oaks) and to the north (St. Vincent Street). To the east are the relatively modern two-storey dwellings of the cul-de-sac St. Lucia Close.

Before describing the details of the current proposal, it is considered useful to give an overview of the planning history of the subject building. It would appear that the property was historically a vicarage for the nearby St. Ignatius Church, but planning permission was granted in 1982 for a change of use of the building to a nursing home (ref. 82/0652). Subsequent applications proposing extensions to the nursing home (i.e. the aforementioned annexe) were then approved in 1985, 1994 and 1996.

In 1998, planning permission was granted to change the use of the building to a house in multiple occupation (HMO) to provide student accommodation (application ref. 98/00677/FUL). A condition of this approval (condition no. 5) stipulated that: 'the accommodation shall only be occupied by students in full-time education, in order that the Local Planning Authority may retain control over the development'.

In 2007, as Members may recall, planning permission was granted to temporarily change the use of the property to supported residential accommodation for

homeless youths, a facility to be operated by the charity Centrepoint (application ref. 07/05332/FUL). This was granted for a temporary period of 2 years, although the approval of two subsequent applications to renew this permission (refs. 09/04607/REN and 11/01635/REN) resulted in the use being authorised until March 2012.

Centrepoint's use of the building has ceased and it is currently vacant. The authorised use of the premises has therefore reverted back to its previously approved use, i.e. the student accommodation approved in 1998.

The current application, which has been submitted by HMO North East (trading as 'Forevercare'), seeks to change the use of the annexe to the rear of the property to supported living accommodation for up to 8 no. children in need of full-time care, a use falling within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). A second application (ref. 14/00380/VAR) proposes the removal of a condition attached to the 1998 approval to allow the retained HMO in the main, front part of the building to be occupied by persons other than full-time students and is also to be determined by this Committee.

The application for the supported living accommodation for children does not involve any physical alterations to the building and only minor internal changes are required. The statement supporting the application advises that the accommodation is for up to 8 no. children with emotional behavioural difficulties. It will afford 8 no. bedrooms across the two floors, together with a ground floor lounge, computer rooms, shower rooms and a manager's office, whilst the first floor provides a kitchen/dining room, shower rooms and a store/laundry. The connection to the main building via the aforementioned covered corridor is to be blocked.

The supporting statement goes on to advise that the children to reside at the home will be aged between 12 (or younger if there is an express need) and 17 years old. Children of either sex will be accepted and will be in need of full-time care. The children will be referred by a Local Authority and assessed by management to determine if they are suitable and their needs can be met by the services on offer. Children are anticipated to be from a variety of backgrounds and may not be able to reside with their family unit because, for example, of a breakdown in their family relationship, or if a court has ordered supervised contact only or because of previous offending behaviour.

The children will be supervised at all times within the home and contactable at all times when outside the home by way of a mobile phone to be supplied by staff on admission to the facility. All staff will have experience of working within a residential child-care setting and be qualified to at least NVQ Level 3 and be expected to deal with confrontational situations quickly and effectively and build up positive relationships with residents. Staffing ratios will be determined by the number of children resident within the home, but there will be at least two staff and a manager on shift at all times. Two staff will be on shift during the night (sleeping-in) to ensure continuous supervision and safeguarding. Local residents can be provided with a direct telephone number for staff at the building to report any issues with occupants or concerns in relation to management practices.

A Management Plan has also been submitted with the application, which sets out an introduction to Forevercare's background and aims and objectives in providing

care for children and notes their intention to be registered with Ofsted. The management plan goes on to set out detailed staffing arrangements, Forevercare's referral and admission policies and the company's policy in relation to children going missing from the home. It also details the risk assessment procedure to be completed at the point of admission to the facility, which will be reviewed as and when required if any concerns arise during a child's occupancy of the home.

The site plan submitted with the application indicates an area at the rear of the property which, it is suggested, could be used for parking for up to 6 no. vehicles, although the parking layout shown would require parking in tandem.

An application of this nature would normally be determined under the Council's Delegation scheme, but it has been referred to the Committee at the request of Ward Councillor McClennan. The application was originally considered at the Committee meeting held on 22nd April 2014, where Members deferred a decision on the application to allow for a site visit to be undertaken. This was held on 8th May 2014.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation

Network Management
Environmental Health
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **27.02.2014**

REPRESENTATIONS:

Public representations

Representations have been received from the occupiers of 20, 22 and 23 St. Lucia Close, 3 Park Place East (on behalf of the Park Place East Residents' Association), 6, 10 and 12 Mowbray Road, 5 St. Vincent Street and one supplied without an address. Identical letters have also been received from the secretaries of the Park Place East and The Oaks Residents' Associations.

Much of the concern of objectors relates to the previous use of the building by Centrepoint and the perceived similarities with the proposed use. The objections explain in some detail the anti-social behaviour issues endured during Centrepoint's use of the building (e.g. intimidation of neighbouring residents, petty crime, vandalism, littering, outdoor drinking and drug abuse, noise and disturbance) which, it is asserted, resulted in significant harm to the amenity of the area and regular visits to the site by the police. It is suggested that the proposed use as accommodation for children in need of full-time care will give

rise to similar anti-social behaviour at a time when residents have been enjoying improved living conditions since Centrepoint vacated the building.

It must be stressed at this point that whilst the anti-social behaviour issues encountered by local residents during Centrepoint's occupancy of the premises are not disputed, it is not reasonable to directly compare the proposed use of the building directly to the previous use and make assumptions that the same issues will automatically arise. Firstly, this application proposes a different use of the building (Centrepoint provided accommodation for homeless young persons) and has been submitted by a different applicant who will manage the premises in a different way. 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.

The potential impact of the proposed use of the building on the amenity of the locality is, however, given full consideration in the next section of this report.

The objections also query the suitability of the subject building for a care facility, the effectiveness of this form of living accommodation in terms of providing support for children and the effect the use may have on businesses in the area (e.g. the guest house at 12 Mowbray Road). Concerns are also raised in respect of highway safety and the parking facilities at the premises and the fact that the applicant has carried out refurbishment works (which have taken place prior to the submission of the planning application), sometimes at unsociable hours.

The objections from the secretaries of The Oaks and Park Place East Residents' Associations are detailed and balanced in their summary of the previous uses of the building and the planning considerations in relation to the determination of the current application. The letters essentially conclude that it would be preferable if the application was refused and, as an alternative, a conversion to residential apartments is suggested. If the Council is minded to approve the application, it is requested that clarification of the applicant's intentions for the main building is sought (it is now apparent that the applicant intends for the remainder of the building to be used as an HMO) and that any permission is only granted for a temporary period, is limited to the specific use applied for and is subject to a detailed management plan.

A petition has also been received, which features signatures from 11 no. residents of St. Lucia Close. The signatories object to the application, citing concerns over the lack of outdoor amenity space for children and the possibility that the anti-social behaviour experienced during Centrepoint's occupancy of the building will return.

Northumbria Police

The police force's planning and architectural liaison office has been consulted in respect of the application, but no comments have been received in response.

POLICIES:

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood
B2 Scale, massing layout and setting of new developments
T14 Accessibility of new developments, need to avoid congestion and safety problems arising
H17 Nursing and rest homes to respect amenity / established local character

COMMENTS:

RELEVANT POLICY BACKGROUND

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 and should encourage the effective re-use of land and property.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H17 and T14 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 H17, meanwhile, 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.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety.

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

- The principle of the proposal.
- The impact of the proposal on the amenity of the locality.
- The implications of the proposal in respect of highway and pedestrian safety.

Principle of proposal

The proposed use of the premises is, ultimately, residential in nature and the building is located within an area which is primarily residential in character. Broadly speaking, the proposal does not, therefore, conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with policy EN10's requirements in this regard.

Impact of use on amenity of locality

As noted above, 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 Centrepoin't'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 Centrepoin't's use of the building and the use proposed by this application - the uses are materially different (Centrepoin't 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 Centrepoin't'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 children's 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 childrens home are acknowledged and the experiences of residents during Centrepoin't'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 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: Deputy Chief Executive to Report

Conditions:

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

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

the 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.

Reference No.: 14/00380/VAR Variation of Condition

Proposal: **Removal of condition no.5 of planning permission 98/00677/FUL to allow general HMO occupation**

Location: Oakwood House 17 Mowbray Road Sunderland SR2 8EW

Ward: Hendon

Applicant: HMO Northeast T/A Forevercare

Date Valid: 21 February 2014

Target Date: 18 April 2014

PROPOSAL:

The proposal relates to the removal of condition no. 5 of planning permission ref. 98/00677/FUL to allow for general occupation of the existing house in multiple occupation at 17 Mowbray Road, Hendon, Sunderland, SR2 8EW.

The proposal affects a three-storey (with additional rooms in the roof space) detached property occupying a large (approximately 815 sq. metres) plot at the junction of Mowbray Road and Toward Road, which flanks its western side. The main building is set behind a large walled front garden and is a relatively attractive property of some age, but to its rear is a fairly modern, substantial two-storey annexe, which is attached to the main building via a connecting enclosed hallway. The area surrounding the subject building is predominantly residential in nature, with residential terraces to the south, on the opposite side of Mowbray Road, to the west (The Oaks) and to the north (St. Vincent Street). To the east are the relatively modern two-storey dwellings of the cul-de-sac St. Lucia Close.

Before describing the details of the current proposal, it is considered useful to give an overview of the planning history of the subject building. It would appear that the property was historically a vicarage for the nearby St. Ignatius Church, but planning permission was granted in 1982 for a change of use of the building to a nursing home (ref. 82/0652). Subsequent applications proposing extensions to the nursing home (i.e. the aforementioned annexe) were then approved in 1985, 1994 and 1996.

In 1998, planning permission was granted to change the use of the building to a house in multiple occupation (HMO) to provide student accommodation (application ref. 98/00677/FUL). A condition of this approval (condition no. 5) stipulated that: 'the accommodation shall only be occupied by students in full-time education, in order that the Local Planning Authority may retain control over the development'.

In 2007, as Members may recall, planning permission was granted to temporarily change the use of the property to supported residential accommodation for homeless youths, a facility to be operated by the charity Centrepont (application ref. 07/05332/FUL). This was granted for a temporary period of 2 years, although

the approval of two subsequent applications to renew this permission (refs. 09/04607/REN and 11/01635/REN) resulted in the use being authorised until March 2012.

Centrepoint's use of the building has ceased and it is currently vacant. The authorised use of the premises has therefore reverted back to its previously approved use, i.e. the student accommodation approved in 1998.

The current application, which has been submitted by HMO North East (trading as 'Forevercare') seeks to remove the aforementioned condition 5 of the approved 1998 application for the HMO to allow it to be occupied by persons other than students.

The correspondence held on the file for application ref. 98/00677/FUL indicates that the restriction of the occupancy of the HMO to students only was imposed primarily with regard to parking considerations. A letter from the applicant's agent to the case officer for the application suggests that a use of the building as a guest house had been mooted, but concerns were raised by the Council in relation to the additional on-street parking such a use may generate. The applicant therefore proceeded with the proposal for student accommodation, a use which, in the Council's opinion, did not raise the same on-street parking concerns.

The current application only relates to the front (older) part of the building - a second application (ref. 14/00089/FUL) proposing to change the use of the rear annexe to supported living accommodation for up to 8 no. children in need of full-time care has been submitted and is also to be determined by this Committee.

This application to remove the student occupancy condition does not involve any physical alterations to the building and only minor internal changes are required. The statement supporting the application advises that the accommodation can be occupied by up to 15 no. persons and it will afford 15 no. bedrooms, together with shared bathrooms, a laundry, kitchen and large kitchen/lounge on the first floor. An office will also be provided. The connection to the rear annexe via the aforementioned covered corridor is to be blocked.

The supporting statement goes on to advise that the applicant's potential tenants are those referred by the Local Authority agencies, charitable organisations and other support and social services groups. Tenants will be from a range of different backgrounds, but the applicant does not intend to offer accommodation to those with a criminal record or known offending behaviour involving violent crime, addiction or sexual offences. Nor does the applicant intend to accept tenants who 'turn-up' at the property without a prior referral.

On-site staff at the HMO include a 'live-in' warden, maintenance and cleaning staff, a staffed office throughout the day and 'floating' staff on call a 24 hours-a-day, 7 days-a-week. It has also been advised that local residents and residents' associations can be supplied with a direct telephone number for the property and a mobile telephone number for a member of Forevercare's senior management member to allow the reporting of any matters of concern.

A Management Plan has also been submitted with the application, which sets out the applicant's vetting procedure for any potential tenants and gives details of the expected routines of tenants and staff. The Plan stresses that there will be a

'zero tolerance' policy towards anti-social behaviour and that alcohol and other intoxicating substances will not be allowed on the premises. Violation of this policy will result in a tenancy being terminated. Tenants are also encouraged to take part in meaningful activity throughout the day and the applicant has engaged with a training company offering vocational and leisure-related courses.

An application of this nature would normally be determined under the Council's Delegation scheme, but it has been referred to the Committee at the request of Ward Councillor McClennan. The application was originally considered at the Committee meeting held on 22nd April 2014, where Members deferred a decision on the application to allow for a site visit to be undertaken. This was held on 8th May 2014.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management

Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.03.2014**

REPRESENTATIONS:

Public representations

Representations have been received from the secretary of The Oaks Residents' Association and the occupier of 30 Park Place East.

The letter from The Oaks Residents' Association is very detailed but raises the following broad concerns and points for consideration:

- the Association is 'totally opposed in principle' to the proposal on the grounds that it could have an unacceptable impact on the residential amenity of the surrounding area;
- there are practical limitations on the management being able to effectively control behaviour of residents, especially off the premises;
- reservations expressed in relation to the potential cumulative effect of the removal of the student occupancy condition proposed by this application and the children's home application proposed by the tandem application ref. 14/00089/FUL;
- notes that the application site is in Hendon ward, where the Council's recent Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) now allows greater control over the change of use of single dwellinghouses to HMOs - the Direction is considered to demonstrate that the Council acknowledges that HMOs can have a harmful effect on residential amenity;

- there is already a concentration of 'hostel-type' uses in the locality, which has affected the character and amenity of the area;
- it is suggested that the Council could, if so minded, grant permission for a temporary period rather than permanently, in order to allow for the effect of the removal of the condition to be reviewed in the light of experience;
- the proposed installation of CCTV cameras at the building will help 'police' its immediate environs but would not prevent anti-social behaviour in the wider neighbourhood;
- the management plan submitted with the application is 'inadequate' and 'vague', particularly in relation to the management of the off-site activities of tenants;
- there is 'ambiguity' in the applicant's tenant eligibility tests - it is unclear as to whether persons with any form of criminal record will be ineligible for tenancy, or only those with more serious convictions;
- questions the applicant's assertion that the original condition restricting occupancy of the HMO to students only is reasonable and enforceable;

The letter concludes by re-affirming the opposition to the application, but recognises that the Council will have to give regard to the planning history of the building. If approval is given, it is suggested that this is only done so on a temporary basis and is subject to the submission and approval of a detailed and enforceable management plan.

The letter from 30 Park Place East provides details of the anti-social behaviour issues experienced by local residents during Centrepoin't's occupancy of the subject building and suggests that the same issues will arise again if permission is granted for the unrestricted HMO and children's home in the premises.

POLICIES:

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

B2 Scale, massing layout and setting of new developments

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

H18 Proposals for provision/ conversion of dwellings for multiple occupation

COMMENTS:

RELEVANT POLICY BACKGROUND

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 and should encourage the effective re-use of land and property.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H18 and T14 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 H18, meanwhile, states that the conversion of non-residential buildings which are vacant or under-used into flats or multiple shared accommodation will normally be approved where it will not conflict with other policies and proposals of the Plan and there is satisfactory provision for parking, servicing and other design aspects.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety.

Regard should also be had to proposed policy DM4.4 of the Council's Core Strategy and Development Management Policies Draft Revised Preferred Options document of the emerging Local Plan. The policy states that HMO uses will be permitted where:

- (a) increased traffic and activity would not be detrimental to local amenity;
- (b) the intensity of the use would not adversely affect the character and function of the locality;
- (c) the use would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- (d) there are adequate parking, servicing, refuse and recycling arrangements and the maintenance and management of the property can be demonstrated through the submission of a management plan;
- (e) the proposal would not result in an over-concentration of HMOs

Members are advised that whilst the draft Development Management Policies document has been subject to public consultation, it is not anticipated to be formally adopted until 2015-16 and as such, the policies within can only be given very limited weight in the determination of planning applications.

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are :

- The principle of the proposal.
- The impact of the proposal on the amenity of the locality.
- The implications of the proposal in respect of highway and pedestrian safety.

Principle of proposal

It must be recognised from the outset that the property subject to this application is authorised to be used as an HMO following the approval of the aforementioned 1998 application (ref. 98/00677/FUL). The principle of the use of the premises as an HMO is therefore long-established. The current application simply seeks permission to remove the condition which restricts occupancy of the HMO to full-time students only and it is the implications of the removal of the condition which

this report focuses on, rather than considering the merits of the use of the building as an HMO.

Given the above, the proposal is not considered to raise any new land-use implications, in accordance with policy EN10's requirements.

Impact of proposal on the amenity of the locality

As noted in the first section of this report, the student occupancy-only condition of application reference 98/00677/FUL appears to have been imposed in relation to parking matters. Nevertheless, it is considered that a primary matter for assessment is whether the proposed removal of the student occupancy condition will result in the operation of the HMO causing any additional harm to the amenity of surrounding residential dwellings.

The two objections to the application have both raised concerns in this regard, with the objection from 30 Park Place East referring to the anti-social behaviour problems experienced during Centrepoin't's occupation of the premises.

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 reasonable or evidential basis.

The primary fear of the objections to the proposal centres on the concern that allowing the HMO to be occupied on a general basis, rather than by students only, will result in it being occupied by tenants who may be more inclined to behave in an anti-social manner, 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 will engage in anti-social behaviour. It would also be unreasonable to assume that non-student tenants would be more likely to engage in anti-social behaviour than the students who are currently authorised to occupy the premises.

The behaviour of residents 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 the applicant will operate a vetting procedure for prospective tenants, with individuals with a serious criminal record not accepted. Tenants will be expected to behave in a responsible manner and consumption of alcohol and other intoxicating substances will not be tolerated on the premises. In addition, staff will be on-call to visit the premises 24-hours a day and be available for contact by local residents if required.

The objection from The Oaks Residents' Association has expressed concern at the detail and content of the management plan, particularly in relation to the applicant's tenancy vetting procedure and there being no apparent consideration given to the behaviour of tenants outside of the premises. It is not, however, for the Council, as Local Planning Authority, to dictate to the applicant the thoroughness of the background checks of prospective tenants they intend to

undertake. Nor can the applicant be reasonably expected to account for the whereabouts of tenants or be responsible for their behaviour at all times.

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 their tenants and in operating a facility which co-exists satisfactorily with the other residential properties in the locality. Provided that the management plan submitted by the applicant is effectively enforced by staff and the applicant's apparent desire to operate a facility which will co-exist with other neighbouring residential properties is maintained, there is not considered to be reason to presume that the removal of the student occupancy only condition 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, whilst there would still be control over the operation of the HMO exercised through other regulations, including the HMO Licensing regime, environmental health legislation (in relation to noise nuisance), and the control of anti-social behaviour through police action.

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.

With regard to the above comments, it is considered that, the proposal accords with the requirements of policies H18 and B2 of the UDP and proposed policy DM4.4 of Council's Core Strategy and Development Management Policies Draft Revised Preferred Options document of the emerging Local Plan.

Implications of proposal in respect of highway and pedestrian safety

In response to consultation, the Council's Network Management team has advised that the proposal raises no concerns in respect of highway and pedestrian safety matters. In addition, the proposed removal of the condition does not raise any additional on-street parking concerns, with non-student occupiers of the building not considered any more likely to own a private vehicle than students. The proposal is therefore considered to comply with the requirements of aforementioned policy T14 of the UDP.

IMPLICATIONS OF APPLICATION REF. 14/00089/FUL

As Members are aware, a second application proposing the use of the rear annexe of the subject building as supported living accommodation for up to 8 no. children in need of care has also been submitted and is to be considered by this Committee.

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 allowing general occupancy of the existing and authorised HMO, insofar as it relates to the front part of the building, would not result in undue harm to residential amenity. Consideration of the impact of the proposed use of the annexe in the context of the authorised HMO use on the amenity of the locality will be undertaken in the assessment of application ref. 14/00089/FUL.

CONCLUSION

For the reasons given above, it is considered that the proposed removal of the condition restricting occupancy of the HMO to students only is acceptable in principle, whilst the proposal does not raise concerns in respect of highway and pedestrian safety.

The impact of the removal of the condition 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 tenancy by non-students would inevitably result in occupancy by persons more inclined to engage in anti-social behaviour or generate unacceptable levels of noise and disturbance. The applicant is also considered to have demonstrated a pro-active and responsible approach to the management of the HMO 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.

With regard to the above, it is considered that the implications of the removal of the condition in relation to residential amenity are acceptable.

The objection from the secretary of The Oaks Residents' Association has 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.

In this instance, it is considered that, having had regard to relevant material planning considerations, the proposed removal of the condition is acceptable to comply with the requirements of the aforementioned policies EN10, H18, B2 and T14 of the adopted UDP and the core principles of the NPPF. As a consequence, there is not valid reason 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

Conditions:

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

the location plan received 19.02.2014;

the site plan received 19.02.2014 (drawing no. PL2_673_101);

the existing floorplans received 19.02.2014 (drawing nos. PL2_673_201 and 202);

the proposed floorplans received 19.02.2014 (drawing nos. PL2_673_301 and 302);

the management plan received 19.02.2014.

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.

4.

South
Sunderland

Reference No.: 14/00622/VAR Variation of Condition

Proposal: **Variation of condition 11 of planning permission 11/03478/FUL (Erection of a new 140 bed Mental Health Hospital with associated landscaping, parking and associated highway works) to replace the requirement for the development to achieve 'BREEAM Excellent Standard' with a requirement to achieve 'BREEAM Very Good Standard'**

Location: Ryhope General Hospital Stockton Road Ryhope
Sunderland SR2 0LY

Ward: Ryhope
Applicant: Mr Tony Railton
Date Valid: 13 March 2014
Target Date: 12 June 2014

PROPOSAL:

Members may recall that planning permission was granted for the erection of a new 140 bed Mental Health Hospital with associated landscaping, parking and highway works at the meeting of the Sub-Committee on 28 February 2012 - application reference 11/03478/FUL.

Works are currently ongoing to erect the new facility, but during the application process, it has become necessary for the applicant to seek a minor variation to condition 11 (BREEAM) of previously approved application. BREEAM is an environmental assessment method and rating system for buildings.

This application seeks to vary condition 11 of the previously approved application as there is now a revised BREEAM target following a review by the applicant. The variation sought is to replace the requirement for the development to achieve 'BREEAM Excellent Standard' with a requirement to achieve 'BREEAM Very Good Standard'

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Homes And Communities Agency - English Partnerships
County Archaeologist
Network Management
Environmental Health
English Heritage
Environment Agency
Nexus
Sport England
Durham Wildlife Trust
Force Planning And Police Architectural Liaison Officer
Northumbrian Water
Fire Prevention Officer
Ryhope - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.04.2014**

REPRESENTATIONS:

Neighbours
No representations have been received.

Consultees

Network Management
The Network Management Team offered no observations or recommendations in respect of the proposed development.

Northumbrian Water
Northumbrian Water advised that it has assessed the impact of the proposed development on its assets and the capacity of its network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposal in this context, Northumbrian Water offered no comments in respect of the application.

Sport England
Sport England advised that it does not wish to comment on this application.

Nexus
Nexus has advised that it does not wish to offer any comments in respect of this application, however did refer back to its comments made in respect of application 11/03478/FUL. At the time of this previous application, Nexus advised that it would not pursue a request for a Section 106 contribution from the developer requiring contributions towards a bus service, on the basis of the nature of the care to be provided at the proposed facility. Nexus advised that it will engage with bus operators with respect to the potential for serving the site.

English Heritage
English Heritage has advised that its specialist staff have considered the application and do not wish to offer any comments.

County Archaeologist

The County Archaeologist offered no comments in respect of the current planning application.

Environment Agency

The Environment Agency has advised that it has no comments to make in respect of this planning application.

POLICIES:

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

B2 Scale, massing layout and setting of new developments

B12 Preservation of scheduled ancient monuments

CN17 Tree Preservation Orders and replacement of trees

CN22 Developments affecting protected wildlife species and habitats

H3 Quantification of land for new housing

H5 Distribution of sites for new housing (over 10 units)

H7 Provision for executive housing

H10 Phasing of large housing developments

R1 Working towards environmentally sustainable development

R4 Incorporation of energy saving measures

SA9 Allocation of site for new housing (over 10 units)

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issue to consider is the change of wording to condition 11 attached to previously approved application 11/03478/FUL.

- Change of BREEAM standard from Excellent to Very Good.

Sustainability considerations

Policy R1 of the Unitary Development Plan (UDP) considers issues in respect of sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage. Policy 39 of the now defunct Regional Spatial Strategy (RSS) required planning proposals to facilitate the generation of at least 10% of the North East region's consumption of electricity from renewable source by 2010.

The original application (11/03478/FUL) was accompanied by a Low and Zero Carbon Technology Appraisal, the purpose of which was to consider low - zero carbon technologies in respect of the proposal. The report looked at a number of options such as biomass, ground source heat pumps, air source heat pumps, photovoltaic, solar hot water, wind energy technology and heat recovery ventilation.

Whilst the report did not identify the chosen Low-Zero Carbon options for the development it was considered that this matter could be adequately dealt with by way of condition.

Therefore to satisfy policy R1 of the UDP it was suggested that a planning condition requiring the developer to submit a Post Construction Review Report carried out by a licensed assessor, together with a BREEAM Final Code Certificate, in order to ensure the development will be built to the stated BREEAM rating.

The previous condition stated that the building should achieve BREEAM excellent standard. However, this application seeks a variation in order that the condition be altered to require a Very Good rating to be achieved. The applicant has advised that this is the most cost effective way in which the building could be delivered focussed on patient care. The BREEAM Healthcare format is general Acute Care-focussed, making it extremely difficult to achieve an excellent rating in mental healthcare-related facilities without disproportionate expenditure to the detriment of the service.

The proposed change to BREEAM Very Good is considered acceptable for this type of development and as such, the proposal is considered to comply with policy R1 of the Unitary Development Plan.

It is considered that the proposed variation of condition is acceptable in principle. Members are recommended to approve the proposal subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted (06.03.2012) 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:

Site Location Plan ref: A_RY_0_X_1000

Existing Site Plan ref: A_RY_0_X_1001

Proposed Site Location Plan - Planning ref: A_RY_0_X_1002

Proposed Site Plan - Planning ref: A_RY_0_X_1003

Existing Site Boundary Treatment - Planning ref: A_RY_0_X_1013

Site Wide Elevations - Planning ref: A_RY_0_X_1015

Site Wide Sectional Elevations - Planning ref: A_RY_0_X_1020

Site Wide Roof Plan ref: A_RY_0_R_1025

FM Hub Ground Floor Plan General Arrangement - Planning ref:

A_RY_0_G_1030

FM Hub Roof Plan General Arrangement - Planning ref: A_RY_0_R_1031

FM Hub Elevations - Planning ref: A_RY_0_X_1032

Wards 3 & 4 Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1035

Wards 3 & 4 Roof Plan - General Arrangement - Planning ref:
A_RY_0_R_1036

Wards 3 & 4 First Floor Plan - General Arrangement - Planning ref:
A_RY_0_1037

CeFa Lower Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_L_1040

CeFa Upper Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1041

CeFa First Floor Plan - General Arrangement - Planning ref:
A_RY_0_1_1042

CeFa Roof Plan - General Arrangement - Planning ref: A_RY_0_R_1043

CeFa Elevations Sheet 1 - Planning ref: A_RY_0_X_1044

CeFa Elevations Sheet 2 - Planning ref: A_RY_0_X_1045

Wards 1 & 2 Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1050

Wards 1 & 2 Roof Plan - General Arrangement - Planning ref:
A_RY_0_R_1051

Wards 1 & 2 Elevations - Planning ref: A_RY_0_X_1052

Wards 1 & 2 Sectional Elevations - Planning ref: A_RY_0_X_1053

Wards 1 & 2 First Floor Plan - General Arrangement - Planning ref:
A_RY_0_1_1054

PICU Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1055

PICU Roof Plan - General Arrangement - Planning ref: A_RY_0_R_1056

PICU Elevations - Planning ref: A_RY_0_X_1057

PICU Sectional Elevations - Planning ref: A_RY_0_1_1058

PICU First Floor Plan - General Arrangement - Planning ref:
A_RY_0_1_1059

Wards 5 & 6 Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1060

Wards 5 & 6 Roof Plan - General Arrangement - Planning ref:
A_RY_0_R_1061

Wards 5 & 6 First Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1067

Ward 7 Ground Floor Plan - General Arrangement - Planning ref:
A_RY_0_G_1067

Ward 7 Roof Plan - General Arrangement - Planning ref: A_RY_0_R_1068

Ward 7 Elevations - Planning ref: A_RY_0_X_1069

Ward 7 First Floor Plan - General Arrangement - Planning ref:
A_RY_0_1_1070

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 construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 and EN6 of the UDP

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 and CN23 of the UDP.
- 5 The felling of any trees, shrubs or hedgerows as a consequence of the development, hereby approved, shall be undertaken outside the bird nesting season, (i.e. not during the period March - July inclusive), unless otherwise agreed in writing with the Local Planning Authority, so as to avoid the risk of disturbance to nesting birds and in order to comply with Policies CN18 and CN22 of the adopted UDP.
- 6 Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to at least the BREEAM 'Very Good' standard, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP.
- 7 The development hereby approved shall implement the measures and monitoring strategy as set out in the Travel Plan, November 2011 (prepared by WSP Consultants Ltd) and in accordance with the information submitted and approved as part of Condition 13, on first occupation of the Mental Health Hospital to ensure that the Travel Plan targets are being met and subsequently reviewed, in the interests of reducing the impact of the development on the highway network and to accord with policy T14 of the approved UDP.
- 8 Internal noise levels in habitable rooms of the development hereby approved shall not exceed a maximum level of LAeq,night 35 dB LAeq, day 40 dB and LAmax, night 45 Db, in order to ensure that a satisfactory residential environment is created, in accordance with policy EN6 of the UDP.
- 9 Noise from plant associated with the development hereby approved shall not exceed the background noise level by more than 5dBA or, if the noise is tonal, should not exceed the background noise at all at any noise sensitive property, in order to protect local residents from excessive levels of noise, in accordance with policy EN5 of the UDP.
- 10 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 11 No development shall commence until full details of the layout of the hospital access road, including arrangements for a public right of way for pedestrians, cyclists and other non-motorised users, has been submitted to and approved in writing by the Local Planning Authority. The highway arrangements shall thereafter be implemented in complete accordance with the agreed details prior to the first occupation of any part of the building, in the interests of highway safety, in accordance with policy T14 and T22 of the UDP.
- 12 No development shall commence until full details of the removal of all redundant access points and the installation of new access points onto Waterworks Road has been submitted to and approved in writing by the Local Planning Authority. The removal and installation works shall thereafter be carried out in complete accordance with the agreed details, in the interest of highway safety, in accordance with policy T14 of the UDP.
- 13 A final Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority, in order to reduce the number of staff and / or patients arriving by car and increase the number of staff and / or patients using public transport, walking and cycling as a means of travelling to/ from the hospital and be so implemented, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 14 Notwithstanding the submitted information, no part of the development hereby approved shall be occupied until a long term management plan for the landscape, tree and ecological works has been submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in complete accordance with the approved details and reviewed on an annual basis to ensure that the landscape and ecological benefits are being realised, in the interests of nature conservation and visual amenity, in accordance with policy CN23 and B2 of the UDP.
- 15 No development shall commence (or such other date or stage in the development as agreed in writing by the Local Planning Authority) until the following components of a scheme to identify and deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the LPA:
 - 1) A preliminary risk assessment which has identified:-
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicting sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The approved scheme shall then be implemented in complete accordance with the approved details, to ensure that the risks posed by the site to controlled waters are assessed and addressed as par of the development, in accordance with policy EN12 of the UDP.

- 16 Prior to the occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (LPA). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (long term monitoring and maintenance plan) for the longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA. The long term monitoring and maintenance plan shall be implemented as approved, in order to confirm that remedial work has been undertaken to address the risk of pollution to controlled waters that have been identified, in accordance with condition EN12 of the UDP.
- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained approval in writing from the LPA for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. Thereafter, the remediation strategy shall be implemented in complete accordance with the approved details, to ensure that any unsuspected contamination does not pose a risk of pollution, in accordance with policy EN12 of the UDP.

Reference No.: 14/00072/FUL Full Application

Proposal: **Change of use from 7 bedroomed residential home to 8 bedroomed HMO and construction of dormer to the rear.**

Location: 22 Percy Terrace Hendon Sunderland SR2 8SE

Ward: Hendon

Applicant: Mr Roger Harris

Date Valid: 8 April 2014

Target Date: 3 June 2014

PROPOSAL:

Planning permission is sought for a change of use from 7 bedroomed residential home to 8 bedroomed house in multiple occupation (HMO) and construction of dormer to the rear of 22 Percy Terrace, Hendon, Sunderland, SR2 8SE.

SITE DESCRIPTION

The application site comprises a two-storey mid-terrace dwelling house situated on a private road in a predominately residential area. The property has been subject to a loft conversion utilising roof lights providing accommodation within the roof space which results in a third floor of useable space. In this respect it is noted that a number of properties have also converted the loft space within the terrace. Loft conversions have predominately been undertaken utilising roof lights although it is noted three properties within this run of dwellings include dormer windows to the rear; two properties have installed peaked roof dormers while one property includes a box style window.

The exteriors of the properties within Percy Terrace feature bay windows to both the ground and first floors whilst two storey offshoots are present to the rear of the dwellings. The dwellings to the rear of Percy Terrace, on Hastings Street, are traditional Sunderland cottages with a number featuring loft conversions.

Garden areas are provided directly to the front of the dwellings on Percy Terrace whilst a number of residents appear to park beyond the access road, in areas which appear to be previously planted and an extension of their gardens. Beyond this area, providing the outlook from the front of the dwellings on Percy Terrace is the railway line and cuttings. The railway is screened in part by trees and shrubs of which a number of trees are protected via Tree Preservation Order 73.

The application property is not Listed or located within a Conservation Area, however, Percy Terrace is subject to an Article 4 direction which will be detailed below.

PROPOSAL

The application seeks consent to convert the subject residential dwelling into a HMO with eight bedrooms, a communal living room, communal kitchen and three bathrooms.

In addition to the internal works it is proposed to install a box style dormer to the rear of the property. The dormer is to occupy the majority of the rear roof slope and is to measure 6.1 metres in width with a height of 2.1 metres. The dormer is to have a maximum projection of approximately 4 metres, set down from the main ridge of the property and up from the original eaves.

Additional information has been submitted alongside the application in the form of a management plan. This document details measures to be adopted and incorporated during the conversion and future management of the property. These measures include a requirement for tenancy agreements and references for prospective occupiers whilst functional matters include regular inspections and installation of safety features inclusive of fire extinguishers, fire doors, smoke, fire and carbon monoxide alarms.

Within the management plan it is stated that given the proximity of the property to the hospital, business parks and the good transport links that the agent would expect the property to be attractive to those people who work in and around the area. It is stated the refurbishment works have been undertaken to a high standard which is of benefit to the street and area as a whole as the property will be occupied and managed professionally.

An application of this nature would normally be determined under the Council's Development Control Delegation Scheme, but it has been referred to the Development Control South Area Sub-Committee on 27th May 2014 by Councillor McClennan.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health

Final Date for Receipt of Representations: **30.04.2014**

REPRESENTATIONS:

CONSULTATION

Following the expiry of the public consultation period, letters of representation have been received from 9 occupiers of Percy Terrace. Signet Planning have

also submitted an objection on behalf of the University of Sunderland. The main issues raised by the letters of objection from residents are as follows:

- highway and parking issues for 8 residents
- noise pollution
- devaluation of neighbouring dwellings
- potential conflicts between 8 residents
- concern over potential occupiers and unsociable behaviour
- the proposal will set a precedent
- refuse collection problems
- Percy Terrace comprises predominately family residences
- loss of community spirit
- lack of upkeep and maintenance of application property

With regard to the above it must be noted the devaluation of property is not a material consideration in the determination of a planning application. The remainder of the objections will be incorporated into the consideration of the application detailed below.

In addition to the above, the objection submitted from Signet Planning on behalf of the University of Sunderland raised the following points.

The letter begins by detailing the close links between the University and the City Council and the University's role as a member of the Strategy Housing Market Assessment Partnership and involvement in the delivery of the Council's Economic Masterplan and progressing the planning policies within its emerging Core Strategy, particularly those covering student accommodation provision. It also highlights the University's role as a key economic driver and stakeholder within the local economy and suggests that this role should not be undermined through the planning process.

The letter goes on to set out the relevant national policy guidance contained within the National Planning Policy Framework (the "NPPF") and the relevant proposed local policies contained within the Council's Core Strategy and Development Management Policies (Draft Revised Preferred Options 2013) document of its emerging Local Plan. The letter suggests that the application fails to satisfy the tests set out by policies DM4.4 and DM4.5 of the draft document, in that:

- the application is not supported by evidence that it would not cause undue noise and disturbance to neighbours
- there is not documentation to detail impact on highway safety
- the application does not demonstrate the parking, servicing, refuse, recycling, arrangements and maintenance arrangements. No management plan has been submitted
- there is no demonstration whether or not the application site would cause an over concentration of HMOs in the area.

The University's letter also points out that the subject property is located within a ward of the City subject to an Article 4 Direction. The Article 4 Direction withdraws permitted development rights to change the use of any dwellinghouse to a house in multiple. The background to this is that HMO development on a large scale has the potential to damage the fabric, sustainability and cohesion of existing communities and its effect is, notwithstanding the provisions of The Town

and Country Planning (Use Classes) Order 1987 (as amended), planning permission is now required to change the use of any existing dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), a change which otherwise currently permitted by the Order.

The letter concludes by requesting that the letter is presented to the relevant Planning Committee for full consideration, that officers place appropriate weight on all policies referred to in the letter in considering the application, that the applicant/agent contacts the University to discuss their proposals and that the University is able to speak at the Committee.

POLICIES:

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

B2 Scale, massing layout and setting of new developments

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

H18 Proposals for provision/ conversion of dwellings for multiple occupation

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

T22 Parking standards in new developments

COMMENTS:

POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The overarching aim of the NPPF is to deliver 'sustainable development', which comprises three dimensions: economic, social and environmental. The planning system has a role to play in contributing to all three dimensions and to achieve this, the NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking. 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 and encourage the effective use of land and buildings.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H18, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

The NPPF also informs DM policies 4.4 and 4.5 of the Core Strategy and Development Management Policies Draft Revised Preferred Options document. However, this document has only been subject to public consultation and has not been formally adopted by the Council (this is not anticipated until late 2015). It is consequently at a relatively early stage in the adoption process and the policies within can therefore only be given very limited weight in the determination of planning applications.

ISSUES TO CONSIDER

The main issues to be considered in the determination of this application are:

- The principle of the proposed development.
- The impact of the proposed development on visual amenity.
- The impact of the proposed development on residential amenity and amenity afforded to prospective occupiers of accommodation.
- The impact of the proposed development on highway and pedestrian safety;

Principle of proposed development

The property in question is not allocated for a specific use by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such, policy EN10 therein is applicable. This states that where the Development 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 principle use of the neighbourhood.

Also relevant is policy H18 of the UDP, which states that the conversion of dwellings into 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.

As an expansion of policy H18, topic 4 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) indicates that proposals for the conversion of dwellings to apartments and HMO's will not be acceptable where they are overly intensive or in areas where single family dwellings prevail. Specifically, Topic 4.1(b) states that 'proposals must reflect and respect the general character and amenity of the area. Those which represent an over intensive form of development will normally be resisted', whilst 4.1(c) enhances this point by stating that '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'.

The application property has historically been used as a single residential dwelling with the majority of properties within the street also occupied for single household purposes. As such the proposed use of the premises for multiple occupation for up to 8 people does not strictly accord with the principle use of the neighbourhood.

Additionally and in terms of policy H18 and topic 4 of the SPD, it is considered the introduction of a HMO would intensify and alter the character of the premises to an extent which is not characteristic of the street. It is also likely trips to and from the property (whether by private vehicle or on foot) would be uncharacteristic of the area given the number of proposed residents. This is likely to give rise to an increase in the amount of activity surrounding the property, in comparison to a use as a single household. Percy Terrace typically provides 3/ 4 bedroomed properties although there are examples of 5 beds, where loft conversions have been completed.

The above assessment is also supported by those neighbours who have raised concerns that the proposed scheme would compromise the character of the street.

Notwithstanding the above, a management plan was submitted to support the application which provides assurances that the property would be suitably controlled to ensure the upkeep and maintenance of the dwelling in accordance with part of policy H18.

The letter of objection submitted on behalf of the University of Sunderland highlights paragraph 70 of the NPPF, which states that planning policies and decisions should ensure an integrated approach to the location of housing, economic uses and community facilities and services. In line with paragraph 70, the Council's emerging Development Management policies are being developed in consultation and collaboration with community stakeholders such as the University, to ensure the required integrated approach to decision making, with policies DM4.4 and 4.5 guiding the determination of applications for HMOs and student accommodation in the City.

As noted earlier, these emerging policies can only be given limited weight in the determination of planning applications. The UDP remains the Council's adopted Plan and applications must continue to be determined with regard to its policies, unless there is conflict with the guidance of the NPPF, which takes precedence in such circumstances. The University's letter suggests that the requirements of draft policy DM4.4 should be applied to the current application; its requirements are, however, broadly similar to those of the aforementioned adopted policy H18 of the UDP in terms of the circumstances in which a change of use to an HMO is considered to be acceptable. Policy H18 is not considered to conflict with paragraph 70, or any other relevant sections, of the NPPF and consequently, it is appropriate to continue to apply its criteria in determining applications of this nature. In this respect it is considered that the proposal is likely to intensify the use of the property to an extent which could be of harm to the character and amenity of the locality contrary to policy H18's requirements and topic 4 of the SPD which are also repeated within DM4.4.

The concerns of the University have been noted, and a number of issues are considered to be relevant.

The proposal is considered to be contrary to the Council's draft Development Management policies whilst also considered to conflict with the requirements of policies EN10 and H18 of the Council's adopted UDP and topic 4 of the SPD and is therefore unacceptable in principle.

Consideration is given to amenity, parking and other relevant matters in more detail in the following sections of this report.

Impact of development on visual amenity

Policy B2 of the UDP states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities the locality.

The application does not propose significant alterations to the exterior of the building with the external development relating to the installation of a dormer

window to the rear of the property. Although the rear streetscene is not characterised by dormer windows there are three examples visible within this section of the street, comprising two peaked roofed dormers and one of a box design. This proposed dormer is not considered to be inappropriate within a residential setting and is a form of extension which is ordinarily classified as 'permitted development' to the rear of dwelling houses.

With regard to the above comments, it is considered that the impact of the proposed development on the character and appearance of this street scene is acceptable, in accordance with the requirements of policy B2 of the UDP.

Impact of proposed development on residential amenity

Policy B2 of the UDP also requires development proposals to respect the amenity of neighbouring residential properties. The objections received in response to consultation express concern that the proposed use will lead to noise and disturbance.

It is acknowledged that the proposed HMO use will likely lead to an increase in the level of activity at the premises and the frequency of comings and goings, with noise potentially generated by the vehicles of occupiers and visitors and as they enter and leave the premises. Access to the property is achieved by passing the front of a number of dwellings within the street and in this respect the proposed use is considered to be at odds with the street and could be detrimental to the amenity of the residential occupiers in both Percy Terrace and the surrounding area.

Notwithstanding the above the submitted management plan is considered to demonstrate that the applicant intends to ensure the proposed HMO is suitably managed with regular inspections undertaken.

The level of amenity afforded to prospective residents must also be given consideration, as is also required by aforementioned topic 4 of the SPG. In this regard, the layout of the premises is essentially the same as the existing property although a dormer window is to be installed to a loft bedroom and an additional bedroom provided to the ground floor within the previous living room.

A number of bedrooms are fairly small and the communal space is limited comprising a living room of 3.3 metres by 3.9 metres and a kitchen measuring a maximum of 3.3 metres by 5.1 metres. The outlook provided to potential occupiers is considered to be particularly limited from bedroom 2 along the rear yard, bedroom 5 across the rear yard towards the adjoining neighbour and bedroom 8 limited to roof lights only. These arrangements are considered to lead to a particularly intensive use of the property and the standard of amenity afforded to prospective residents is considered inadequate.

With reference to the above comments, it is considered that the impact of the proposed development on the amenity of nearby residential properties is unacceptable, whilst the proposed accommodation in the building will also provide prospective residents with an unacceptable standard of amenity. As such, the proposal is considered to be contrary to the requirements of policy B2 of the UDP and topic 4 of the 'Development Control Guidelines' SPG.

Impact of development on highway and pedestrian safety

Executive Director of City Services (Transportation)

Policy T14 of the UDP states that new development must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated parking, having had regard to the nature of the proposal and the characteristics of the site.

With regard to the above, in response to consultation, the City Council's Executive Director of City Services (Network Management) state that the conversion of the property into a HMO would require 3 spaces which is calculated at 1 space per 3 bedrooms. In this respect the property has a large rear yard and can provide 2 parking spaces in tandem, whilst retaining sufficient space for refuse and potential cycle storage.

It is stated tandem parking spaces are not ideal however it is not considered to be significant enough to support a refusal of planning permission on highway safety grounds alone. However, given the combination of the intensification of the use, likely increase in the comings and goings of residents, coupled with the concerns raised by City Services, it is considered that the proposal could be prejudicial to highway and pedestrian safety contrary to the requirements of policies T14 and T22 of the UDP.

CONCLUSION

The impact of the proposed dormer extension on visual amenity is considered to be acceptable given that this form of extensions is ordinarily classed as permitted development and a form of development becoming increasingly common in residential areas. Notwithstanding the acceptability of the proposed dormer window, the proposed change of use of the building to a house of multi-occupation is unacceptable given the area is predominately single household residential dwellings. The proposed use of the building for 8 occupiers is likely to be detrimental to the character and amenity of the area given the probable changes to the frequency and timing of movements to and from the premises whilst the use is considered to be overly intensive.

The intensification of the use of the property is also considered likely to give rise to conditions which will be prejudicial to highway and pedestrian safety.

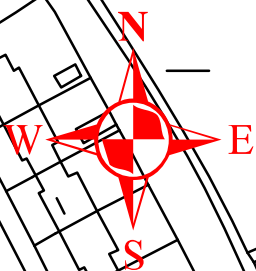
As such, the proposed change of use is considered to be unacceptable contrary to the requirements of policies EN10, B2, H18, T14 and T22 of the UDP, topic 4 of the SPG, the emerging Core Strategy and the principles of the NPPF.

In light of the above, Members are therefore recommended to refuse the Application, for the reasons detailed below.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed house in multiple occupation would introduce an uncharacteristic use to an area of predominantly single-family dwellings and would set an undesirable precedent for similar developments within the area, to the detriment of the established character of the locality and contrary to policies EN10 and H18 of the adopted Unitary Development Plan and Topic 4 of the adopted Development Control Supplementary Planning Guidance.
- 2 The proposed use at such a density would be incompatible with the character of the surrounding area and, by reason of noise and disturbance caused by frequent comings and goings of prospective residents and their visitors, would be detrimental to the amenities of neighbouring residents, contrary to policy H18 of the adopted Unitary Development Plan and Topic 4 of the adopted Development Control Supplementary Planning Guidance.
- 3 The proposed change of use to a house in multiple occupation for the number of occupants proposed represents an over intensive use of the property that will result in substandard levels of amenity being afforded to prospective occupants by virtue of resultant overcrowded conditions, limited room sizes, inadequate parking provision with vehicles directly in front of bedroom windows, contrary to policy H18 of the UDP and Topic 4 of the adopted Development Control Supplementary Planning Guidance.



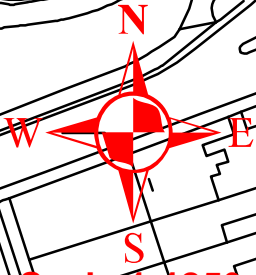
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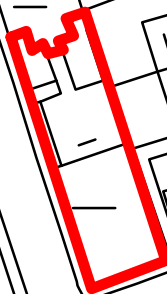
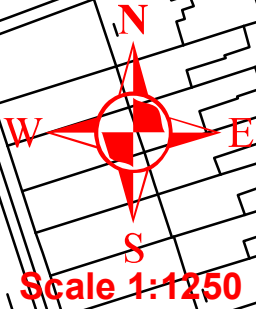
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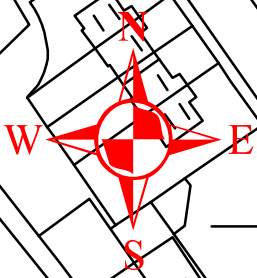
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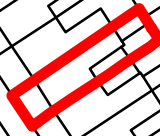
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ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1	14/00655/FUL Hendon	Pretty Wicked 3 - 4 Hudson Road Sunderland	Mrs Katherine High Change of use to first and second floor for use as private members club.	Site Visited 08.05.2014	N/A	Pending consideration

Appeals Received In April For
Sunderland South/City Centre

Appeals Received South Sunderland

Between 01/04/2014 and 30/04/2014

Ref No	Address	Description	Date Appeal Lodged
14/00007/REF	21 Jackson Street Sunderland SR4 7TX	Erection of a first floor extension to rear	04/04/2014

Appeals Determined In April For
Sunderland South/City Centre

Appeals Determined Sunderland South

Between 01/04/2014 and 30/04/2014

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	13/00020/REF	Former Bakery 150 Cleveland Road Sunderland SR4 7PT	Change of use from bakery (B1) to retail shop (A1) and provision of new shopfront	ALLOW	04/04/2014
	14/00003/REF	Land Off Burdon Road Adjacent To The Fold Burdon Road Tunstall Sunderla nd SR3 2QB	Erection of a detached dwelling. (Reconsultation due to amended valid date)	DISMIS	15/04/2014