

## Development Control (North Sunderland) Sub-Committee

2nd March 2010

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### REPORT ON APPLICATIONS

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#### 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.

##### North Area

1. Land At Junction Of Dundas Street And Liddle Street Sunderland
2. Margaret Thompson Park Newcastle Road 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 the Deputy Development Control Manager on 0191 561 1552) email address [dc@sunderland.gov.uk](mailto: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 (General Development Procedure) Order 1995.

## **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/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

North  
Sunderland

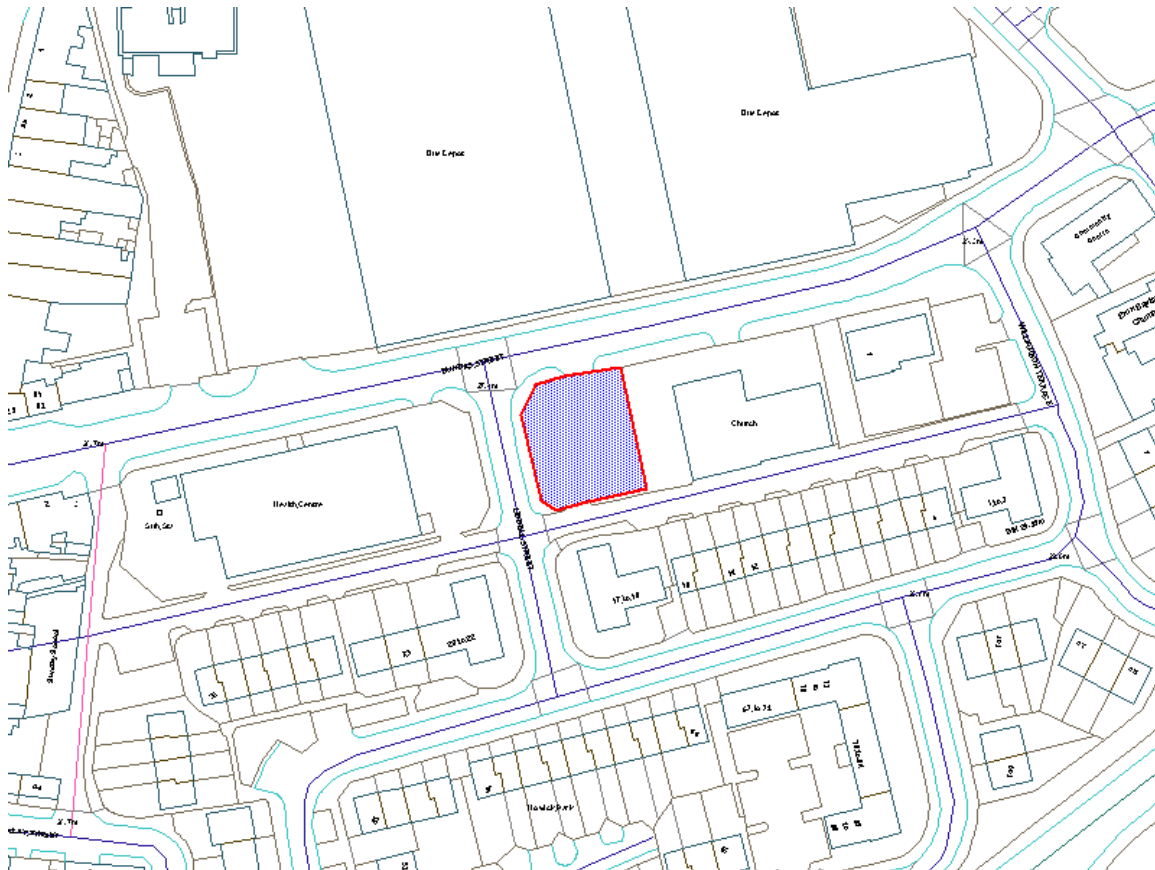
Reference No.: 09/04452/FUL Full Application

**Proposal:** **Erection of 3 storey building to provide young persons immediate access facility, to include boundary enclosure, parking area and hard and soft landscaping.**

**Location:** Land at Junction of Dundas Street and Liddle Street Sunderland

**Ward:** St Peters  
**Applicant:** Centrepont Soho Limited  
**Date Valid:** 2 December 2009  
**Target Date:** 27 January 2010

### Location Plan



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### PROPOSAL:

Planning permission is sought for the erection of a three storey building to provide a young persons' immediate access facility, to include boundary enclosure, parking area and hard and soft landscaping at land at junction of Dundas Street and Liddell Street, Monkwearmouth, Sunderland.

The building is proposed to be erected on a level, roughly rectangular plot of land adjacent to the junction of Dundas Street and Liddell Street in the Monkwearmouth area of the city. The plot measures 24.5 metres x 29 metres and is currently used as an informal parking area enclosed by knee-high railings. The vicinity of the application site is characterised by a mix of uses and buildings of highly differing scales and designs. Immediately to the east of the application site is the large modern red-brick True Jesus Church, whilst to the north, on the opposite side of Dundas Street, is a bus depot featuring extremely large sheds of industrial appearance. Immediately to the west of the site, on the opposite side of Liddell Street, is Monkwearmouth Health Centre, a relatively modern single-storey flat-roofed building and to the south, on the far side of a service lane, are the modern residential bungalows of Howick Park.

Further to the west, beyond the Health Centre, are two- and three-storey terraces in generally commercial use fronting the A1018 North Bridge Street, a principal route to and from the city centre. Further east, beyond the True Jesus Church, at the junction between Dundas Street and Williamson Terrace, is a children's home. The area to the south of the application site is predominantly residential in character.

## BACKGROUND

The proposed building is intended to be used as a facility for homeless young people aged 16-21, providing short-stay en-suite bedroom accommodation and support and educational facilities. In March 2005, the Council's Cabinet approved the Supporting People 5-year Strategy and Annual Plan, and a strategic priority was to develop a facility for young people aged 16-21. This was also detailed in the Young Persons' Accommodation and Support Strategy and the Interim Supported Housing Needs Statement. The supported housing project will aid the Council to attain the Government target not to have any 16/17 year olds placed in bed and breakfast accommodation by 2010, as stated in the 'Children and Young People's Plan 2007-2009' and will help to minimise rough sleeping amongst 16/17 year olds by providing suitable emergency accommodation. The project is also fully in line with the strategic objectives of the North East Housing Strategy.

In 2008-2009, 59 homeless young people had to be accommodated in bed and breakfast accommodation, often outside of Sunderland, due to a lack of suitable facilities within the city. The Centrepoint facility will help to reduce the reliance placed upon bed and breakfast accommodation and accordingly save the associated costs (estimated at £33,906 per annum for Children's Services (leaving care) and £26,064 per annum for Housing Options (homeless 16/17 year olds)). Savings on costs of bed and breakfast accommodation are therefore estimated at approximately £900,000 over a 15-year period. It should be noted that these cost implications are not a material planning consideration in assessing this application, but the established need for a facility of this nature for homeless young people in the City is a material consideration.

The Council has tendered for a provider for a young persons' immediate access scheme to address homelessness amongst young people in the City. Centrepoint, a national charitable organisation which has been providing accommodation and support for homeless young people across the country for

40 years, was the successful tenderer and has been awarded the contract to provide the service.

Centrepoint currently provide a young persons' immediate access facility at Oakwood House, Mowbray Road, Hendon, to the south of the City Centre. The planning application to change the use of Oakwood House from a nursing home/student accommodation to a supported residential facility (application reference 07/05332/FUL) was granted temporary approval for a period of two years on 5th March 2008 and opened in December 2008. An application seeking to renew this approval for a further 15 months is currently pending consideration (application reference 09/04607/REN). The building at Mowbray Road is not considered to be fit for purpose as a permanent facility due to the layout of the accommodation, size of the building, condition of the building, office accommodation, treatment/support rooms on site and general maintenance of the building.

The development proposed at Dundas Street would provide a purpose-built permanent facility for the project. The site at Dundas Street has been assessed against the following criteria, established by a steering group including staff from Centrepoint and the Council's Health, Housing and Adult Services Directorate and the former Development and Regeneration Directorate:

- site area of at least 0.22ha (subsequently reduced following a re-design of the project)
- north of the City Centre, accessible to City Centre services and reasonably close to bus routes to Washington
- not near to places with vulnerable people, e.g. schools, residential homes etc.
- near to as little residential property as possible

The Dundas Street site was considered to rank first against a number of other potential sites considered by the steering group (listed in the Cabinet report of 7th October 2009) when assessed against the siting criteria listed above.

The land subject to this application was agreed to be disposed of to Centrepoint for the proposed supported housing project at a Cabinet meeting on 7th October 2009, subject to securing planning permission. The project was also reported at a meeting of the Sustainable Communities Scrutiny Committee held on 20th October 2009 and the Children, Young People and Learning Scrutiny Committee held on 12th November 2009.

Previous Member engagement was by means of the reports to Cabinet on 7th October 2009, the Sustainable Communities Scrutiny Committee on 20th October 2009 and the Children, Young People and Learning Scrutiny Committee on 12th November. The latter referred the matter back to Cabinet on 2nd December 2009 to make it aware of the concerns of the Committee in relation to the choice of the Dundas Street site. The concerns of the Children, Young People and Learning Scrutiny Committee were set out in the report to the Cabinet meeting, along with a response from the Executive Directors of Health, Housing and Adult Services and Children's Services. The Cabinet was informed that a rigorous risk assessment of the site for the proposed facility had been undertaken by officers. The Cabinet, in coming to its decision to agree to take forward the Dundas Street site, resolved that the views of the Scrutiny Committee and the response of the Executive Directors be noted.

Centrepoint will be submitting a bid for capital funding to develop the young persons' scheme to the Homes and Community Agency (HCA). The City Council, in its strategic housing role, will support the bid to the HCA. The indicative bid to the HCA is £832,000, whilst Centrepoint will be providing £260,000 of their own funding. The indicative on-costs are £182,000 and relate to professional fees which are included within the capital costs set out above.

## DETAILED PROPOSALS

The proposed building has a footprint of 21.4 metres x 13 metres and will provide approximately 811 sq. metres of floorspace over three floors. The ground floor features a reception, coffee and kitchen area, resources/multimedia room, interview and meeting rooms, a manager's office and a laundry. The first and second floors will provide a total of eighteen en-suite bedrooms and four shared kitchens. Windows are proposed at all levels in all elevations and the main entrance door is to be located in the north elevation, with access taken from Dundas Street.

The building is of a contemporary design and has a shallow pitched roof with a maximum height of 9.4 metres. The ground floor is to be finished with facing brickwork, whilst upper floors are to be clad in coloured render. First and second floor bay windows at either gable end of the building are to be clad in cedar wood.

Seven car parking spaces will be provided to the front of the building, accessed from Dundas Street and separated by a path leading to the entrance door, whilst to the rear is a residents' garden and patio area. The residents' garden is proposed to be enclosed by a 1.8 metre-high brick wall, whilst the western boundary of the site is to be defined by a 0.9 metre-high brick wall; 0.9 metre-high railings are proposed to the front of the building.

A management plan submitted with the application states that the service will operate with 24-hour staff support and monitoring, provided by a team of ten employees. The team is led by a Service Manager, and will work on a shift system round the clock, with at least two members of staff on hand 24hrs a day to manage the service and provide support to the young people. All residents will be required to sign a 'good neighbour' policy, which contains specific clauses that prohibit harassment, racial harassment or anti-social behaviour. In addition, upon entry to the service, each young person is required to sign-up to Centrepoint's support and development agreements and enter into a 'contract' to fully engage with activities and the support process.

Young people also have to agree to abide to a code of conduct and a set of house rules, which may include curfew times, warning policies, local agreements and procedures and clearly explains the reasons behind the necessity for such rules and regulations and sanctions available, which can include eviction. These rules are explained within a handbook available to all the young people upon entry into the service.

In addition, users of the facility must also sign an 'Acceptable Behaviour Agreement' (ABA's) regarding their behaviour outside of the building. Any occupant of the building found to be in breach of their ABA on three occasions will be evicted from the facility. CCTV cameras will be placed at strategic points

inside and around the building to allow staff to monitor and effectively respond to any incidents which occur.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Force Planning and Police Architectural Liaison Officer  
Northumbrian Water  
Director of Community and Cultural Services

Final Date for Receipt of Representations: **02.01.2010**

#### **REPRESENTATIONS:**

##### **PUBLIC CONSULTATION**

Consultation letters notifying local residents of the receipt of the application were sent to 95 properties within the vicinity of the proposal site on 7th December 2009. The receipt of the application was also given further publicity by a press notice published in the Sunderland Echo on 12th December 2009 and a series of site notices posted in the locality of the application site on 8th December 2009.

Seventeen letters of objection were received in response to the public consultation exercise, from the occupiers of nine properties in Howick Park and three in St. Peter's View, the deacon of True Jesus Church and one letter sent anonymously. Howick Park and St. Peter's View are situated to the south of the application site, whilst the church is immediately to its east. The main issues raised by the letters of objection are:

- operations of similar organisations in area have led to significant anti-social behaviour, including a double murder at Barclay Lodge (a guest house at 58 Barclay Street, situated approximately 150 metres to the south-west of the application site), thefts and under age drinking, with regular police call-outs;
- the True Jesus Church has suffered theft of lead from roofing, damage to members' cars, human defecation on main gates, physical and verbal abuse of church members and fear among elderly members; the provision of the Centrepoint facility may increase levels of anti-social behaviour in relation to the Church;
- there is already a bail hostel (presumably referring to Barclay Lodge), Lazarus Centre, children's home and a chemist distributing methadone within 150 metres of application site;
- the area is a 'dumping ground' for problem youths and adults, to detriment of community and safety of residents;
- the Centrepoint facility will only bring more problems into neighbourhood;

- the site is wrong place for Centrepont facility due to existing problems within small residential area;
- the Centrepont residents need a more stable and safe environment than can be provided at Dundas Street;
- the estate will be 'run down' by another 'good cause' with troublesome clients;
- the facility would be built beside old peoples' bungalows, a health centre and three places of worship;
- the children's home and Centrepont facility on either side of True Jesus Church would be intimidating for attendees;
- there are parking problems on Sunderland AFC home match days and from college students;
- the loss of parking area used by visitors to medical centre;
- the building will overlook windows and reduce privacy of houses on Howick Park due to its size and height;
- house prices would be affected;
- the Police have been called to the existing facility at Oakwood House, Mowbray Road 'numerous times' (according to article in Sunderland Echo);
- there has been inadequate consultation with community, as only one public meeting to discuss proposal

It should be noted that the Lazarus Centre is a facility providing a cafe area, clothing store, WC, shower and changing facilities with training, administration and storage rooms for a trust assisting persons suffering from illness, disability, disease or infirmity caused by or arising from the consumption of alcohol or chemicals. It is situated at 4 North Bridge Street, approximately 100 metres to the north-west of the application site and was granted planning approval on 17th October 2008 (application reference 08/03378/FUL).

Two further letters of objection were submitted after the expiry of the date for receipt of written representations, from the adjacent Monkwearmouth Health Centre and St. Bede's Health Centre, Lower Dundas Street, to the east of the proposal site.

The issues raised by the letter from Monkwearmouth Health Centre are:

- the proposed development will have a 'hugely negative' impact on the area as Howick Park is a quiet residential area;
  - it would cause major problems for users of Health Centre in relation to patients parking due to loss of an informal parking area;
  - ownership of land is believed to be in dispute
- The issues raised by the letter from St. Bede's Health Centre are:
- the increase in concentration of hostels, residential youth centres, a drug and alcohol treatment centre (the Lazarus Centre) and accommodation for asylum seekers in the locality;
  - additional increase in 'dependent' (though likely dependence not specified) patients would stretch capability of local health centres to cope with demand;
  - it is ill-conceived to concentrate such facilities in a small area;



- the proposal should be withheld until impact on health care services can be fully considered

The issues raised by the objectors are given further consideration in the 'comments' section of this report.

In addition to the above, a petition was presented to the Council meeting of 25th November 2009. The petition has been signed by 167 residents in the vicinity of the development site and its heading requests that Council officers abandon plans for the proposed development on grounds that the facility would be located within an area of existing high deprivation, that there are already unaddressed anti-social behaviour problems in the locality and excessive multi-agency supported projects in the area. The heading states that, if successful, the project will have a detrimental effect on the current supported projects and put in jeopardy the very people it aims to help.

It must be noted, however, that the petition was submitted to the Council prior to the receipt of the formal planning application, which was only made valid on 2nd December 2009. As such, the signatories would not have seen the specific details of the application, but the petition does indicate the views of the signatories in response to the general proposal for the development.

The proposed development was also publicised by the applicant prior to the submission of the planning application by a public consultation event held on 14th October 2009 at the Enon Church Hall on Williamson Terrace, to the east of the application site. The event was publicised by invitations distributed to surrounding occupiers and was attended by representatives from the local police, the Council and Centrepont. Over 60 local residents visited the consultation event and 46 comment cards were completed, all of which opposed the proposal, primarily in relation to the issues raised by objectors listed above.

Centrepont elected to submit a statement, received 12th January 2010, responding to the concerns raised by objectors to the proposed development. The statement addresses three of the main concerns raised by objectors as follows:

Concern 1 - 'Monkwearmouth has reached saturation point with support services, Centrepont will add to this sense of the community being 'dumped on' by the local authority'.

Centrepont response - 'It is important to acknowledge that there is still a great need for support services for homeless young people in Sunderland and though there are support services in Monkwearmouth there is not one for homeless young people. In delivering a service, Centrepont will work closely with the community, the residents, other support services, the council and the Police to ensure that the service planned for Dundas Street works for not just the young people in our care but the community as a whole. Centrepont will support the community by attending local forums and getting involved in campaigning for local issues that will improve the quality of life for people in Monkwearmouth, such as improving street lighting in the surrounding tunnels. We intend to become a service that the community can look to for support and guidance rather than a problem.'

Concern 2 - 'there is already significant anti-social behaviour in Monkwearmouth emanating from the various support services, the Centrepoint service will add to this'.

Centrepoint response - 'To tackle anti-social behaviour from Centrepoint young people, we have put a number of control measures in place, these are:

- Young people have to sign a licence agreement, which means adhering to house rules relating to behaviour inside the service. If they do not stick to the house rules they have to leave the service.
- Young people sign a Police and Local Authority 'Acceptable Behaviour Agreement' (ABA) regarding their behaviour outside of the building. If a young person receives three strikes against their ABA, they have to leave the service.
- We have CCTV cameras placed at various strategic points, both inside and outside of the building, so staff can monitor and respond to Centrepoint young people's behaviour.
- There are always two staff members as a minimum on duty at any one time so one member of staff can respond to challenging behaviour both inside and outside the building.
- To enable staff to respond effectively to challenging behaviour they receive training in 'Managing Violence and Aggression' within first 6 months of work.
- To learn from and develop our practice we review incidents in supervision and team meetings; we look at a) how we dealt with the incident b) what learning we can glean from the incident and c) what if any policy and procedure changes we need to make because of this learning.
- Centrepoint has a Warnings and Eviction Policy and Procedure which works in tandem with our Incident Management Policy and Procedure giving staff clear guidance on how to respond to and manage challenging behaviour.

Concern 3 - 'The community have expressed a concern that Centrepoint young people will have a negative impact on Children from the Children's home and visa versa, creating a greater sense of chaos in the community'.

Centrepoint response - 'In responding to similar concerns raised by the Children's home we have developed a 'managing anti-social behaviour risk-assessment''. The risk assessment is detailed in a spreadsheet submitted with the statement.

## CONSULTEE RESPONSES

### NORTHUMBRIAN WATER

Northumbrian Water has made no objection to the proposed development.

### NORTHUMBRIA POLICE

Northumbria Police's Planning and Architectural Liaison Officer has been consulted with regard to the proposed development given the sensitive use of the building.

The Planning and Architectural Liaison Officer has confirmed that Northumbria Police do not object to the proposed development.

The Planning and Architectural Liaison Officer has advised that discussions have taken place with members of the local policing teams covering the Dundas Street and Mowbray Road areas.

The local policing team has been called to the premises at Mowbray Road on a regular basis to resolve minor problems with residents, including many matters that could and should be dealt with by Centrepont staff without the need for Police intervention. The local sergeant for the Dundas Street area has already discussed this matter with Centrepont in order to seek assurances that the proposed facility will be managed in a manner that reduces the number of occasions where Police intervention is required.

The local policing team has also noted the proximity of the Dundas Street site to the children's home at Williamson Terrace. Potential conflict and confrontation between occupants of the two facilities is a matter that will be monitored and dealt with should the need arise.

The Planning and Architectural Liaison Officer has confirmed, however, that Northumbria Police do not object to the proposed development.

In respect of the above, a meeting has also taken place between staff from the City Council's Health, Housing and Adult Services Directorate and Office of the Deputy Chief Executive and a Northumbria Police Sergeant from Sunderland Area Command, where the management of the proposed facility and the role of the local policing team were discussed.

The City Council's Health Housing and Adult Services Directorate has confirmed that it will continue with the service planning meetings that are currently attended by representatives from the Police, Children's Services, Health Housing and Adult Services and Centrepont. The purpose of the meetings is to ensure the project adheres to good practice in managing the scheme, anti-social behaviour is minimised, 24 hour on-site support is provided, that all aspects of the Supporting People contract are monitored and that appropriate enforcement action is undertaken if required. Centrepont will engage with the local community in an on-going open dialogue based upon an open approach.

These discussions will continue in the coming months to retain police and City Council involvement in the management of the facility, should Members be minded to approve the application.

## **POLICIES:**

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

- EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood
- B\_2\_Scale, massing layout and setting of new developments
- T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising
- H\_14\_Negotiation for special needs housing in major developments
- CF\_1\_Ensuring that land / buildings are available for community facilities

## COMMENTS:

### ASSESSMENT OF THE APPLICATION

The main issues to consider in the assessment of this application are:

- the principle of the proposed development in land use policy terms;
- the impact of the proposed development on visual amenity and character of the area;
- the impact of the proposed development on residential amenity;
- the impact of the proposed development on highway and pedestrian safety

### PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site is not allocated for any specific land use within the Council's adopted Unitary Development Plan (1998) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

As noted within the 'representations' section of this report, many residents within the vicinity of the application site have expressed concern at the number of operations in the locality that are argued to generate significant levels of disturbance, including crime and anti-social behaviour. The objectors state that these uses, namely the children's home at Williamson Terrace, the Barclay Lodge guest house at the junction of Barclay Street/North Bridge Street, the Lazarus Centre on North Bridge Street and the chemist distributing methadone on Dundas Street, have the effect of 'bringing down' the area and give it the character of a 'dumping ground' for facilities which cater for 'problematic' groups of society.

The letter of representation from St. Bede's Health Centre also makes reference to the possible strain on the provision of health care in the area for 'dependents', which could arise as a result of the proposed development. The City Council's Health, Housing and Adult Services Directorate has confirmed that the availability of health provision is not singled out as a consideration in choosing sites for development such as that proposed. Neither has health care provision been an issue in relation to the operation of the existing facility at Mowbray Road. The letter makes a presumption that all, or a high proportion of, residents of Centrepoint will be 'dependents'; whilst it is acknowledged that some may be, it is not considered that a maximum of 18 residents will place undue strain on the health services in the locality.

The concerns raised by objectors in the locality regarding the perceived 'saturation' of the area with uses generating disturbance and anti-social behaviour are acknowledged. Nevertheless, the proposal for the new building for Centrepoint must be viewed on its own merits and in light of current relevant planning policy.

The proposed building provides what is essentially residential accommodation, albeit on a short-term basis and in combination with support and educational facilities. Given that the locality of the application site is mixed use in character with a number of residential properties to its south, it is considered that the proposed use of the land is generally compatible with the existing pattern of land use in the vicinity. The development, if properly managed to the level required for

this 'special needs' residential facility, is acceptable in this locality. The proposed development is therefore considered to be compliant with the requirements of policy EN10 and as such is acceptable in principle.

Policy CF1 of the UDP states that the City Council will seek to ensure that land and buildings are made available to enable the City Council, other public bodies and statutory undertakers to carry out their responsibilities, whilst policy H14 states that the City Council will attempt to provide 'special needs' housing where possible.

As noted earlier in this report, the Centrepont facility will assist the City Council in attaining the Government target not to have any 16/17 year olds in bed and breakfast accommodation by 2010, as stated in the City Council's 'Children and Young People's Plan 2007-2009'. It will also accord with the Supporting People 5-year Strategy as approved by Cabinet in March 2005 to develop a supported housing project for young people aged 16-21.

Given that the proposed development will help the City Council in providing a much-needed facility and attaining national targets in relation to the provision of short-term accommodation for homeless young people, the proposal is also considered to accord with the aims and objectives of policies CF1 and H14 of the UDP. The principle of the development in this location is therefore considered to be acceptable.

## IMPACT OF PROPOSED DEVELOPMENT ON VISUAL AMENITY AND CHARACTER OF AREA

Policy B2 of the Unitary Development Plan requires new development to relate harmoniously to adjoining areas, in relation to scale, massing, layout or setting, addressing in effect urban design matters.

The area surrounding the proposal site serves a variety of different uses and as such exhibits a range of built form with an assortment of buildings of very different scales and design. The bus depot shed opposite the development site is an extremely large building of industrial appearance, whilst the adjacent health centre and True Jesus Church are relatively modern buildings of rather functional design. These large buildings contrast with the small residential bungalows of Howick Park to the south of the proposal site.

The scale and massing of the proposed building is comparable to the True Jesus Church although it would be dwarfed by the bus depot shed opposite. Given the types of building sizes in the vicinity and the highly varied streetscene, the proposed three-storey building would not be out of place.

The appearance of the proposed building is also considered to be generally acceptable; the elevation treatment and fenestration is considered to be appropriate, with the full height windows in the western gable of the building encouraging natural surveillance of the junction of Dundas Street and Liddell Street. The roofscape of the proposed building is also considered to be acceptable, for the shallow pitched roof limits the dominance the development could have otherwise had in relation to its surroundings had a traditional pitched roof been proposed. The materials to be used in the construction of the building have not been confirmed and as such it is suggested that a condition requiring

the submission of a schedule and/or samples of materials prior to the commencement of development be imposed to ensure compatibility with the area should Members be minded to approve the scheme.

The proposed boundary treatment is also considered to be appropriate for the site. The rear yards of dwellings immediately to the south of the site are enclosed by tall (approximately 2 metres high) close boarded timber fences bounding the rear lane; the brick wall enclosing the rear garden/patio area at the south of the proposed building is of a similar height. The boundary proposed to Liddell Street is much lower and, given that the west elevation of the proposed building features a number of windows serving the coffee area and resources/multimedia room, will assist in the creation of a relatively active frontage to this street. Boundary treatment to the front, where the entrance to the building is located, is also appropriate.

With reference to the above, the scale and design of the proposed building is considered to be appropriate within the context of the locality. As such, the proposal is considered to be acceptable in relation to the requirements of policy B2 with regard to the impact of the proposed development on the visual amenity of the area.

#### IMPACT OF PROPOSED DEVELOPMENT ON RESIDENTIAL AMENITY

Policy B2 of the UDP requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance to the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standard to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, with a further 5 metres spacing required where a building is three-storeys high or more. Given that the proposed building is three storeys high, a minimum of 26 metres spacing should be provided between main living windows to the nearest residential dwellings.

The nearest residential properties to the development site are those to the south, on the opposite side of the lane to its rear. The closest, the single storey 17-19 Howick Park, is 'L' shaped and features a rear offshoot projecting to within 19 metres of the rear elevation of the proposed building. The gable end of this offshoot is, however, blank, and so the closest main living windows of 17-19 Howick Park are those in the rear elevation of the main body of the dwelling, some 27 metres from the rear elevation of the proposed building. This separation distance complies with the guidance of the SPG and SPD and is considered to be sufficient to ensure the proposed building will not result in any significant loss of privacy for the occupants of these properties.

Neither is the proposed development considered to be of harm to the outlook from the windows of 17-19 Howick Park, given that their outlook is already screened by the 2 metres high boundary fence to the rear yard of the dwelling. Additionally, as 17-19 Howick Park is located to the south of the development site, the proposed building will not lead to any overshadowing.

The aforementioned policy EN10 requires new development to be compatible with the principal use of the neighbourhood. As such, the impact of the use of the proposed building on the amenity of surrounding residents must also be given full consideration. As noted within the 'representations' section of this report, a large number of residents in the vicinity of the development site have objected to the proposal on the grounds that the locality already suffers from perceived anti-social behaviour problems and high crime rates, which are argued to stem from the number of 'similar organisations' operating in the area. It has been suggested that the proposed development will only increase the problems already experienced in the locality.

The general approach to planning is that it is concerned with the use and development of land and buildings and not the identity and particular purpose of any particular occupiers of any existing or proposed building. This is made clear in Planning Policy Statement 1 (PPS1), Circular 3/05 (Changes of Use) and Circular 11/95 (Use of Conditions). Recent case law (N Smith v First Secretary of State and Mid Bedfordshire DC, Court of Appeal July 2005 and West Midlands Probation Committee v SSE Court of Appeal 1997) has clarified the situation as to when concern and fear amongst local residents regarding the impact of a proposed use is a material consideration. The Court of Appeal has held that the public's fears and concerns had to have some reasonable or evidential basis. Further, it was necessary for these fears and concerns to be attributable to the proposed use of the land in planning terms, and not merely to concerns about the potential behaviour of particular residents, i.e. whether the proposed use of the land by its very nature is likely to cause difficulties for its neighbours. On this point, the Court of Appeal drew a distinction between types of uses such as a bail/ probation hostel or a polluting factory which by their very nature inherently create real concerns for their neighbours, compared with the proposed use of a site for travellers which does not create inherent and real concern and does not necessarily produce difficulties for its neighbours. The fears should arise from the inherent nature of the proposed use, not the potential idiosyncratic behaviour of particular future residents. If the concern for the future rests not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the potential future occupiers, then it should not be taken into account.

In this instance, it is known that the occupiers of the proposed facility are to be homeless young people and accommodation is to be provided for up to 56 days. The background and experience of the operator of the facility is also known, as is the management strategy to be implemented. Accordingly, it is considered that it is possible to make a reasoned assessment of the likelihood of the proposal leading to an increase in crime, anti-social behaviour, noise and disturbance in the locality to the extent that these factors are material to the planning position.

Firstly, it cannot be assumed, that all, or even a high proportion of, the potential residents to the proposed development will have criminal convictions (as in the case of a bail or probation hostel) or will engage in anti-social or other criminal behaviour in the locality.

The behaviour of residents on site, and to an extent beyond the site can be managed and supervised by the applicants, Centrepont, which is a nationally recognised charitable organisation with significant experience in operating such facilities. The management plan submitted by Centrepont with the application recognises this issue and accordingly is clear in stressing that anti-social

behaviour will not be tolerated within or outside of the facility. Users of the facility will have to agree to an 'Acceptable Behaviour Agreement' (ABA) regarding their behaviour outside of the building and, if necessary, in relation to the nearby children's home. CCTV cameras will be installed at various strategic points around the building so staff can monitor and respond to any anti-social behaviour created by Counterpoint's young people. Should Members be minded to do so, it is recommended that any approval of the application is subject to a condition requiring the submission of an effective and acceptable CCTV system at the building.

Occupants must also sign up to the house rules of the facility, which set out levels of behaviour expected within the building, and sign a 'good neighbour' agreement, which contains specific clauses that prohibit harassment, racial harassment or anti-social behaviour.

The existing facility at Oakwood House, Mowbray Road provides some comparison in relation to the potential impact on the residential amenity of nearby residents as a result of use of the building. It is an important to note that Northumbria Police do not object to the proposed development. The Police have noted a high number of call-outs to the Mowbray Road service since it opened in December 2008. However, the Police have commented that a significant number of these calls-outs were considered to be unnecessary. In addition, statistics provided show that a large proportion of recorded incidents involved matters inside the building rather than incidents raised by neighbouring residents. It is worth noting that the original planning application for Mowbray Road in 2007 attracted over 200 letters of objection; however, only a dozen or so have been received in response to the consultation exercise carried out in relation to the currently pending application (application reference 09/04607/REN) for a renewal of the temporary permission, indicating that experience has demonstrated a lessening of the concerns of residents over the wider area.

It must be recognised that the development proposed at Dundas Street is a purpose-built facility to meet the needs of the young persons using the service and Centrepoint in managing the building. Whereas the existing facility at Mowbray Road is not fit for purpose as a permanent facility for the reasons explained earlier. The facility proposed at Dundas Street is tailored to meet the requirements of users and operator. The internal layout of the building provides good surveillance of communal areas and corridors, a high standard of office, meeting and interview space and accommodation, whilst an area of well-screened and enclosed outdoor amenity space is also afforded. It is considered by Centrepoint that the tailored design of the building will assist in its effective management and thus serve to limit the possibility of noise, disturbance and anti-social behaviour as a result of the proposed development.

With regard to the requirement of the steering group that the proposed facility be sited in an area near to as few residential dwellings as possible, the Dundas Street site is within an area characterised by a broad range of uses of land and buildings. The development site is only bordered by residential properties on one side, to the south, with commercial buildings and community facilities to the north, east and west. Given the mixed use character of the locality of the development site, it is suggested that any noise and disturbance which may arise from the proposed development will be experienced by a relatively low number of properties in relation to this site in comparison to a locality of more predominant residential character.



It is considered that the proposed development does not raise any significant concerns on planning grounds in relation to residential amenity in terms of a loss of outlook, loss of privacy or the creation of overshadowing. Furthermore, provided that the management plan submitted by Centrepoint is effectively enforced by staff, and the regular meetings between Centrepoint, City Council staff and the local policing team are continued, there is no reason to presume that the presence of the facility will result in a significant increase in noise, disturbance, crime or anti-social behaviour in the vicinity of the development site, especially given the experience of the applicant in the running of such facilities around the country. Northumbria Police has also assessed the proposal with regard to potential crime and anti-social behaviour issues and raised no objection to the presence of the facility at the application site.

Whilst the concerns raised by residents in the locality of the application site are fully acknowledged, it is considered that, on balance, for the reasons outlined above, the proposed facility is unlikely to impact adversely on the amenity of nearby residents. Therefore, it is considered that these public concerns are not of sufficient weight to justify a refusal of planning permission for this development. The proposal is considered to comply with the requirements of policies EN10 and B2 of the UDP in this regard.

#### IMPACT OF PROPOSED DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

The applicant has confirmed (see statement received on 8th January 2010) that the proposed parking provision of seven spaces is more than adequate to serve their operational requirements and can cater for the expected levels of full-time and part-time staff and visitors as detailed in the submitted management plan and working/shift arrangements. The management plan for the operation of the Dundas Street facility allows for a total of ten staff to supervise and run the supported housing scheme. However, the service will only be staffed by five personnel at most at any one time, with the remainder being made up of visitors to the facility by, for example, the regional manager. At no time will the entire staff complement be on site, and accordingly the level of parking provided at the site is argued to be adequate.

Additionally, it should also be taken into consideration that the development site is suitably located with regard to access to bus services available on Dundas Street and North Bridge Street, whilst St. Peter's Metro station is within reasonable walking distance.

The seven car parking spaces proposed to be accessed via Dundas Street are therefore considered a satisfactory level of provision to accommodate on-site parking for staff and visitors for a housing scheme of this nature. Parking provision for residents is not considered necessary in this instance given that prospective clients of the facility are extremely unlikely to be vehicle owners. A minimum of one space should be provided to cater for disabled parking and accordingly designed to accommodate wheelchair users and it is suggested that this could be dealt with by means of an appropriately worded condition should Members be minded to approve the proposal.

With regard to the above, the proposed development is not considered to raise any significant concerns with regard to pedestrian and highway safety. As such, the proposal is considered to comply with the requirements of policies T14 and T22 of the City Council's adopted Unitary Development Plan.

## CONCLUSION

A significant number of local residents have raised concerns regarding the saturation of the Dundas Street area with operations that are argued to lead to high levels of crime and anti-social behaviour and are of harm to the 'character' of the locality. However, the new building for Centrepont must be viewed on its planning merits and in light of current relevant planning policies. In this regard, the principle of the use of the application site for the proposed development is considered to be acceptable given the mixed-use character of the locality and the residential nature of the proposed facility. As such, the proposal is considered to comply with the requirements of policy EN10 of the City Council's adopted Unitary Development Plan.

It is also recognised that the existing service at Mowbray Road has resulted in a relatively high level of police call outs, although the majority of these were in relation to internal incidents rather than impacting on the neighbourhood. Accordingly, the impact of the proposed development on the amenity of surrounding residents in terms of the likelihood of generation of noise, disturbance, crime and anti-social behaviour has been given careful consideration.

However, the Mowbray Road service occupies a building that is not fit for purpose in the long term, whilst the facility proposed at Dundas Street has been specifically designed to meet the needs of residents and the service provider. Furthermore, the proposed building will be effectively managed by a highly experienced national charitable organisation liaising with the City Council and the local policing team. Given the above, it is therefore not considered reasonable to presume that the facility will itself result in an increase of crime, anti-social behaviour, noise and disturbance that will be detrimental to the amenity of surrounding residents.

In addition, the scale and design of the proposed building is considered to be appropriate within the context of the locality and as such the proposal raises no significant concerns with regard to visual amenity, whilst the proposed development will not lead to any harm to the amenity of surrounding residents in relation to a loss of outlook, loss of privacy or creation of overshadowing. The proposed development is therefore also considered to comply with the requirements of policy B2 of the UDP.

Furthermore, the proposed development raises no significant concerns in relation to highway and pedestrian safety, in accordance with policy T14 of the UDP.

Whilst there is evidence of some potential anti-social behaviour associated with the operation of the proposed development, as provided by the Mowbray Road experience, this has to be weighed against compliance of the proposal with planning policy, the established need for a facility of this nature and its contribution towards the achievement the housing and social aims and objectives of the Council and its partners. While the planning system has to take into

account the potential impact of crime and disorder, it cannot aim to solve or regulate all anti-social behaviour.

In conclusion, there is a statutory presumption in favour of granting planning permission for development which complies with the development plan for the area and accordingly it is recommended that this planning application be approved for the reasons stated above subject to 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 25/11/2009 (drawing no. GEN/09A/015);
  - the existing site layout received 02/12/2009 (drawing no. GEN/09A/022);
  - the proposed site layout received 02/12/2009 (drawing no. GEN/09A/016);
  - the proposed elevations received 25/11/2009 (drawing no. GEN/09A/020);
  - the proposed boundary wall details received 02/12/2009 (drawing no. GEN/09A/023);
  - the proposed ground floor plan received 25/11/2009 (drawing no. GEN/09A/017);
  - the proposed first floor plan received 25/11/2009 (drawing no. GEN/09A/018);
  - the proposed second floor plan received 25/11/2009 (drawing no. GEN/09A/019);
  - the proposed roof plan received 25/11/2009 (drawing no. GEN/09A/021);
  - the site waste management plan received 25/11/2009;
  - the management plan received 04/01/2010

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

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

approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The 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 in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 5 No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies T14 of the UDP.
- 6 Before the development hereby permitted is commenced, a plan showing the provision of at least one space within the curtilage of the site catering for disabled drivers and designed to accommodate wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall be laid out in accordance with the approved plan before the building is occupied and the disabled shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces in the interests of visual amenity and to comply with policy B2 of the UDP.
- 8 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 of the UDP.
- 9 The development hereby approved shall not be commenced until details of a CCTV system to be installed at the approved building have been submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt, the details to be submitted shall include:
  - a proposed site plan and proposed floor plans showing the exact position of each camera to be installed inside and outside the building;
  - specifications of the make, model and performance of the cameras to be installed;
  - a statement explaining how the CCTV system will respect the privacy of neighbouring residents;

The development shall then be carried out in complete accordance with the approved details and the agreed CCTV system maintained as such for the lifetime of the approved use of the building unless otherwise agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and comply with policy B2 of the UDP.

- 10 The Centrepoint Sunderland Dundas Street Management Plan, submitted on 4th January 2010 by the applicant to ensure the proper supervision of the residents of the premises and to minimise the impact on surrounding residents by virtue of noise, disturbance and general behaviour shall be fully implemented and adhered to at all times, in the interests of residential amenity and the character of the area and to comply with policy B2 of the UDP.
- 11 Notwithstanding the submitted drawings hereby approved the number of bedrooms provided in the premises for residents shall not exceed eighteen, in the interests of the amenities of adjoining residential occupiers and to comply with policy B2 of the UDP.

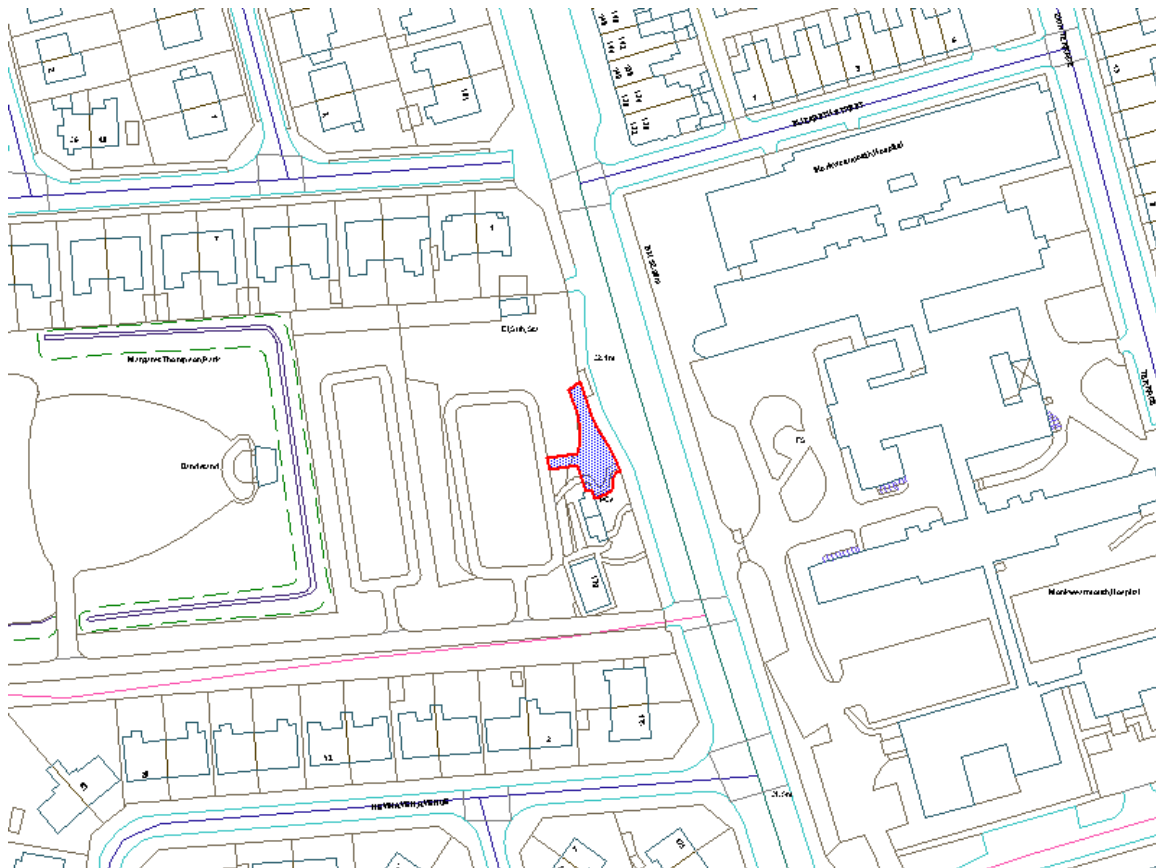
**Reference No.:** 09/04734/LAP Development by City (Regulation 3)

**Proposal:** Improvements to existing pedestrian access to Thompson Park from Newcastle Road, to include entrance gates and realignment of existing bow top railings.

**Location:** Margaret Thompson Park Newcastle Road Sunderland

**Ward:** Southwick  
**Applicant:** City Services  
**Date Valid:** 8 January 2010  
**Target Date:** 5 March 2010

### Location Plan



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### PROPOSAL:

Planning permission is sought for improvements to the existing pedestrian access to Thompson Park from Newcastle Road, to include entrance gates and re-alignment of existing bow-top railings at Margaret Thompson Park, Newcastle Road, Fulwell, Sunderland.

The proposed development affects the eastern entrance to Margaret Thompson Park, a large, mature suburban public park situated between the A1018 Newcastle Road in the east and the B1291 Thompson Road in the west. The park is bordered by residential streets to the north and south, but the Newcastle Road entrance is situated opposite the Monkwearmouth Hospital. The eastern end of the park features formally laid out landscaping, planting beds and paths, whilst the western side of the park provides bowling greens and sports pitches.

The current main access point to the park from Newcastle Road is situated between the park caretaker's house (179 Newcastle Road), which stands in a small garden within the confines of the park, and the dwelling at the south-east corner of the park (177 Newcastle Road). The access is currently shared between pedestrians and vehicles using the park depot, resulting in conflict between the separate users and danger to pedestrians. A further pedestrian-only access is available 30 metres to the north of the main entrance, adjacent to a public toilet block. However, this access is not obvious and is in a poor condition. The application seeks to improve this access to provide a dedicated pedestrian entrance and address the conflict between vehicles and pedestrians at the existing main access.

The existing pedestrian-only access is located within the 600mm-high railings that define the eastern boundary of the park and run alongside the footway of this section of Newcastle Road. The path beyond the entrance runs through a narrow strip of planting before passing through a gate in the 1.2 metres-high bow-top railings separating the planting from the formal garden behind.

The application proposes to re-align the existing 1.2 metres-high bow-top railings, although the route followed by the existing railings will be broadly maintained. New 4.85 metres-wide ornamental gates, with a maximum height of 2.9 metres and to be positioned between a pair of 2.35 metres-high brick pillars, are to be installed within the railings. The gates will be located 3.6 metres from the north elevation of the toilet block (which may be demolished in the future but not as part of this application) and set back 7 metres from the edge of the footway of Newcastle Road. The re-aligned railings and new entrance gate will be set behind an area of tarmac, which replaces the existing strip of planting and 600mm-high railings adjacent to the footway of Newcastle Road. A stone bus shelter set into the area of planting is also to be removed and replaced with a steel shelter situated in the footway.

The works proposed by this application are part of plans to regenerate Thompson Park. The City Council's Office of the Chief Executive Landscape and Reclamation Section is working with City Services and the Thompson Park Friends Group towards an agreed Master plan to facilitate this regeneration and encourage wider use of the park.

#### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

No consultations required.

Final Date for Receipt of Representations: **09.02.2010**

## **REPRESENTATIONS:**

No letters of representation have been received in response to consultation.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

B\_3\_Protection of public/ private open space (urban green space)

L\_1\_General provision of recreational and leisure facilities

L\_7\_Protection of recreational and amenity land

L\_9\_Retention of land used for allotments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues to consider in the assessment of this application are:

- the principle of the proposed development;
- the impact of the proposed development on pedestrian and highway safety;
- the impact of the proposed development on visual and residential amenity.

## **PRINCIPLE OF THE PROPOSED DEVELOPMENT**

Thompson Park is identified as an area of existing open space on the proposals map of the City Council's adopted Unitary Development Plan (1998). As such it is subject to policies L1, L7, L9 and B3 of the UDP. Policy L1 states that in the provision of recreation and leisure facilities, the City Council will seek to:

- (i) enhance the quality of life for residents and visitors by providing a range of high standard recreational, sporting, cultural and community facilities;
- (ii) develop the City's prestige and attractiveness in order to enhance its heritage and tourism potential;
- (iii) improve and extend opportunities for public enjoyment of the countryside and its wildlife;
- (iv) promote the dual use of educational and community facilities;
- (v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation consideration



Policy L7 states that land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. Permission for other uses on these sites will only be granted if an alternative equivalent provision of open space is made, the development is for educational purposes and there will be no significant effect on the amenity, recreational and wildlife habitat value of the site. Access to existing or proposed open space will be protected from alternative development. Policy L9 relates to the retention of land used for allotments.

Policy B3 reiterates the aims and objectives of the policies listed above by stating that public and private open space will be protected from development which would have a serious impact on its amenity, recreational or nature conservation value.

The proposed development will result in the loss of a small amount of landscaped border to create a more prominent and inviting entrance to the park. However, this removal of landscaping is not considered to affect the overall recreational or amenity value of the park and indeed will serve to improve the access to an under-used area of public amenity space. The development is therefore considered to be compliant with the requirements of policies L1, L7, L9 and B3 of the UDP and as such, the principle of the proposal is considered to be acceptable.

#### IMPACT OF PROPOSED DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

As the proposed development will serve to improve pedestrian access to the park by segregating it from vehicular traffic, the development will improve highway or pedestrian safety and as such is considered to comply with the requirements of policy T14 of the UDP.

#### IMPACT OF PROPOSED DEVELOPMENT ON VISUAL AND RESIDENTIAL AMENITY

Policy B2 of the UDP requires any new development to respect and enhance the qualities of nearby properties and the locality and retain acceptable levels of privacy.

The nearest dwelling to the development site is the park caretaker's house (179 Newcastle Road), the gable elevation of which is positioned approximately 18 metres to the south of the new gates. The only buildings facing the development site are those of the Monkwearmouth Hospital, on the opposite side of the four-lane Newcastle Road. Given the relationship between the development site and nearby dwellings, it is not considered that the proposal will lead to any harm to residential amenity.

The proposed new entrance, and in particular the access gates, will intentionally be of prominence within the existing streetscene in order to provide an obvious pedestrian entrance to the park from Newcastle Road. However, although prominent, it is not considered that the proposed development will appear as incongruous within the existing streetscene. Instead, the proposed development will create an inviting access point to the park in comparison to the existing arrangement, with the ornamental gates providing a conspicuous but attractive central feature.

With regard to the above, the proposed development is not considered to raise any concerns with regard to visual and residential amenity and as such complies with the requirements of policy B2 of the UDP.

## CONCLUSION

The principle of the proposed development is considered to be acceptable and neither does it raise any concerns with regard to highway and pedestrian safety or visual and residential amenity. The proposal is therefore compliant with policies L1, L7, L9, B2, B3 and T14 of the City Council's adopted Unitary Development Plan (1998) and accordingly, the recommendation is to grant consent.

**RECOMMENDATION: GRANT CONSENT in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the following conditions.**

### 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 18/12/2009 (drawing no. PO 76B.236/025);
  - the existing site layout received 19/12/2009 (drawing no. PO 76B.236/028);
  - the proposed site layout received 15/12/2009 (drawing no. PO76B.236/026);
  - the existing fence details received 15/12/2009 (drawing no. PO 76B.236/029);
  - the proposed fence and gate detail received 15/12/2009 (drawing no. PO 76B.236/027);

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 the submitted plans, the fencing and gates hereby approved shall be painted black and maintained as such thereafter for the lifetime of the development, in the interests of visual amenity and to comply with policy B2 of the adopted UDP.

# 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 OR THE PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION No. & Ward	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1	08/01368/OUT  <b>St Peters</b>	Saint Peters Wharf, Bonnersfield Sunderland	<b>Akenside Mentnor Ltd</b>  Mixed use development comprising 273 no. residential units (C3), 359 no. student/key worker accommodation (C3), 160 bed hotel (C1) with ancillary leisure and retail uses (A1, A2 A3 and A4), office space (B1), car parking and landscaping and public realm proposals.	29.04.2008	N/A	Pending further consideration
2	08/03336/OUT  <b>St Peters</b>	Sunderland Retail Park Sunderland	<b>Mountview Securities</b>  Outline planning application for erection of superstore (A1), four retail units (A1) and petrol filling station (sui generis). Alterations to existing vehicular accesses and creation of new vehicular accesses. Associated landscaping, car parking and ancillary development.	28.10.2008	25.11.2008	Pending further consideration – to be reported to future meeting of Planning and Highways Committee

# 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 OR THE PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION No. & Ward	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
4.	09/04661/LAP       <b>Castle</b>	Land At, Wessington Way, Timber Beach Road, Hylton Park Road, European Way And Groves Coles Site, Sunderland.	<b>Executive Director of City Services</b>  Erection of new highway bridge, with two columns of maximum height of 190m and 140m respectively, and associated highway infrastructure, connecting Wessington Way in Castletown and European Way in Pallion, with associated landscaping and engineering works, together with a temporary bridge to facilitate bridge construction; Stopping-Up of highways, change of use of land and inclusion of additional land as new highway and highway infrastructure at and in proximity to Hylton Riverside, Hylton Park Road , Timber Beach Road, Wessington Way and European Way and Crown Works and Groves/Coles Site, Sunderland.	N/A	N/A	Report to Planning and Highways Committee 29/4/2010.

# 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 OR THE PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION No. & Ward	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
5.	10/00229/OUT  <b>Southwick</b>	Land Adjacent To Swan Street Centre Swan Street Sunderland SR5 1EB	<b>Wylam Leisure Ltd</b>  Proposed residential development comprising 34 no dwellings and associated parking and vehicular access. (	N/A	N/A	Pending consideration
6	10/00323/FUL  <b>Castle</b>	Land At End Of Cul-de-sac Lavender Grove Sunderland	<b>Gentoo Homes.</b>  Erection of 2no detached houses to include stopping up of highway and change of use to private access.	N/A	N/A	Pending consideration.

# Appeals Received North Sunderland

Between 01/01/2010 and 31/01/2010

<u>Ref No</u>	<u>Address</u>	<u>Description</u>	<u>Date Appeal Lodged</u>
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# Appeals Determined North Sunderland

Between 01/01/2010 and 31/01/2010

Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
N	09/00037/REF	8 Ethel Terrace Sunderland SR5 3BQ	Change of use from shop (A1 USE) to hot food takeaway (A5 USE)	DISMIS	26/01/2010





# Appeal Decision

Site visit made on 12 January 2010

by **J Chance** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@plins.gsi.gov.uk

Decision date:  
26 January 2010

**Appeal Ref: APP/J4525/A/09/2114411**  
**8 Ethel Terrace, Castletown, Sunderland, Tyne & Wear SR5 3BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr/E Forster 2004 Trust against the decision of Sunderland City Council.
- The application Ref 09/01542/FUL, dated 15 April 2009, was refused by notice dated 15 June 2009.
- The development proposed is a change of use from A1 (shops) to A5 (Hot Food Takeaway).

## Decision

1. I dismiss the appeal.

## Procedural Matter

2. On the application form the applicant's details were as above and appeared to be incomplete. The appeal form makes reference to Mr Ian Forster (E Forster 2004 Trust) and I have assumed that this is what was intended for the applicant's details and have determined the appeal on this basis.

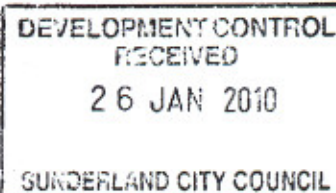
## Main Issues

3. The main issues are:
  - (a) the effect of the proposed development on the living conditions of the occupiers of nearby residential properties, paying particular attention to noise and disturbance and smells; and
  - (b) the effect of the proposed development on the Council's masterplan strategy for Castletown.

## Reasons

### *Effect on the Living Conditions of the Occupiers of Nearby Residential Accommodation*

4. The appeal property is a single-storey unit located on the south side of Ethel Terrace within the local shopping centre which is represented at ground floor level by a variety of shops, two existing hot food takeaways and a bookmakers. The appeal unit has been vacant for several years, having last been used as a butchers. The appeal property is located between the bookmakers and a flower shop, which the appellant indicates is now vacant.



5. The majority of the properties within this part of the shopping centre have living accommodation at first floor level, much of which appeared on my visit to be unoccupied, in line with the information in the appellant's Statement. I understand that the first floor living accommodation above the flower shop is currently vacant. One of the properties on the north side of Ethel Terrace within this part of the shopping centre is a dwelling.
6. The appellant proposes to locate the flue from any extraction system alongside and up the gable wall of the adjacent property, No 6 Ethel Terrace, at first floor level. I saw that No 6 has a blank gable side elevation facing towards the appeal property. While I note the previous appeal Inspector's concerns about the adverse effects of cooking odours on the occupants of that first floor accommodation, I consider that, with careful detailed design of the flue which would broadly follow the adjacent gable wall, it would be possible for most of the time to avoid adverse discharges of such odours in the vicinity of habitable room windows at No 6. Furthermore, like the previous Inspector, I find it unlikely that there would be potential for many other residents of Ethel Terrace to be adversely affected by cooking odours.
7. I have also taken account of the intention to incorporate a modern carbon filtration system within the design of any extraction/ventilation system. While it is never completely possible to eliminate all cooking smells, I consider that through the imposition of planning conditions to ensure satisfactory design of the full extraction/ventilation system including the design and location of the flue, it would be possible to adequately mitigate the adverse impacts of such odours and prevent unacceptable smell nuisance for nearby residents.
8. Turning to the matter of noise and disturbance, I have had regard to the appellant's survey information concerning the method of arrival of customers to the existing fish and chip takeaway on the opposite side of Ethel Terrace. I note the restricted nature of the survey and I have doubts about the assumption that the pattern of the survey findings would apply to this proposal. Nevertheless, even if I were to accept that future customers of this proposed hot food takeaway would travel similarly, on average nearly 30% of customers would arrive by car, rising to about 50% at particular times.
9. Those cars would be likely to park or wait outside or close to the premises on Ethel Terrace. Given that there would still be some car-borne customers visiting the fish and chip takeaway opposite, it would be likely that the area of parking for takeaway food would be extended beyond its present limits, so affecting more residential occupiers. Local residents already refer to noise and disturbance from the existing takeaways within the shopping centre. In my view, noise and disturbance from the starting of vehicle engines, shutting of car doors, car radios and vehicles undertaking turning and parking manoeuvres in connection with visits to the proposed takeaway would be clearly evident to nearby residential occupiers.
10. Furthermore, as referred to by the previous appeal Inspector, conversations in the street would also be a further source of noise, whether between individual customers or groups of people who had arrived on foot or between people who were walking to and from their cars. There would, in my opinion, be an increased likelihood of this with two takeaway premises operating on opposite sides of the street. In addition, it would be likely that there would be further

noise and disturbance associated with groups of people lingering outside the premises to eat their food. If such movement and activity were to take place in the late evening at a time when residential occupiers should be able to enjoy relative peace and quiet when most of the smaller shops would be shut, this would cause additional noise and disturbance over and above the levels which those occupiers already experience and find unacceptable.

11. I have taken account of the appellant's comments regarding a willingness to accept a condition preventing the operation of a delivery service. However, whether or not a delivery service was operated, there would still, in my view, be additional noise and disturbance associated with the comings and goings of vehicles to and from the proposed takeaway, whether belonging to direct customers or delivery staff, which would disrupt the peaceful enjoyment by nearby residential occupiers of their homes. Moreover, even if not all the upper floor residential accommodation is currently occupied, there is no reason why this should continue to be the case in the future, particularly if regeneration of the local centre and the surrounding area were to occur. Allowing this appeal would be prejudicial to the living conditions of future occupiers of first floor residential accommodation, as well as to existing residents, through late evening noise and disturbance.
12. I have had regard to the appellant's proposal to incorporate noise attenuators into the design of the flue. While this would assist in mitigating any transferred noise from the cooking process, it would not assist in reducing noise and disturbance outside the premises by customers arriving on foot and by car.
13. I note that the appellant proposes a similar closing time of 22:30 to the fish and chip takeaway opposite and indicates that he would be prepared to accept a condition not to open on Sundays. I accept that some of the larger retail units are open in the evenings. However these still close before 22:30 and are unlikely to encourage groups of people to linger outside them eating hot food. I understand from the appellant that Mario's Pizza at the other end of the centre remains open later. Nevertheless, even with a closing time limited to 22:30 I consider that there would be an unacceptable increase in the level of evening noise and disturbance experienced by nearby residential occupiers, if I were to allow this appeal.
14. I have been provided with copies of appeal decisions for other sites, as well as with a previous appeal decision for this site. I note the different views of other appeal Inspectors on various criteria set out under section 9.1 a. of the Council's Supplementary Planning Guidance Development Control Guidelines on Class A3 Uses (SPG), notwithstanding that the use class references have been subject to subsequent amendment. Nevertheless, the main thrust of criterion (i) is the protection of residential amenity from noise and general disturbance associated with food preparation and vehicle and pedestrian movement relating to hot food takeaway uses. Similarly criterion (iii) seeks to prevent car parking connected with hot food takeaways causing nuisance to nearby residents in the evenings.
15. I have also taken into account the intentions of criterion (iv) of the SPG to gain benefit through attracting a new use to a run down or declining group of shops, where the judgement against other criteria is finely balanced. While I accept that there would be benefits to the use of this unit which has been vacant for

several years, the judgement against other criteria is not finely balanced because, even though I have found that odour would not be a serious problem, the additional noise and disturbance would be significantly detrimental to the living conditions of nearby residential occupiers, and therefore contrary to the general intentions of criteria (i) and (iii) of the SPG. As the proposed use would have a detrimental effect on the living conditions of nearby residents through unacceptable noise and disturbance, it would conflict with the intentions of Policy S12 of the City of Sunderland Unitary Development Plan (UDP). It would also be contrary to criterion (b) of UDP Policy S3, as it would conflict with the established residential use within the local centre. Since, when assessed on its own merits, this proposed development would unacceptably harm the living conditions of the occupiers of nearby residential properties, it would be contrary to UDP Policy S11.

*Effect on the Council's Masterplan Strategy for Castletown*

16. I note the appellant's views about the prematurity of the Castletown Masterplan Interim Supplementary Planning Document (SPD) with respect to improvements to local retail provision at Ethel Terrace, given the lack of identified funding, current market conditions and the need for further consultation. Nevertheless, paragraph 6.43 of that SPD cites improvements to this local retail centre as a key component of the masterplan strategy. Furthermore, the SPD was approved in December 2008, following public consultation, and is therefore a material consideration of some weight, despite its lack of formal adoption.
17. Paragraph 6.47 refers to redevelopment to the south of Ethel Terrace to provide new modern shopping provision. While there is also reference to flexibility to permit other supporting uses, I note that takeaway outlets are not included in the list, although restaurants and cafes are.
18. Paragraph 6.46 states that it is the aim of the masterplan to support Ethel Terrace to become a more attractive and vibrant local centre. This would clearly be desirable, given the present nature of the centre with its numerous vacant premises. Furthermore, paragraph 6.51 explains that the improvements to this retail area would both serve the households from, and complement the improvements to, the adjacent housing area.
19. Although the proposed use would only affect one small unit within the retail centre, it would not be in line with the uses envisaged in the larger scheme for the overall area, even though it might bring use back, possibly only for a relatively short time, to a unit which has been vacant for a long time. If such a pattern were to be repeated at other units, this would amount cumulatively to development which could make it more difficult to achieve the aims and objectives set out in the masterplan and so take longer to bring much needed comprehensive improvement to the area.
20. I therefore conclude that allowing the proposed development would be contrary to the intentions of the masterplan strategy for Castletown, as set out in the SPD, and adversely affect the Council's future implementation of it. This would add to the harm I have identified above to the living conditions of nearby residential occupiers.

### **Other Matters**

21. I have had regard to the appellant's points regarding lack of interest in the unit despite a marketing campaign, benefits of re-use of a brownfield building in a sustainable area and that the current appearance of the unit contributes towards the appearance of a centre in decline. While I agree it would be of benefit for the unit to be used again, the proposed use would result in increased noise and disturbance for local residents and would not be in accordance with the uses listed in the masterplan strategy. Notwithstanding that other appeal decisions allowed takeaway uses at other sites, in this particular case the proposed development would be unacceptable.
22. I have taken account of other concerns raised relating to highway safety matters, encouragement of the congregation of youths particularly in the evenings, increased litter and the lack of need for more takeaways. However, I consider that there would be little adverse impact on the safety of pedestrians and other highway users and I see no reason why use of the nearby bus stop should be impeded. I note the appellant's intention to provide a litter bin for customers. Nevertheless, these matters do not change my conclusions on the main issues.

### **Conclusion**

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*J Chance*

INSPECTOR