

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.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several 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 2015.

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre
Executive Director City Development

Reference No.: 20/01026/FUL Full Application**Proposal:** **Change of use from social club to 13 apartments; including rendering the exterior walls and new windows to side and rear elevation (as amended by documents and plans received June 2021)****Location:** Ivy Leaf Club & Inst Ltd 38A Suffolk Street Hendon Sunderland SR2 8JZ**Ward:** Hendon**Applicant:** Mr John Clark**Date Valid:** 14 August 2020**Target Date:** 13 November 2020

PROPOSAL:

The application seeks full planning permission for a change of use from a social club to 13 apartments at the Ivy Leaf, Suffolk Street, Hendon.

The site lies south east of the city centre and the surrounding land uses include residential and retail (such as a small supermarket). The site has a broadly rectangular plan form covering around 400 square metres. The existing building, last used as a social club, has a height of 2-3 storeys; constructed from brick walls, upvc windows and a generally flat roof.

The proposed development would provide 13 apartments with the main pedestrian access to the front of the building facing Suffolk Street. The refuse store would be on the ground floor, accessed via the back lane. The walls of the building are proposed to be rendered.

The agent has recently amended the application reducing the number of proposed apartments to 13 and providing windows to the side of the building. The Local Planning Authority undertook a 14-day re-notification exercise upon receipt of the amended plans.

The agent subsequently submitted further amendments to the plans to ensure that they accurately showed the existing building (received 24 June). The application will be determined on the basis of these plans.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Northumbria Police

Network Management

Hendon - Ward Councillor Consultation

Network Management
Environmental Health
Flood And Coastal Group Engineer
Northumbrian Water
NE Ambulance Service NHS Trust
Fire Prevention Officer

Final Date for Receipt of Representations: **21.06.2021**

REPRESENTATIONS:

Public consultation - none received.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;
SA10.4

In the Core Strategy and Development Plan (2015-2033) the site is subject to the following policies:

SP1, SP5, SP8, HS1, HS2, H1, H2, BH1, NE2, NE4, WWE3, WWE5, ST2, ST3, ID1, ID2

Supplementary Planning Document: Planning Obligations (2020)

Supplementary Planning Document: Development Management (2021)

COMMENTS:

Principle of the Development

The glossary, found within the Core Strategy, defines a "community facility" as a "facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres". The last use of the building has been as a social club; which means the site falls within the above definition of "community facility". The relevant policy, VC5, says that

"Community facilities and local services will be protected and enhanced by:

1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses;
2. supporting development of new and extended community facilities. Developments for new community facilities should be located in accessible neighbourhood and centre locations; and
3. supporting the shared use of facilities, provided that it can be demonstrated that such shared use will not adversely affect the level of social and community provision."

The application would fall within (1) above, given the proposed change of use to residential. The application, in terms of the first point within (1), does not propose a replacement facility.

The Core Strategy, in terms of the second point within (1) above, says that "The applicant will be required to provide written evidence that they have marketed the facility for at least 24 months and consulted with the Local Voluntary and Community Sector and advertised in the local press" (para 8.35). The Applicant has not undertaken such an exercise.

The proposed loss of the existing community facility would therefore be contrary to the relevant policy within the development plan. Officers would therefore advise that consideration should be given as to whether there are any material considerations that outweigh the above.

The Agent has submitted a "Community Use Statement" which raises a series of material considerations; including the building being vacant for the last five years. The Statement continues by saying the building has been marketed between 2016-2019 which would have provided community groups the opportunity to continue operating the building as a social club or other community use. The Statement further draws to attention that there are other community facilities nearby; including a sports centre.

The proposed use of the building for residential should also be given consideration using the relevant policies of the development plan.

The Core Strategy, at policy SP1, says that the Council will "deliver at least 13,410 net new homes" by "delivering the majority of development in the Existing Urban Area" and "emphasising the need to develop in sustainable locations in close proximity to transport hubs". The policy also says the Council will be "encouraging higher density development around and in close proximity to transport hubs".

The proposed development would provide a contribution towards the above policy by providing 13 apartments within the City. The site lies within walking distance for many day-to-day facilities; such as the neighbourhood centre at Vilette Road.

The Core Strategy, at policy SP5, says that "South Sunderland will continue to grow and become a spatial priority for housing and economic development." and that "the Council and its partners will work to secure regeneration and renewal at Hendon, Millfield and Pennywell"

The proposed development would provide a contribution towards the above policy by providing apartments within South Sunderland and would promote the regeneration of Hendon through bringing a vacant building back into use.

The Core Strategy, at policy SP8, says the Council will "seek to exceed the minimum target of 745 net additional dwellings per year" by "the conversion and change of use of properties", "the development of windfall sites" and "the development of small sites".

The proposed development would provide a contribution towards the above policy by providing 13 apartments via the conversion of an existing building.

In summary, the principle of the proposed development would be contrary to the development plan in the sense of losing a community facility. The applicant has, however, submitted a document providing a series of material considerations. The provision of apartments, notwithstanding the loss of a community facility, would also very much accord with the development plan through the change of use of an existing building within an urban area.

In conclusion, officers consider that the benefit of bringing back a long term vacant building back into use would outweigh the harm caused by the loss of a community facility; especially given that the provision of apartments would otherwise be a sustainable form of development. Officers therefore consider that the principle of the proposed development can be supported and consideration should be given to any detailed impacts. These can be seen below.

Accessibility

The Core Strategy, at policy H1, states that "Residential development should create mixed and sustainable communities" by "from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 - accessible and adaptable dwellings".

Officers would, however, draw to attention that the application was validated in August 2020. Officers consider that there should be some flexibility, given that it would not be realistic to expect an applicant to take the need to build to the accessibility standards into account nearly a year ago.

Affordable Housing

The Core Strategy, at policy H1, says "Residential development should create mixed and sustainable communities" by "contributing to meeting affordable housing needs". The Core Strategy continues, at policy H2, saying "All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% "affordable housing".

Officers would, however, draw to attention the material consideration within paragraph 69 of the National Planning Policy Framework; which states

"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount... Equivalent to the existing gross floorspace of the existing buildings".

The National Planning Policy Guidance expands upon the above by stating

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use... the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace".

Given that the floorspace of the existing building would be re-used to provide the proposed apartments, officers would advise that the proposed development should not be expected to provide a contribution towards affordable housing.

Amenity

In terms of potential noise and disturbance, the proposed use of the building as apartments would most likely lead to fewer impacts than the previous use as a social club.

In terms of the privacy of nearby residents, the proposed development would re-use some of the existing windows.

The existing and proposed new windows to the front of the building, including the main living spaces for five of the proposed apartments, would look across the road and onto the existing properties at a distance of around 17.5 metres. Although the distance would be less than the 21 metres sought by the Development Management Supplementary Planning Document (DM SPD), officers consider that within the context of a built up urban area there would not be such a loss of privacy to the extent that refusal of planning permission would be warranted on these grounds.

The existing and proposed windows to the northern side of the building on the ground and first floor, including the main living spaces for three of the proposed apartments, would look across the side road and onto the existing properties at a distance of around 16 metres. Although the

distance would be less than the 21 metres sought by the DM SPD, officers consider that within the context of a built up urban area there would not be such a loss of privacy to the extent that refusal of planning permission would be warranted on these grounds.

The existing and proposed windows to the southern side of the building on the ground and first floor, including the main living spaces for three of the proposed apartments, would look across the side road and onto the existing properties at a distance of around 14.25 metres. Although the distance would be less than the 21 metres sought by the DM SPD, the windows would look onto a currently vacant building which has thin vertically proportioned windows; some of which have been boarded up. Officers therefore consider that there exists scope to support a reduced separation distance.

The proposed new windows to the back of the building, including the main living spaces for two of the proposed apartments (facing onto the back lane between Atholl Road and Hendon Burn Avenue), would be provided on the ground first floor. They would look immediately across the back lane at a distance of around 5.75 metres and then onto the back yards of the existing dwelling houses. Although the distance would be less than the 14 metres sought by the DM SPD, there would be an improvement to general amenity through the bringing back into use of a currently vacant building. The dwelling houses also do not have any windows in their side elevations immediately facing the site and there have not been any representations from these residents.

Officers therefore consider that there are site specific circumstances, as noted above, that warrant a departure from the separation standards found within the DM SPD.

In terms of the living conditions within the proposed apartments, the Environmental Health Officer (EHO) has advised that "It is noted that the area is predominantly residential and road traffic flows are not anticipated to be high" and that "no additional sound attenuation measures would be required over and above the normal specification for thermal double glazing and ventilation".

The EHO has further said that "it is advised that habitable rooms are provided with acoustic trickle vents". Officers would advise that the comment could be included as an informative note if Members were minded to grant planning permission.

The EHO has continued by recommending a condition ensuring the provision of a Construction Environment Management Plan (CEMP). Officers would advise that a CEMP has been recommended within the draft conditions below.

The EHO has also provided commentary upon the previously proposed commercial area within the proposed development. Officers would draw to attention that the proposed commercial area has now been removed from the submitted plans.

In further terms of living conditions within the proposed apartments, the Core Strategy at policy BH1 says that development should "from 1 April 2021, meet national spaces standards as a minimum (for residential)". The standards say that a proposed single storey dwelling house / flat should have a floorspace of 37-50 square metres for one bedroom and 61-70 square metres for two bedrooms. The range in the figures relates to the potential number of residents each apartment could accommodate and whether there would be a bath or a shower.

Officers have scaled from the submitted plans. The floorspace of the proposed one-bedroom apartments ranges from approximately 32 - 57 square metres and the two-bedroom ranges from 47 - 64 square metres. Officers would, however, draw to attention that the application was validated in August 2020 and consider that there should be some flexibility given that it would not

be realistic to expect an applicant to take the need to build to the space standards into account nearly a year ago. Officers would draw to attention that the proposed apartments would provide as good as standard of amenity as possible; given the constraints of converting an existing building with very little curtilage, surrounded by other properties within a built-up area.

The Police Architectural Liaison have said that

"The Agent makes an assumption that the Post Office will deliver to flats on foot, but we believe that it is more likely that they will expect a single delivery location utilising secure communal post boxes. That in turn would require the entrance lobby to be reformatted and it would not be desirable to have a communal mail box sharing a bedroom wall".

The agent has advised that a "communal letterbox arrangement will be installed in the foyer area on a wall that does not border a flat".

Officers would advise that arrangements for the delivery of mail into a private building would be third party matter; rather than being a substantive matter for considerations when determining the application.

The Police Architectural Liaison have continued by saying

"In our prior report on the earlier application we referenced a history of issues with the private rented sector and what the local based charity Back on the Map said about the issue -

"Large parts of Hendon in Sunderland (the Long Streets and Middle Hendon) suffer from a very high proportion of poorly managed private rented sector (PRS) accommodation, where landlords (often absent) let to un-vetted tenants who erode community stability, cause distress, significant anti-social behaviour/crime and upset the dynamics of entire streets"

It is therefore a concern that neither the Applicant nor the Agent have addressed how it is intended to manage the facility and we would recommend that there be space allocated for a management office."

The agent has advised that there would be "no staff based at the site"

Officers would advise that a proposed development of 13 flats could not be reasonably refused planning permission on the basis of an absence of a management office.

The Police Architectural Liaison have further said

"Hendon is an area identified as being deficient in 'neighbourhood' open space yet these new apartments will have no outdoor space".

Officers would advise that the application does not include any open space. The provisions of policy SA10.4 of the Unitary Development Plan, policy NE4 of the Core Strategy and the adopted Planning Obligations Supplementary Planning Document cumulatively seek for financial contributions towards allotments, equipped play space and open space. The site does, however, lie around a five minute walk from the local sports centre (Raich Carter Sports Centre) and circa ten minutes from the promenade at the coast. Officers therefore consider that any prospective occupiers would have access to good quality facilities for both sports and outdoor recreation.

The Police Architectural Liaison have also said:

"The location sits within an area identified as a particular Burglary Hotspot and was subject of an unsuccessful bid by the Local Authority to the Home Office Safer Homes 2 funded scheme in 2020 and 2021.

We would ask that as a minimum all easily accessible windows should satisfy PAS 24: 2016.

Each individual Flat entrance door should satisfy PAS 24:2016.

Overall there is no detail as to how communal areas will be secured.

Communal doorsets should be certified to both BS 6375 (Parts 1, 2 and 3) in order to provide reassurance that the doorset is fit for purpose and safe in use, and one of the below standards:.

LPS 1175 Issue 7.2:2014 Security Rating 2+

LPS 1175 Issue 8 Security Rating A3+

STS 202 Issue 9: 2020 Burglary Rating 2

LPS 2081 Issue 1.1 Security Rating B / STS 222 Issue 1: 2021 BR2(S)"

Officers would advise that the above comments could be included as an informative note.

The Police Architectural Liaison have concluded that

"Given the above considerations we consider the best way to discharge those concerns might be to sacrifice the one bedroom flat on the ground floor and repurpose that space to accommodate facilities management, cycle storage and a secure communal mail facility."

Officers would draw to attention that the comments above have given consideration to the provision of a management office and secure communal mail facility. The potential cycle storage will be given consideration in the highway section below.

The Police Architectural Liaison have further concluded that

"Should Planning permission be granted we would ask that relevant conditions are applied in that the development shouldn't go ahead until a comprehensive management strategy is agreed and the recommendations on security are discharged by the development achieving accreditation to Secured By Design".

Officers would advise that a condition has been suggested below for the provision of a management plan before the first occupation of the proposed apartments. Officers would, however, advise that there does not appear to be a requirement within any adopted development plan policies for a proposed development to achieve "Secured by Design" status.

Officers, in summary, consider that the standard of amenity for both existing and future occupiers would - within the context of converting an existing building with very little curtilage, surrounded by other properties within a built up area - accord with policies HS1 and HS2 of the Core Strategy.

Design

Given that the proposed development seeks to change the use of an existing building, the design matters for consideration are mainly the proposed alterations. The proposed windows would be similarly proportioned to the existing openings and there are other buildings nearby which have a render finish.

The Police Architectural Liaison have said that

"The accompanying plans lack detail and information:

There is no detail about how the additional ground floor doors are to be treated, the front entrance and the refuse room door are shown, but there are four other doors to the ground floor that aren't shown.

We note that the elevations plan fails to show the windows to the flats on the second floor. There are no side elevation drawings provided. There is no detail what will happen to the fire escape on the north elevation, from the first floor".

In terms of the above points raised the Police Architectural Liaison, officers would draw to attention that the first comment appears to relate to internal doorways which would not usually be a matter for substantive consideration when determining a planning application. The Agent has subsequently submitted amended plans showing the other three items noted within the response from the Police Architectural Liaison.

In the absence of any other material considerations to the contrary, the proposal accords with policy BH1 of the Core Strategy.

Drainage

The application form says that surface water would be disposed of via a sustainable drainage system and foul sewage would be via the mains sewer.

The Lead Local Flood Authority have advised that

"given the proposed development is within the existing building and that it is assumed existing drainage connections will be retained approval can be given. It should be noted that the path of a culverted watercourse runs directly under the building. The owner(s) of the land above the culvert will likely have riparian responsibilities."

Northumbrian Water have also advised that "at this stage we would have no comments to make".

In the absence of any material considerations to the contrary, the proposal accords with policies WWE3 and WWE5 of the Core Strategy.

Ecology

The Council's Ecologist has advised that they accept the principle of the proposed development and have sought a financial contribution towards the protection of coastal sites. The Ecologist has also sought for the proposed development to make a contribution towards biodiversity net gain.

Officers would advise that the agent has agreed to make the requested financial contribution at a rate of £271 per apartment; in accordance with policies NE2, ID1 and ID2 of the Core Strategy.

The application does not make provision for biodiversity net gain. Officers would, however, draw to attention that the Applicant has agreed to enter into a Section 106 agreement for the provision of mitigation to protect coastal sites. The absence of biodiversity net gain would therefore not be a matter that could solely justify a refusal of planning permission for a change of use relating to an existing building.

Highways

The application does not provide any in curtilage parking; whilst the submitted drawings show the refuse would be collected via an access onto the back lane. The submitted design and access statement says that "a parking survey has been carried out and whilst there is no available on-site parking, there is plenty off-site street parking available".

The application has recently been amended to reduce the number of apartments to 13. The Local Highway Authority have advised

"It is also noted that the application is a change of use from a former social club and could therefore be developed for a number of uses that would not require planning permission. It is considered that the former and potential uses of the building are likely to generate a greater parking demand than the proposed use as 13 apartments.

In addition, site visits have been undertaken of an evening and first thing in the morning to establish the extent of on street parking on the roads in the vicinity of the and to assess the capacity for future parking demand. These site visits concluded that there was capacity on the local road network in the vicinity of the site to accommodate the likely demand from the proposed development.

It is considered that secure, covered cycle storage for 13 cycles should be provided within the curtilage of the property for use by residents, this is particularly important as no vehicle car parking provision is provided.

Provided the requested cycle storage is provided Transportation development has no objections to the application"

The Police Architectural Liaison have said that

"We remain sceptical regarding the lack of dedicated parking provision and the potential neighbourhood conflict that could generate. We therefore welcome the recommendation from Transportation Development that provision be made for internal cycle storage. It would represent a hazard to expect such storage to take place in communal corridors."

In terms of the comments made by Police Architectural Liaison, officers would draw to attention the suggested condition below ensuring the provision of cycle parking before first occupation of the proposed apartments.

In the absence of any material considerations to the contrary, the proposal accords with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033); subject to the recommended conditions.

Conclusion

In terms of the principle of the proposed development, officers consider that the benefit of bringing a long term vacant building back into use would outweigh the harm caused by the loss of a community facility; especially given that the provision of apartments would otherwise be a sustainable form of development. Officers therefore consider that the principle of the proposed development can be supported.

The proposed development accords with the relevant policies within the development plan concerning the impacts upon design, drainage, ecology (other than biodiversity net gain) and highways; subject to the successful completion of a Section 106 agreement and the draft conditions below.

There are material considerations, in terms of the vacant building credit provided within paragraph 69 of the National Planning Policy Framework, which outweigh the requirement to provide affordable housing.

Officers consider, given that the application was submitted nearly a year ago, that it would not be realistic to expect the design to include the accessibility and space standards sought by the Core Strategy from 1 April 2021 onwards.

The report above provides detailed explanation concerning the acceptability of the impacts for amenity, biodiversity net gain and open / equipped play space.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

RECOMMENDATION: DELEGATE application to Executive Director of City Development, who is minded to Approve the application, subject to:

1. The successful completion of a Section 106 agreement for an off-site financial contribution towards the mitigation of impact upon the protected coastline at a rate of £271 per apartment.
2. The draft conditions below.

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

Reason: 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 The development hereby granted permission shall be carried out in full accordance with the following approved plan:

Existing & Proposed Floor Plans Existing & Proposed Elevations (RBD/IVYLEAF/2021/001) (received 14:43, 24 June 2021)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address all mitigation measures necessary to ensure that the impact of any site works are minimised for nearby residential occupiers and users of the public highway. The CEMP shall include details including the times of construction, location of any site compound, storage and disposal of waste materials, storage of construction materials, HGV deliveries and use of plant and equipment on site, noise from construction, dust from cutting of masonry products and other works, no burning of waste materials and specific control measures for any demolition works or stripping out. The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure, in accordance with policy HS1 of the Core Strategy and Development Plan (2015-2033), the construction phase of the development hereby approved does not have adverse impacts upon quality of life and amenity.

4 The apartments hereby approved shall not be occupied until details of covered parking within the curtilage of the site for at least 13 bicycles has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be fully provided before the first occupation of the apartments hereby approved and thereafter be retained.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides cycle storage.

5 The apartments hereby approved shall not be occupied until a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The operation of the development hereby approved shall thereafter be undertaken in accordance with the approved Plan.

Reason: To accord with Para 91(b) of the NPPF - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Reference No.: 21/00703/FUL Full Application**Proposal:** **Change of use from a single residential use class C3 dwellinghouse to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence.****Location:** 35 Cartwright Road Sunderland SR5 3DX**Ward:** Castle**Applicant:** HMO Northeast T/A Forevercare**Date Valid:** 31 March 2021**Target Date:** 26 May 2021

PROPOSAL

The proposal relates to a change of use from a single residential use class C3 dwellinghouse to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence at 35 Cartwright Road, Castletown, Sunderland.

The proposal affects a two-storey residential property standing on the inside of a bend in Cartwright Road in Castletown. The property benefits from three bedrooms and a bathroom to the first floor, with one living room, a kitchen, a downstairs W/C and utility room to the ground floor. There are garden areas to its rear and in front of both elevations facing the street. The property does not benefit from any in-curtilage parking space. Cartwright Road is flanked by residential dwellings on one side, but it also provides access to Castle View Academy and Sports Centre, which occupies extensive grounds on the west side of the road.

The application proposes to use the property as supported living accommodation for two mothers and their respective babies, with some support staff in residence. The application submission advises that it is intended to have two mothers and their babies cared for by on-site full-time members of staff. One member of staff will be present 24-hours a day for three days 'on' and three days 'off', with the shifts covered by two members of staff. A further member of staff is on-site in two shifts of 8am - 8pm and 8pm - 8am. The facility will therefore be covered by three actual members of staff, with a two staff to two mothers/children provision of care throughout each day.

It is anticipated that mothers would stay at the premises for a minimum of 12-14 weeks, with most stays up to around 26 weeks. Support from staff is mainly designed to be light touch and is primarily based around observing the health and wellbeing of mothers and their babies and the relationship between them. There would also be fortnightly visits from a social worker and potentially visits from friends and family members, although it is anticipated that such visits would be infrequent.

The applicant has advised that the proposed accommodation is intended to be subject to OFSTED accreditation and that evidence of planning permission being in place for the provision in question is a requirement of OFSTED.

The applicant's planning agent has also supplied some information regarding parking arrangements at the site and in relation to the parking demand likely to be generated by the proposed use. The agent firstly observes that there are no parking restrictions to Cartwright Road (e.g. yellow lines, residents' parking schemes) and that only one side of the street is bounded by dwellinghouses. Images from Google Streetview have been supplied which show the street lightly parked and it is suggested that there is plenty of capacity for on-street parking on Cartwright Road.

In terms of additional demand, the planning agent advises that mothers resident at the facility will not own cars and that the only parking generated by the use will be from staff members, of which there wouldn't be more than two present at any one time during the day. It is also contended that the use of the property as a single dwellinghouse, with (theoretically) unlimited numbers of occupants, friends, family and other visitors, could generate significantly more traffic and demand for on-street parking than the use proposed by the planning application.

An application of this nature would normally be determined under delegated powers; however the application has been referred to the Planning and Highways East Committee by Ward Cllr Stephen Foster.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Castle - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **02.05.2021**

REPRESENTATIONS:

Public consultation - the application has been publicised by way of neighbour consultation letters and a site notice posted adjacent to the application site. The following representations have been received in response:

From occupier of 33 Cartwright Road:

- Objects to the application - has lived at the property for over 15 years and the situation is gradually getting worse with school and football parking;
- People from St. Margaret's Court are drinking and shouting in Cartwright Road;
- Recent use of application premises has been noisy and disruptive, with late-night parties, a car being burned out and vandalism to other cars;

From occupier of 31 Cartwright Road:

- Fully objects, has lived at the property for over 20 years;
- Noise and parking from school and community centre is atrocious;
- St. Margaret's Court has been turned into a place where anyone can live, with residents now drinking and loitering - the same shouldn't happen to a family home;

From tenant of 37 Cartwright Road:

- Objects to the application, concerned over safety and who may live in the property in the long term;

From occupier of 41 Cartwright Road:

- Proposal will bring 'nothing but trouble' to the area and is not in the right place given the presence of the school and other properties;
- This is a quiet neighbourhood and there are concerns over 'trouble and disruption';

A petition with 26 no. signatories has also been submitted in respect of the application. Signatories are from properties within Cartwright Road and the adjacent Hylton Castle Road. Signatories have undersigned the following statement:

'The house was built around 1949 as a family house and that's how it should stay. There are plenty of families looking for a house of this size, especially with it being beside the school. Once planning is passed as a H.M.O. (house in multiple occupation) it will be let out to anyone, which will cause more problems for the street. It was bad enough when the owner was staying there with his friends and workers, having office parties until 3am/4am with no consideration for anyone else. So, if that's what they do what sort of people are they going to let it to?

It is also bad with parking from the school on mornings and afternoons, plus the football parking on a Saturday, sometimes parent evenings. The school alarm goes off now and again at 2am/3am. People from St. Margaret's Court sitting drinking and shouting on the grass area at Cartwright Road.'

The petition has been accompanied by photographs of Cartwright Road being heavily parked, with vehicles parked to both sides of the street.

For Members' information, St. Margaret's Court is a block of flats and bungalows in grounds to the south of Cartwright Road and accessed from Hylton Castle Road. Online information indicates that it is being operated by Anchor Hanover as a retirement housing scheme for the over-55s.

Additionally, representations have been submitted by the three Castle Ward Councillors:

From Cllr Denny Wilson:

- Lots of car parking issues with this specific street and Members and officers have worked to find solutions without success;
- Concerned that the proposed use will bring even more traffic to the street, from residents and staff and also other visitors to the property, such as health and care workers;
- How will this extra parking be accommodated?;
- Property is opposite entrance to Castle View Academy, with over 1000 pupils going in and out each day, as well as all the other associated traffic and comings and goings;
- Unless parking issues are resolved, believes Castle Ward Members will have no option but to object;

From Cllr Doris MacKnight:

- Objects to application on grounds of lack of parking in the immediate vicinity of Cartwright Road;

From Cllr Stephen Foster:

- Concurs with concerns raised by Cllrs Wilson and MacKnight, considers there to be a long-running issue with traffic and noise in this area;

Council's Highways team - acknowledge that parking issues do occur at this location and it is advised that a number of site visits have been undertaken at various times of the day. Information supplied by the applicant in relation to staffing and parking has also been reviewed.

It is noted that the applicant confirms the following:

It is intended to have 2 mothers & babies cared for by 2 on-site full-time members of staff: one of whom is there 24 hours a day for 3 days on and 3 days off (so covered by 2 actual members of staff), and then a further member of staff who is on site in two shifts 8am-8pm and 8pm-8am (so covered by 3 actual members of staff, taking into account holiday, mainly 2 staff usually). Therefore, there is 2 members staff on site at any time.

It is stated that the mothers/babies being cared for will not have cars given they are being supported.

With regards to the staffing, the applicant states they may have cars, but as there will never be more than 2 staff on site at any one time, the number of cars associated with the proposal will be no more, and possibly less than as a family home, and considered to be easier to control. It is evident that the proposed development would also generate some traffic by visitors but this would not be on a regular basis and clearly the existing use a home would also attract visitors.

The applicant also states that there is obvious capacity on street and there are no yellow lines, other restrictions and no resident car parking permit scheme in place and submitted photographs show an abundance of space along the kerbsides.

To better understand the parking issues in the area the Council's Highways officers undertook site visits early in the morning and late afternoon to establish the parking demand at those times. It was noted that there was ample spare capacity for on street parking.

Nevertheless, it is understood that there are parking issues at this location which occur at drop off/pick up times and when football matches are taking place associated with the nearby Castle View Academy. The issue is a historical one and is in part due to the fact that to raise funds, a £1 fee to park in the Academy site for matches is requested which clearly some attendees are unwilling to pay and therefore park on street resulting in issues for local residents.

It is considered that the parking issues in the area are associated with the Castle View Academy and not as a result of the parking demand of local residents.

To summarise, the Council's Highway team consider that:

- The proposed development would not result in a significant increase in parking demand above the existing use as a family home.
- There is sufficient on street parking available at most times of the day.
- Parking issues in the area are as a result of drop off/pick up and matchday parking at the nearby Castle View Academy and not due to demand from local residents.

Taking this into account, it is considered that the proposal is unlikely to result in an increase in parking demand that would significantly impact on local residents. The Council's Highways team therefore has no objections to the application but requests that should planning approval be granted a planning condition be imposed stating that property can only be used as a mother and baby unit for no more than two mothers.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;
EN10

In the Core Strategy and Development Plan, the site is subject to the following policies:
SP1, ST3, HS1, H1, BH1

COMMENTS:

RELEVANT POLICY BACKGROUND

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development plan for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998) and the UDP Alteration No. 2 (Central Sunderland), although some

UDP policies have been saved ahead of the future adoption of the Allocations and Designations (A&D) Plan.

The application site is not allocated for a specific use by the CSDP, the UDP or the draft A&D Plan and so saved policy EN10 of the UDP remains applicable. This states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In addition, the following CSDP policies are relevant to the consideration of the proposed development:

SP1 - sets out the Council's sustainable development strategy for the Plan period, including ensuring that sufficient social, physical and environmental infrastructure is in place to meet needs. The spatial strategy seeks to deliver this growth by, amongst other means, supporting the sustainability of existing communities and delivering the majority of development in the existing urban area.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

H1 - states that residential development should create mixed, sustainable communities and that new housing development should seek to ensure there is a choice of suitable accommodation for older people and those with special housing needs.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views.

ST3 - development should provide safe and convenient access for all road users, which will not inhibit the flow of traffic, should not create congestion, should not increase the risk of accidents and should not endanger the safety of road users and pedestrians. Proposals should also provide appropriate levels of parking.

Allied to the above, it is considered important to note paragraph 61 of the NPPF, which requires Local Planning Authorities to give consideration to the needs of different groups within the community in developing their planning policies relative to the provision of new housing.

Given the above the main issues to consider in relation to this application are the principle of the use, impact on residential amenity and highway 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:

1. materiality of proposed use;
2. the principle of the proposal;
3. the impact of the proposal on the amenity of the locality;
4. the implications of the proposal in respect of highway and pedestrian safety.

1. Materiality of proposed use

The application proposes to use the property as supported living accommodation for two mothers and their young children. Support will be provided by staff, who will either reside at the property in a 'three days on, three days off' arrangement or work a morning or night shift. No more than two members of staff should be present at the property at any one time. Infrequent visits would also be made by other care and support professionals and there may also be occasional visits from friends and family members of residents.

The applicant's planning agent has contended that it would not be unreasonable for the Council, as Local Planning Authority, to conclude that the proposed use of the premises does not materially differ, in terms of its nature and characteristics, from the existing authorised use of the property as a dwellinghouse (use class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). It is suggested that the Council could therefore conclude that the proposed use is not 'development' for planning purposes (s55 of the Town and Country Planning Act 1990 sets out that only material changes of use constitute development) and so does not require planning permission.

The agent also contends that even if the Council does conclude that the proposed use materially differs to a C3 use, and so requires planning permission, the proposed use and a C3 use are still very similar in planning terms and the proposed use should therefore be considered acceptable.

The Council is of the view, however, that the proposed use of the property in the manner outlined by the application does materially differ from the authorised C3 use, particularly given the level of staff support associated with the proposed use which, it is considered, is not typical of a C3 dwellinghouse. The Council would therefore contend that the proposed use does require planning permission and it is therefore necessary to consider the merits of the proposed development in line with the relevant local and national planning policies as detailed above.

2. Principle of proposed use

The proposal involves a residential use of an existing residential property which is located within a primarily residential area. As such, and broadly speaking, it is considered that the proposed use is compatible with the prevailing pattern of land use, in accordance with the objectives of policy EN10 of the UDP.

The proposed use would also be consistent with the objectives of policy H1 of the CSDP and paragraph 61 of the NPPF, which both support the delivery of housing which caters for those with particular needs.

Notwithstanding this broad accordance with policy EN10's requirements, in order to ascertain whether the proposed use of the building is acceptable, it is necessary to consider all other relevant material planning considerations raised by the proposed use. Such an exercise is carried out below.

3. Impact of use on amenity of locality

In assessing the impact of the proposed use on the amenity of the locality, it is necessary to consider whether such a use will give rise to activity which would be inherently noisy and disruptive and thereby harmful to the living conditions of residents in the vicinity.

As set out above, the proposal is to provide accommodation for 2 no. mothers and their babies, with support from live in staff and other staff working on a shift pattern. No more than two staff should be present at any one time, although there would also be fortnightly visits from social

workers and, potentially, infrequent visits from friends and family members of residents. The proposed use would therefore be of a relatively low intensity and is considered unlikely to lead to significant numbers of comings and goings in its own right. In reaching this conclusion, it is acknowledged that the existing authorised use of the property as a three-bedroom dwellinghouse could give rise to a similar level of activity especially if, as is possible, occupiers owned more than one private car.

Moreover, it is considered that the proposed use is unlikely to give rise to patterns of activity which differ significantly from other residential uses - there would not, for example, be significant peaks or concentrations of activity, with changeovers in staff not anticipated to result in activity which would create conditions which are intrusive or unacceptably noisy or disruptive. In addition, there is not considered to be reason to conclude or presume that the occupancy of the property as supported accommodation for mothers and babies would be inherently noisy or disruptive in relation to the amenity of the locality.

Objections submitted in respect of the application cite concerns regarding noise and disturbance, with particular concerns over future occupancy of the premises if planning permission is approved, and highlight existing issues in the locality, allegedly involving residents of St. Margaret's Court.

With regard to this matter, it must firstly be noted that 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.

To this end, it is not considered reasonable to presume that the proposed use will give rise to amenity and anti-social behaviour issues and there does appear to be anything inherent to the proposed use which would suggest noise, anti-social behaviour or any other amenity issues would inevitably arise, particularly given that staff will be present at all times.

In terms of the amenity afforded to prospective residents of the facility, as noted earlier, the proposed use is of a low intensity and is considered to be appropriate within a three-bedroom property (with one bedroom available for 'live-in' staff). The property also benefits from a private garden and is close to areas of open space for recreation (for example, there is an access to Hylton Dene from the north end of Cartwright Road).

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

As such, the proposal accords with the requirements of policies HS1 and BH1 of the CSDP and the core principles of the NPPF in respect of the amenity implications of the development.

4. Impact of development on highway and pedestrian safety

Policy ST3 of the CSDP is concerned with ensuring new development does not cause congestion or give rise to conditions which prejudice highway and pedestrian safety. New development should also be provided with appropriate levels of car parking. Meanwhile, paragraph 109 of the NPPF states that planning permission should only be refused on transport grounds where the residual cumulative impacts of doing so would be severe.

As set out in the 'Representations' section of this report, a number of objectors and also Ward Councillors have raised concerns regarding existing congestion and on-street parking issues at the site, generated by the adjacent Castle View school and sports centre. The Council's Highways team have considered the proposals carefully in the context of the existing identified issues, visiting the application site on a number of occasions at various times of the day to better understand prevailing conditions.

Following these visits and an assessment of the detailed proposals, the Council's Highways team's position can be summarised as follows:

- The proposed development would not result in a significant increase in parking demand above the existing use as a family home.
- There is sufficient on street parking available at most times of the day.
- Parking issues in the area are as a result of drop off/pick up and matchday parking at the nearby Castle View Academy and not due to demand from local residents.

Taking this into account, the Council's Highways team consider that the proposal is unlikely to result in an increase in parking demand that would significantly impact on local residents. The Council's Highways team therefore has no objections to the application but requests that should planning approval be granted a planning condition be imposed stating that property can only be used as a mother and baby unit for no more than two mothers.

Given the advice of the Council's Highways team, it is considered that the proposed use of the building is unlikely to result in a significant increase in parking demand and that any on-street parking generated by the use of the property can be safely accommodated and without having an unacceptable negative impact on existing residents and highway and pedestrian safety. It is recommended, however, that in the event Members are minded to approve the application, the condition requested by the Council's Highways team be imposed

Subject to this condition, it is considered that the implications of the proposed use in relation to parking and highway and pedestrian safety are acceptable and compliant with the objectives of policy ST3 of the CSDP and paragraph 109 of the NPPF.

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property in question is acceptable in principle, whilst it is also concluded that the proposed use would not have a significant impact on the amenity of the locality. Careful consideration has been given to the implications of the proposals relative to on-street parking and highway and pedestrian safety and, given the comments received from the Council's Highways team, it is concluded that proposed development is acceptable in relation to this matter, subject to the recommended condition which serves to restrict the nature and level of occupancy of the property.

Given the above, and subject to the imposition of the abovementioned condition, it is considered that, having had regard to relevant material planning considerations, the proposed use of the building is acceptable and compliant with the requirements of the aforementioned policies EN10 of the UDP, policies SP1, BH1, HS1, H1 and ST3 of the adopted CSDP and the aims and

objectives of the NPPF as detailed within the report. The application is consequently recommended for approval, subject to the conditions set out below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE, 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

the site location plan and the proposed ground and first floor plans;

in order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The property shall only be used as supported accommodation in accordance with the details set out by the planning application submission (i.e. accommodation for 2 no. mothers and their dependent children, with no more than one 'live-in' member of staff present at any one time), in order to ensure the implications of the use of the premises relative to amenity and highway and pedestrian safety are acceptable and to comply with the objectives of policies HS1, BH1 and ST3 of the CSDP.