

**Development Control (Sunderland South and City Centre)
Sub-Committee**

29 January 2013

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE.

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

South Area

- S1 Land at Ethel Avenue, Sunderland.
- S2 Grindon Hall Christian School
- S3 68 – 84 Hylton Road, Sunderland

**Development Control
(Sunderland South and City Centre) Sub-Committee**

SUPPLEMENT

29 January 2013

Item Number:	S1
Application Number:	12/02259/FUL
Proposal:	Erection of residential development comprising 145 units with associated infrastructure, external works and landscaping to include stopping up of highways.
Location:	Land at Ethel Avenue, Sunderland
Ward:	Ryhope
Applicant:	Gentoo
Date Valid:	1 August 2012
Target Date:	31 October 2012

Further to the main report to Members the Environment Agency has offered no objections to the proposal, subject to suitable conditions in respect of surface water drainage.

Recommendation: Delegate to the Deputy Chief Executive

Item Number:	S2
Application Number:	12/02890/FUL
Proposal:	Erection of a two storey school building and associated landscaping and infrastructure including 48no. additional car parking spaces and temporary site access and contractors compound.
Location:	Grindon Hall Christian School, Grindon Hall, Nookside, Sunderland.
Ward:	St Annes
Applicant:	Members of Grindon Hall Christian School
Date Valid:	23 October 2012
Target Date:	22 January 2013

As set out on the main report to members the main issues to consider in the assessment of this application are:

- Principle of Development
- Design and Impact Upon Visual Amenity
- Highway Access and Car Parking
- Impact Upon Residential Amenity
- Impact Upon Trees
- Impact Upon Protected Species
- Impact Upon Playing Fields
- Floodrisk

Principle of Development

The application site is allocated on the adopted Unitary Development Plan proposals map for a combination of Open Space and Housing use.

However, in 1999 planning application reference 99/01307/FUL granted planning permission for use of the then Grindon Hall Hospital as a school. Grindon Hall Christian School has occupied the site ever since and is an established use on the application site.

The proposed erection of a two storey school building on the site and the provision of additional car parking spaces and a drop-off area reflect the established use of the site for education purposes and are therefore considered to be acceptable in principle.

Design and Impact Upon Visual Amenity

The proposed school building is L shaped and wraps around the southern and eastern elevations of the main school building.

The nearest neighbouring residential property is the Nookside Aged Peoples Hostel which is located to the east of the development site. A distance of 20 metres (at the nearest point) will be retained between the proposed school building and the existing Nookside Facility. There are also trees positioned along the boundary between the two which provide a natural screen.

It is not considered that the proposed school building will result in any detrimental impact upon the residential amenity of any near neighbouring property, neither will it result in any negative impact upon the visual amenity of the wider area.

The proposed design of the additional school building is considered to be acceptable.

Highway Access and Car Parking

There are no changes proposed to the existing access point to the front of the school.

Additional car parking and a drop-off loop is proposed adjacent to the northern boundary of the site. Further additional car parking is proposed to the front of the main school building to accommodate staff parking on site.

The City Council's Network Management Team has been consulted regarding the proposed development and has raised no objection to the proposed additional car parking.

It is considered that the provision of the proposed drop off loop and car parking spaces will improve the residential amenity of those occupying nearby residential properties, particularly on Pennywell Road, by removing the high incidence of short term on street car parking by parents dropping off and collecting children from the school at school start and finish times.

It is proposed to locate a car parking area adjacent to the boundary of the site with residential properties in Portchester Square, however it is not considered that these properties will experience any unacceptable loss of residential amenity as a result of a car park in this location. A landscaped strip will soften the appearance of the car parking area when viewed from Portchester Square.

The proposed arrangements for the temporary haul road accessed from Nookside to the south of the development site remain under consideration. Full consideration of the temporary haul road will be reported to Members at the Committee meeting.

Impact Upon Residential Amenity

Impact Upon Trees

The impact of the proposed development upon trees located on the site remains under consideration. Full consideration of the impact upon trees as a result of the proposed development will be provided at the meeting of the Development Control Sub-Committee.

Impact Upon Protected Species

The application was accompanied by an ecological survey which gave full consideration to the potential impact upon protected species as a result of the proposed development.

The City Council's Ecologist has reviewed the submitted survey and has found it to be satisfactory. In the event that Members are minded to approve this application, conditions

would be attached to any approval granted requiring the mitigation and enhancement set out in the ecological report to be fully implemented as part of the development and requiring the submission of a plan to show the precise location of the proposed mitigation and enhancement measures prior to any work commencing on site.

Impact Upon Playing Fields

The applicant has confirmed that none of development proposed affects a designated sports pitch. However, Sport England has been consulted in connection with the development. The comments of Sport England are awaited and will be reported at the Development Sub-Committee meeting accordingly.

Flood Risk

A flood risk assessment has been submitted in connection with the proposed development. The Environment Agency has been consulted regarding this and has offered no objection to the proposal. Similarly Northumbrian Water has been consulted regarding the proposed development and has confirmed that it has no comment to make regarding the proposal.

Summary

The proposed development is considered to be acceptable in principle and in terms of visual and residential amenity, flood risk and ecology. Further consideration of the proposal in terms of impact upon trees and sports pitches is required together with further consideration of the proposed temporary haul route proposed to facilitate the development of the site.

Further consideration of all outstanding matters will be reported at the meeting of the Development Control Sub-Committee meeting.

Recommendation: Deputy Chief Executive to Report

Item Number:	S3
Application Number:	12/02901/FUL
Proposal:	Refurbishment and extension of ground floor retail units, creation of new ground floor flat, enlarged entrance and new link access to flats. Reconfiguration and extension of first floor student accommodation and installation of new windows to front and rear at first floor level.
Location:	68 – 84 Hylton Road, Sunderland.
Ward:	Millfield
Applicant:	Woodstone Property Ventures Ltd.
Date Valid:	25 October 2012
Target Date:	20 December 2012

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

Principle of development

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

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

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

The applicant has submitted existing plans which show the layout of the property as incorporating nine commercial units at ground floor level with 25 residential bedrooms served by shared communal facilities across the upper floor of all nine commercial properties. The Council holds no record of any planning applications for the use of the upper floors of the properties as residential and the most recent floor plan of the properties is held in connection with an application for an extension to the rear of number 74 in 1990, when the properties were in commercial use. Although there is no mention of residential use of the upper floor in that application, the layout shown at that time is similar to that shown on the existing layout

submitted by the applicant with the exception that it appears that some partition walls have subsequently been erected to create some of the bedrooms.

In support of the assertion that the proposal is solely for the reconfiguration of an existing residential use, the applicant has provided information from a Government website showing Council Tax registrations dating back to 2000 in respect of the property. The records date from 2000-2001, 2003-2007 and 2009 onwards, until a prohibition notice served by the Tyne and Wear Fire Service in 2011 preventing the use of the upper floor for residential purposes. The Council Tax records submitted by the applicant all refer to the first floor bedsits within the property. It is noted that the 2000-2001 entries refer to first floor bedsits at numbers 72-84 whilst those from 2003 onwards include the full terrace of properties, numbers 68-84 within the address for which Council Tax was paid.

This information, together with the comments of the objectors suggesting that the upper floors have not previously benefited from planning permission for residential use, some of which disputes the evidence provided by the applicant remains under consideration and a conclusion on the authorised use of the upper floor must be made on the balance of probability.

This information remains under consideration and it is anticipated that this assessment will be concluded prior to the Sub-Committee Meeting and reported at the meeting accordingly.

Layout, siting and design

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

In respect of the inter-relationship with adjacent properties, a key assessment is considered to be the erection of the new extensions to the rear and the incorporation of new windows and the manner in which these extensions and new windows relate with the nearest residential properties to the rear, particularly 55 Lime Street and 69 Ravensworth Street, which are oriented such that the rear elevation of the application buildings faces the rear yard areas and side elevations of the rear offshoots of these properties.

In the assessment of the inter-relationship between these properties, if as set out above, the established use of the upper floors can, on the balance of probability be proven to be residential, a key consideration would be the impact of the proposed extensions and window alterations at first floor level.

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

As set out above, the rear elevation of the properties to which the application relates face the

rear yards and offshoot windows at 55 Lime Street and 69 Ravensworth Street. In respect of the relationship with 55 Lime Street, whilst it is noted that the spaces served by a number of existing windows to the rear of the building would be altered, if the longstanding residential use of the upper floors of the building is considered to be established based on the evidence provided by the applicant as set out above, there would be no restriction which could be made as to the residential uses of individual rooms. Thus, whilst in the layout shown on the existing plans, three of the windows closest to 55 Lime Street are indicated to serve a kitchen, W.C. and shower room, there would be no mechanism through which the Local Planning Authority could prevent these rooms being used for other residential purposes. In such circumstances, a refusal of planning permission based on the inter-relationship with 55 Lime Street is considered unlikely to be sustainable in the event of an appeal.

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

For the reasons set out above, it is considered unlikely that a refusal of planning permission based on the inter-relationship of the proposed extensions and the altered layout within the building in relation to existing properties could be justified, although this assessment will in part be informed by the conclusion in respect of the authorised use of the first floor of the building.

Turning to consider the acceptability of the proposed development in respect of the amenity of future occupiers of the building, UDP policies H18 and section 4 of the adopted Development Control Guidelines Supplementary Planning Guidance (SPG) are applicable.

Policy H18 of the UDP states that proposals for the provision or conversion of dwellings into bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality and appropriate arrangements are made to secure the maintenance of gardens and external spaces. The conversion of non-residential buildings which are vacant or under-used will normally be approved where they will not conflict with other policies and proposals of the plan. In all cases, proposals must include satisfactory provision for parking, servicing and other design aspects.

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

may be a requirement to provide communal facilities.

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

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

In this regard, the proposal shows the accommodation across the upper floor of the building as well as the ground floor of the proposed two storey rear extension divided so as to form five flats and a total of 25 bedrooms, which reflects the total number of bedrooms which the existing plans suggest already existed at first floor within the property. The proposal would see the bedrooms divided into five flats, three containing six bedrooms, one with five bedrooms and one with two bedrooms, with each of these benefiting from shared living and kitchen facilities and all bar those in the area marked on the plans as 'Flat B' benefiting from ensuite facilities. Flat B benefits from two separate shared bathrooms rather than individual ensuite facilities. Based on the submitted plans, the bedrooms all appear to be of reasonable size, as do the communal areas, given that the maximum number of bedrooms which would share them would be six. The provision of a shared lobby between the shop fronts of number 74 and 76 allows access to each of the separate flats proposed to be created to be taken from Hylton Road itself and whilst ground floor bedrooms proposed in the ground floor of the rear extension within the rear yard would have limited outlook, all of the bedrooms benefit from individual windows allowing light to reach them. It is not considered that the limited outlook to bedrooms 24 and 25 in the ground floor of the rear extension would be sufficient reason to warrant a refusal of planning permission. Access is provided by way of the new shared corridor to the rear to allow occupiers of each flat to access the bin storage facilities in the rear yard.

For the reasons set out above, the quality of the accommodation proposed is considered to be acceptable with due regard to UDP and SPG policies as set out above, notwithstanding that the acceptability of the proposed development in principle, and the levels of information submitted by the applicant, remain under consideration, as set out above.

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

For the reasons set out above, the layout, siting and design of the proposed development are considered to be acceptable, notwithstanding the considerations which are ongoing in respect of the authorised use of the upper floor.

Highway Issues

The impact of the development in terms of highway safety remains under consideration in light of the comments of the Network Management Section. In particular, the recommendation of the Network Management Section that the proposed parking area in the rear yard be given over to the residential use rather than the commercial use as shown on the submitted plans.

Discussions are ongoing with the applicant in this regard and it is anticipated that these will be concluded to allow a recommendation to be made to the Sub-Committee.

Summary

In light of the above, the development is considered to be acceptable in respect of its design, layout, appearance and inter-relationship with existing surrounding properties and also the standard of amenity to be provided to future occupants of the development.

However, consideration is still ongoing in respect of the principle of the development and the highway issues. It is anticipated that these considerations, together with a recommendation will be made by way of a report to be circulated at the Sub-Committee Meeting.

Recommendation: Deputy Chief Executive to Report