

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

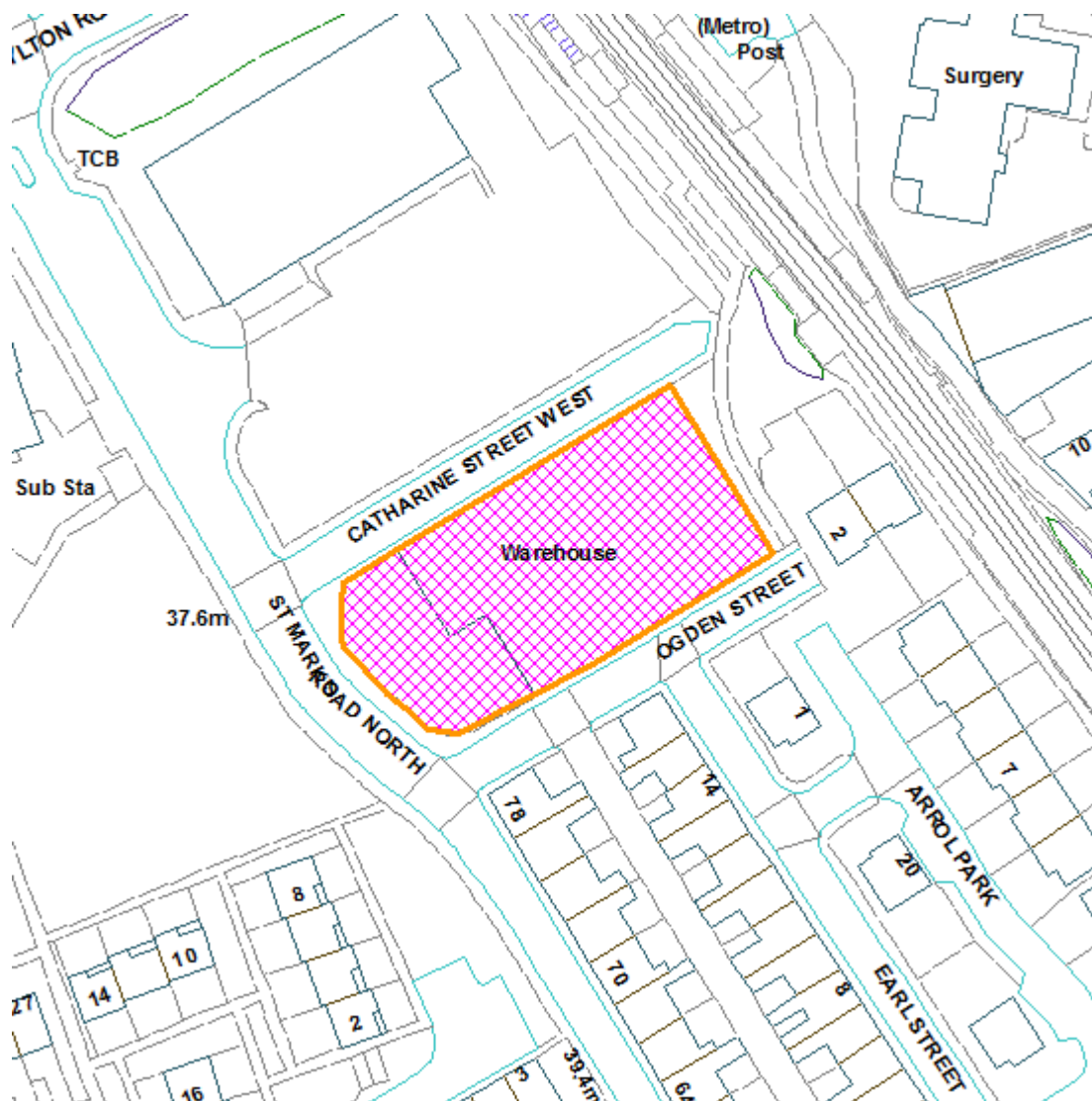
Ms. Irene Lucas CBE
Chief Executive

Reference No.: 16/01869/VAR Variation of Condition

Proposal: Variation of condition 2 of app. ref. 15/01538/VAR (Variation of conditions 2, 4, 5, 8 and 9 of application 11/03598/FUL (Change of use of vehicle storage depot to place of worship, community and education centre etc.)) to seek approval for revisions to design and appearance of minarets and entrance hall to front of building, provision of ceramic tiles to front elevation, installation and alteration of windows, installation of 2 no. air conditioning units to north side elevation and the erection of stone wall with wrought-iron railings and gates to boundaries (RETROSPECTIVE).

Location: Masjid Anwar E Madinah Saint Marks Road North Millfield Sunderland SR4 7DA

Ward: Millfield
Applicant: Mr Nazeer Hussain
Date Valid: 30 December 2016
Target Date: 31 March 2017



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PROPOSAL:

The proposal relates to the variation of condition 2 of application ref. 15/01538/VAR (Variation of conditions 2, 4, 5, 8 and 9 of application ref. 11/03598/FUL (Change of use vehicle storage depot to place of worship, community and education centre etc.)) to seek approval for revisions to design and appearance of minarets and entrance hall to front of building, provision of ceramic tiles to front elevation, window alterations, installation of 2 no. air conditioning units to north side elevation and the erection of stone wall with wrought-iron railings and gates to boundaries (retrospective) at Masjid Anwar E Madinah, St. Mark's Road North, Millfield, Sunderland, SR4 7DA.

The proposals affect the Masjid Anwar E Madinah, a place of worship, community and education facility developed within a former Council-owned vehicle storage depot building occupying land off St. Mark's Road North in Millfield. The facilities within the building are predominantly designed to provide a centre for use by the local Pakistani Muslim population.

The application site comprises the storage building and an area of enclosed hardstanding to its front. The site is bordered by St. Mark's Road North to its west side, Ogden Street to its south side and Catharine Street West to its north side, from which vehicular access to the hardstanding is

taken. To the east, the site is bordered by a footpath which links the end of Ogden Street to the nearby Millfield Metro station.

The area surrounding the site is predominantly residential in nature, with blocks of traditional terraced dwellings flanking the streets running away to the south. To the west, meanwhile, on the opposite side of St. Mark's Road North, are the more modern dwellings of Holly Court, whilst to the east, on the opposite side of the aforementioned footpath, are two dwellings within the modern housing development of Arrol Park. To the north side of Catharine Street West, however, is the car park of an Aldi supermarket, whilst the Tyne and Wear Metro line runs parallel to the site's eastern boundary, beyond the footpath.

Members may recall that planning permission for the aforementioned use of the depot building was initially granted at an extraordinary meeting of the Council's Development Control (South area) Sub-Committee on 31st July 2012 (application ref. 11/03598/FUL). The approved development also involved the provision of a range of associated external works to the depot building, including the demolition of single-storey offices, the erection of parapet walls and brick-faced columns to its front elevation and alterations to the building's fenestration.

Subsequent to the determination of app. ref. 11/03598/FUL, an application to vary a series of conditions (nos. 2, 4, 5, 8 and 9) attached to the approval was submitted for the Council's consideration (application ref. 15/01538/VAR). The application sought approval for a range of amendments to the approved scheme, including the erection of two minarets and a domed entrance hall to the front of the building, further changes to fenestration, the erection of new boundary walls and railings, modifications to the layout of car parking areas and alterations to the building's internal layout. Members resolved to approve this application at the Sub-Committee meeting of 13th October 2015 and it now represents the extant planning permission for the development.

The current application seeks to vary condition 2 of the extant planning permission, which requires the approved development to be carried out in full accordance with the approved plans. The variation to condition 2 essentially seeks to amend the list of approved plans in order to secure consent for a range of minor material alterations and modifications to the approved development.

The external development associated with the new use of the building was, at the time of a visit to the site, nearing completion. Indeed, the alterations and modifications to the approved plans sought by this application appear to have already been carried out and so approval is being sought retrospectively.

The proposed amendments to the approved development comprise the following:

- Change to design and appearance of minarets - the approved plans show three minarets; one above the main entrance hall tower and one each above the narrower towers to either side. A row of decorative openings is proposed to be installed between the top of the entrance tower its dome, which has served to increase the height of the entrance tower by approximately 1.2 metres. The row of openings to the two narrower towers simply replaces what would otherwise have been an area of blank render.
- Change to design of entrance tower - the design of the door and entrance feature to ground floor level has been simplified and the row of openings above the door removed.
- Use of ceramic tiles to upper part of front elevation, as opposed to render.

- Installation of additional windows and modification to existing windows and openings in elevation facing Catharine Street West and modifications to windows and openings in elevation to Ogden Street.
- Installation of air-conditioning units on external wall of elevation facing Catharine Street West.
- Alterations to approved boundary treatment around edge of car park in front of building. The boundary treatment will now comprise a coursed stone wall and railings, as opposed to the approved brick wall and railings.

The proposals do not involve any alterations to the nature of the approved use of the building and nor do they affect the approved internal layout or parking arrangements. Furthermore, no other conditions attached to the current planning approval are proposed to be varied as part of this application and in the event Members were minded to approve the application, all other conditions attached to the current planning permission which remain relevant to the development and the on-going operation of the place of worship, community and education centre would be imposed in respect of the new permission.

Members should note that the plans originally submitted with the application did not depict all alterations made to the building which do not benefit from planning permission. The agent of the applicant was subsequently asked to provide a copy of corrected plans showing all unauthorised alterations - such plans were received on 10th March 2017.

The aforementioned previous applications relating to the new use of the building were submitted by the Pakistan Islamic Centre, but the current application has been submitted by a Mr Nazeer Hussain, who has declared ownership of the building.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Millfield - Ward Councillor Consultation
Southern Area Command - Police
Fire Prevention Officer
NE Ambulance Service NHS Trust
Environmental Health
Network Management

Final Date for Receipt of Representations: **09.02.2017**

REPRESENTATIONS:

Public consultation - one letter of representation has been received, from the occupier of 1 Arrol Park, the rear elevation of which faces the building's south elevation. The representation expresses objection on the basis that the development 'intrudes into the line of vision' from the rear of the house and that the minarets and domes are 'too high'. It is contended that the building is an 'eyesore' and that during construction works, there have been occasions of 'unacceptable' parking which have caused 'potentially life threatening' obstruction.

Members should note that any issues relating to inappropriate parking during construction works should firstly be brought to the attention of the developers/workers at the site in order to seek a resolution. If issues still persist, the matter should ultimately be reported to the police.

The other concerns raised by the objector in relation to the amenity of 1 Arrol Park and the wider area will be considered in more detail in the next section of this report.

Tyne and Wear Fire and Rescue Service - no objections to the proposals, provided that the works comply with the Building Regulations which relate to access and facilities for the Fire Service (to be considered via an application for Building Regulations approval).

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_5

COMMENTS:

CONSIDERATION OF APPLICATION

The principle of the proposed use of the building as a place of worship, community and education facility, together with the broad acceptability of a range of external alterations to the subject building, has already been established through the approval of application refs. 11/03589/FUL and 15/01538/VAR at previous Development Control (South) Area Sub-Committee meetings. In determining these applications, regard was given to the full range of material considerations relevant to the proposed development, including the principle of the proposed use of the building, design and amenity issues, highways and parking issues, noise and disturbance issues and ecology issues.

The proposed variation of condition 2 of the extant planning approval seeks permission for a range of minor amendments to the approved plans, which affect the exterior of the subject building. Given their relatively minor nature, the proposals are only considered to give rise to fresh material issues in relation to design/visual amenity and residential amenity and as such, it is not considered necessary to revisit the full range of matters addressed in the determination of the previous applications. For a consideration of the full range of matters listed above, please refer to the reports to the Sub-Committee produced in respect of app. refs. 11/03589/FUL and 15/01538/VAR.

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should always seek to secure a high quality design and a good standard of amenity for residential properties.

The relevant guidance of the NPPF as detailed above feeds into policy B2 of the Council's adopted Unitary Development Plan, which seeks to ensure that development proposals are

respectful of visual and residential amenity. Also relevant is policy EN5, which seeks to ensure that development proposals do not give rise to issues relating to noise.

In terms of visual amenity, it is recognised that the alterations to the building carried out in association with its change of use to a place of worship have served to markedly alter its appearance. The revisions to the approved scheme sought by the proposed variation of condition 2 are, however, relatively minor in scope and in comparison to the previously-approved development. The towers and minarets to the front elevation of the building are prominent given that they affect its main public face, but the alterations to the approved designs of the towers and minarets are not considered to significantly increase or markedly alter their visual impact. To this end, the alterations are mainly of a decorative nature and whilst there is an increase in the height of the main entrance tower, the increase is relatively limited and is not sufficiently to cause the tower to become visually obtrusive.

In addition, it is considered that the use of ceramic tiles to the upper part of the building's front elevation will provide it with an attractive and appropriate finish.

The other alterations to the exterior of the building affect its side elevations and primarily involve amendments to fenestration arrangements, including the provision of additional window openings. The alterations are, however, very minor in nature and are considered to be acceptable given the size and appearance of the host building. The air conditioning units, meanwhile, are of a small scale and occupy an unobtrusive position towards the rear corner of the building, facing the car park of the Aldi supermarket.

The alterations to the design of the boundary treatment to the front of the building, in particular the replacement of the approved brick wall with a light-coloured stone wall, is also considered to be appropriate given that it will be viewed against the backdrop of the predominantly cream-coloured façade of the building.

With regard to residential amenity, the objector to the application has suggested that the alterations to the scheme, particularly in respect of the towers and minarets, will harm the outlook from 1 Arrol Park. This dwelling is, however, located close to the building's south-east corner, whereas the towers and minarets affect its west-facing front elevation, approximately 40 metres from the property's rear elevation. Given this relationship, it is considered that the alterations to the towers and minarets will not result in the outlook from 1 Arrol Park being harmed and nor do any other aspects of the development give rise to concerns in respect of this property's living conditions.

Indeed, none of the amendments sought give rise to any residential amenity concerns, especially as any dwellings facing the front of the subject property do so from a considerable distance (e.g. the facing dwellings to the west are almost 90 metres distant). Dwellings to the south, meanwhile, present their blank gable walls to building's south elevation.

The air conditioning units, meanwhile, do not give rise to any concerns relating to noise given their location on the building's north-facing elevation, which faces towards the Aldi car park and away from any nearby residential properties.

In addition to the above, the Council's Highways officers have confirmed that the proposed amendments to the approved scheme do not raise any concerns relating to highway and pedestrian safety.

CONCLUSION

For the reasons set out above, it is considered that the implications of the proposed revisions to the previously-approved scheme in relation to visual and residential amenity and the overall design quality of the development scheme are acceptable. As such, the proposal is considered to comply with the requirements of the NPPF and policies B2 and EN5 of the Council's adopted Unitary Development Plan (1998). Consequently, the application is recommended for approval.

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 conditions below

Conditions:

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

location plan received 10/10/2016;

the existing plans - drawing number S213, received 10/10/2016;

the proposed site plan - drawing number S213A, received 10/10/2016;

the existing plans - drawing number S213B, received 10/10/2016;

the proposed plans - drawing number S213C, received 10/10/2016;

the existing and proposed elevations as amended - drawing number S213D, received 10/03/2017;

the roof plan - drawing number S213R, received 10/10/2016;

the proposed sections - drawing number S213S, received 10/10/2016;

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.

- 2 The external materials to be used in the development hereby approved shall be those specified on the proposed elevations submitted with the application (drawing no. S213D), unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 3 The areas identified for the parking of vehicles identified on drawing number S213A, received 10 October 2016 i.e. the car park to the front of the building containing 16 spaces and the internal car park providing a further 16 spaces shall be made available for use for the parking of vehicles prior to the commencement of use of the building for the approved purpose and shall remain available for the parking of vehicles associated with the development at all times thereafter for the lifetime of the development unless first otherwise agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 4 No more than 310 square metres of the internal floor space of the building shall be used for the purposes of worship at any one time. For the avoidance of doubt, the main prayer room as shown on drawing S213A, received 10 October 2016, (310 square metres) shall operate independently from but never in conjunction with the male prayer room (118 square metres) and/or the ladies prayer room (110 square metres) for the purposes of worship in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 5 The prayer rooms as shown on drawing S213C, received 10 October 2016, shall be used for the purposes of worship only and for no other purpose, including any other use which falls within the category of Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (As Amended) or any Statutory Instrument revoking or amending that order, unless first otherwise agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.

- 6 The existing vehicular entrance to the site from Ogden Street shall be closed prior to the commencement of use of the site for the purposes approved by this planning permission, as shown on drawing S213A, received 2 October 2015 and shall remain closed at all times thereafter. For the avoidance of doubt, the measures taken to close the entrance pursuant to this condition shall constitute either the replacement of the existing double gates with palisade fencing to match the existing fence around the car park or through the erection of the new wall and railings as shown on drawing S213A, received 2 October 2015, unless a satisfactory alternative is first agreed in writing with the Local Planning Authority in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 7 Notwithstanding the provisions of Schedule 2, Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Statutory Instrument revoking or amending that order, no new openings shall be inserted in the new boundary wall and railings as shown on drawing nos. S213A, received 10 October 2016 without the prior written consent of the Council as Local Planning Authority, in the interests of residential amenity and highway safety and to accord with policies B2 and T14 of the Unitary Development Plan.
- 8 Prior to first occupation of the development, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of the use of the building for the purposes approved by this planning application, the applicant shall implement and operate the requirements of the approved Travel Plan including any physical measures required and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after the implementation of the use hereby approved. The requirement for the implementation, monitoring and review of the Travel Plan is to ensure that the site is accessible by alternative modes of travel in accordance with policies T14 of the Unitary Development Plan.
- 9 Prior to first occupation of the development, a scheme of soundproofing in order to mitigate any noise emissions from the building shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed soundproofing measures shall be fully implemented prior to the commencement of the use of the building for the purposes hereby approved and shall be retained at all times thereafter until first otherwise agreed in writing with the Local Planning Authority, in the interests of residential amenity and to accord with policy EN5 of the Unitary Development Plan.
- 10 No loudspeaker or sound amplification system of any kind shall be installed within the building, the car park or any other area of the site unless first approved in writing by the Local Planning Authority, in the interests of residential amenity and to accord with policy EN5 of the Unitary Development Plan.
- 11 Construction works required for the development hereby approved shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays and no construction works shall be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policies B2 and EN1 of the Unitary Development Plan.
- 12 Prior to the commencement of the use of the site for the purposes hereby approved, precise written details of the facilities to be made available for storing refuse on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented prior to the use of the building for the purpose hereby approved, and shall be retained as such for the lifetime of the development unless

the Local Planning Authority first approves any variation in writing, in the interests of residential amenity and to accord with policy EN1 of the Unitary Development Plan.

Reference No.: 17/00136/FU4 Full Application (Reg 4)

Proposal: **Change of use from caretakers house (Class C3) to school unit (Class D2) to include access ramps to front and rear elevations.**

Location: Caretakers House Barbara Priestman Academy Meadowside Sunderland SR2 7QN

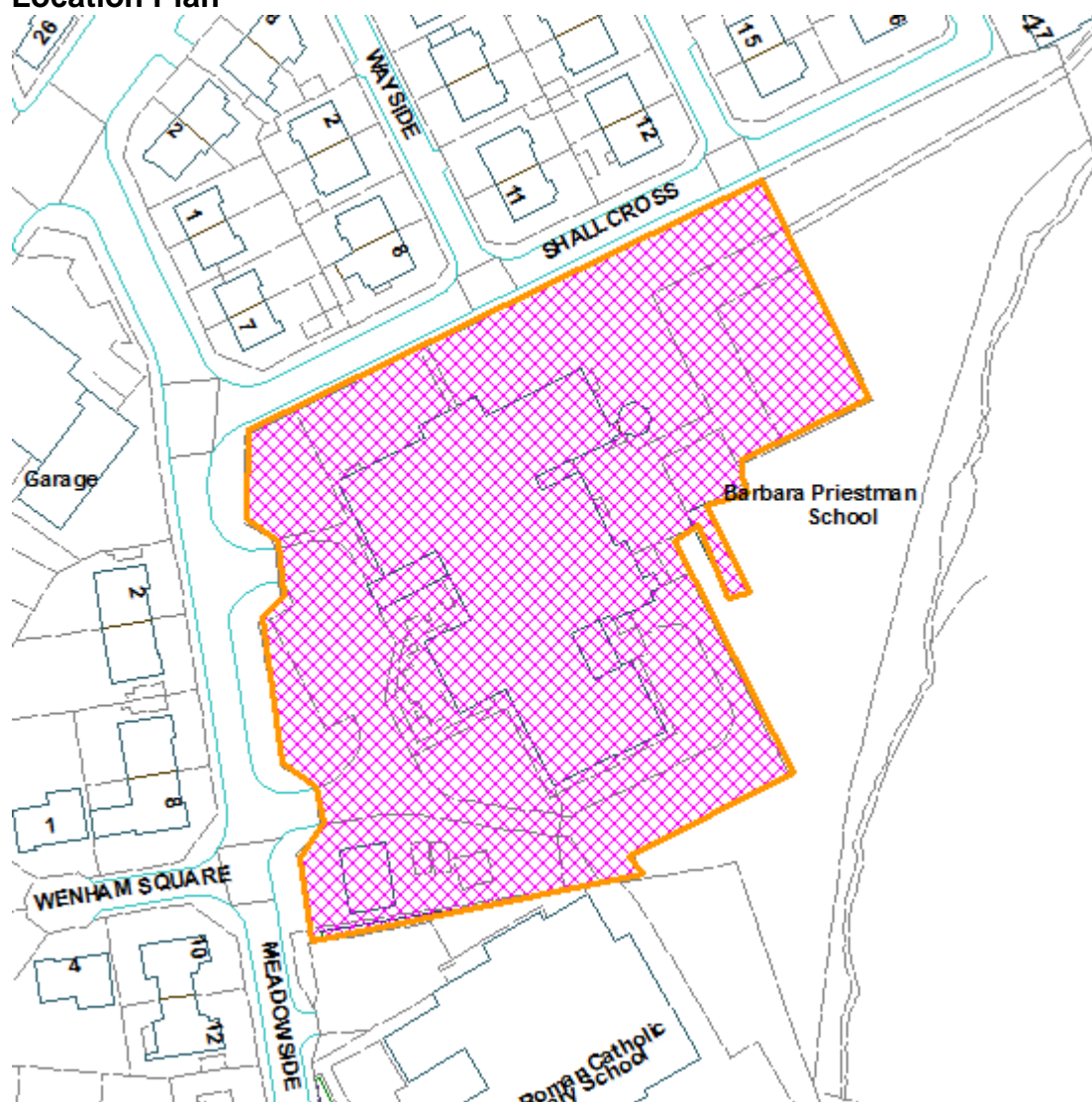
Ward: St Michaels

Applicant: The Ascent Academy Trust

Date Valid: 30 January 2017

Target Date: 27 March 2017

Location Plan



PROPOSAL:

The application seeks full planning permission for a change of use from a dwelling house (Use Class C3) to a school unit (Use Class D2) at the Caretakers House, Barbara Priestman Academy, Meadowside, Sunderland.

The school lies towards the south of Sunderland and covers approximately 12,000 square metres. The school building itself lies towards the middle of the site and comprises a flat-roofed single storey building constructed from brick. The balance of the land has been given over to car parking and playgrounds.

The proposed change of use relates to a single storey detached dwelling house in the south western corner of the site. The building would provide additional accommodation for the Academy with breakout space and support for pupils. The proposed development also includes the provision of access ramps to the front and back of the building.

The site, in terms of relevant planning constraints, forms part of a School Playing Field and lies within a Coal Authority Standing Advice Area.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Michaels - Ward Councillor Consultation
Environment Agency
Network Management

Final Date for Receipt of Representations: **07.03.2017**

REPRESENTATIONS:

Cllr Galbraith - no observations.

Network Management - no highway objections.

POLICIES:

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

CF_5_Provision for primary and secondary schools
L_7_Protection of recreational and amenity land
B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main planning considerations, having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations (including representations received) are noted below:

- * Principle of the development.
- * Design
- * Highway
- * Living conditions
- * Playing fields

These considerations are expanded upon below.

Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) forms a material consideration.

The Framework, at paragraph 12, states that the development plans form the starting point for decision making. The Framework, at paragraph 215, further states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given). The Unitary Development Plan (1998) forms the relevant development plan and consideration needs to be given to its consistency with the Framework.

The relevant policy of the Unitary Development Plan, CF5, states that "primary and secondary education needs will be accommodated primarily on existing sites". These provisions would align quite closely with the Framework which states, at para 72, that Government attaches great importance to ensuring that sufficient choice of school places is available.

The proposed development can be given consideration as being in accordance with UDP policy CF5 as secondary education needs would be accommodated within an existing site through the re-use of an existing building. The proposed development can also be given consideration as being in accordance with the Framework which states, at para 72, that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

The proposal can therefore be supported in principle and consideration can now be given to any detailed impacts. These can be seen below.

Design

The provisions of policy B2 of the UDP state that the scale, massing, layout or setting of extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality. These provisions would align quite closely with the Framework which states, at para 56, Government attaches great importance to the design of the built environment.

The proposed change of use would involve relatively few alterations mainly restricted to two small access ramps on the front and back of the building and the provision of a 1.8 metre high timber fence. These alterations would have a minimal overall impact upon the character and appearance of the site and wider area.

The proposal would therefore, in accordance with UDP Policy B2 and section 7 of the Framework, respect the character of the host building, nearby properties and locality.

Highway

The provisions of policy T14 of the UDP states that new development should not cause traffic congestion or highway safety problems on existing roads. These provisions would align quite closely with the Framework which states that development should create safe and secure layouts.

The proposed development would be related to just the dwelling house and surrounding grassed area and would not reduce the provision of parking / turning within the site. The applicant has confirmed that there would be no additional pupils or visitors using the building and that the use would not be outside current Academy opening hours. The Network Management Team have raised no objection.

The proposal would therefore, in accordance with UDP Policy T14, not cause highway safety problems.

Living conditions

The provisions of UDP policy B2 states that extensions to existing buildings should retain acceptable levels of privacy. These provisions align quite closely with the Framework which states, at paragraph 17, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed change of use would be unlikely to give rise to a material increase in noise of disturbance for the occupiers of the nearby properties. There would be no additional building works beyond the access ramps; nor would there be any additional windows that could lead to additional overlooking.

The proposed would therefore, in accordance with UDP policy B2 and paragraph 17 of the Framework, ensure a good standard of amenity and acceptable levels of privacy.

Playing Fields

The provisions of UDP policy L7 states that land allocated for open space and outdoor recreation will be trained in its existing use. These provisions align quite closely with the Framework which states, at paragraph 73, that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The proposed change of use would be restricted to the building itself and a small amount of grassed area. The playgrounds would not be affected.

The proposed change of use would therefore, in accordance with UDP policy L7, retain land allocated for open space and recreation.

RECOMMENDATION: Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) and the list of conditions set out 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, 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:

Proposed Conversion to Office & School Facility

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.

Reference No.: 17/00212/LP3 Local Authority (Reg 3)

Proposal: **Change of use from residential institution (C2) to dwelling house (C3).**

Location: Hillcrest 1 Elms West Sunderland SR2 7BY

Ward: St Michaels
Applicant: Sunderland City Council
Date Valid: 8 February 2017
Target Date: 5 April 2017

Location Plan



PROPOSAL:

The application relates to the change of use of Hillcrest, 1 The Elms West, from that of a residential institution to a single dwellinghouse.

The host property is a substantial two and a half story end of terrace property located on The Elms West in a residential suburb of Sunderland. The street lies within the extent of the Ashbrooke Conservation Area.

The building is understood to be vacant following the cessation of the former use and as such the City Council are looking to progress the sale of the building as a single residential property subject to obtaining planning permission.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **08.03.2017**

REPRESENTATIONS:

No representations have been received as a result of the public consultation undertaken.

Network Management -Although no in-curtilage parking would be provided it is considered that the use would be less intensive than the existing use.

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_4_Development within conservation areas
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

The main issues to be considered in determining this application are:-

- i) Land use policy.
- ii) The impact of the proposal on the residential amenity of the surrounding properties, street scene and wider Conservation Area.

Land use

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan 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.

In respect of the above, it is evident that the host property has historically been operated in a residential capacity, albeit for the purposes of care, whilst the majority of neighbouring properties are single dwelling houses.

As such, the proposed use of the building as a single residential dwelling would clearly adhere with the existing nature of the surrounding residential area and would bring the property back into the use it was originally intended for. The proposal therefore complies with policy EN10.

For information purposes, members should be aware that the permitted right which allows for a change of use from class C3 (Dwellinghouses) to use class C4 (Houses of Multiple Occupancy for up to six people) without the requirement of planning permission, would not apply to this property as a blanket Article 4 Directive has been imposed within the ward which has had the effect of removing this permitted right.

Amenity impacts and effects on the Conservation Area

Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Policy B4 all development within and adjacent to Conservation Areas will be required to preserve and enhance their character or appearance.

The host dwelling has previously operated in a residential capacity for the purposes of a residential institution and it is not considered that the proposed use of the property as a single residential dwellinghouse, class C3, would be significantly different in overall nature. In addition, as no external alterations/extensions are proposed to the host building there are no material grounds to suggest that use of the property as a single dwelling would adversely impact on the living conditions of neighbouring occupiers or impact on the visual qualities of the prevailing street scene and wider Conservation Area.

Although the proposal would not benefit from in-curtilage parking this is acknowledged to be a historical situation and it is reasonable to suggest that a single dwelling would represent a less intensive use of the property than the current use. In this respect there are considered to be no overriding grounds to warrant a refusal based on parking provision or highway safety.

In conclusion the use of the property as a single residential dwelling would adhere with the predominantly residential context of the area and would serve to bring the property back in to its original use. In addition, the conversion would represent a less intensive use of the building and thus raises no undue highway concerns.

RECOMMENDATION - Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) and the list of conditions set out 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, 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 floor plans as existing and proposed received 03.02.2017 (Plan ref: 003/HC)

The existing and proposed layout plan received 03.02.2017 (Plan ref: 002/HC)

The location plan received 03.02.2017 (Plan ref: 001/HC).

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.