

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/

Peter McIntyre

Executive Director Economy and Place

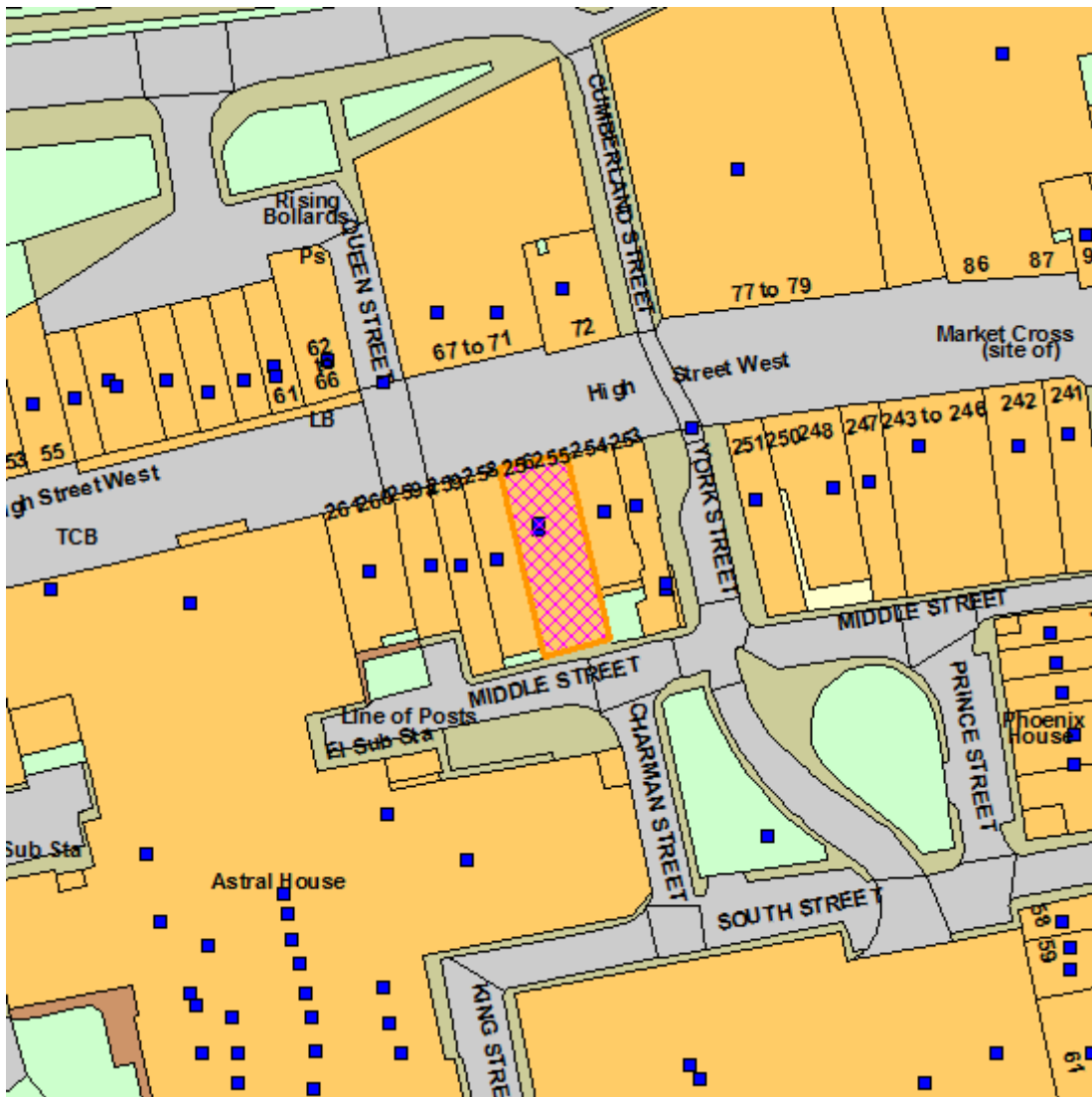
Reference No.: 18/00531/FUL Full Application

Proposal: **Change of use from night club (sui generis) to House Of Multi Occupation (sui generis) with associated elevational alterations, including replacement UPVC windows, dormer windows to north elevation, rendering, and alterations to existing entrance.**

Location: 255 - 256 High Street West Sunderland SR1 3DH

Ward: Millfield
Applicant: Dashwood Group
Date Valid: 17 April 2018
Target Date: 12 June 2018

Location Plan



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PROPOSAL:

This application relates to the change of use of the first and second floors of the building from a nightclub to student accommodation. The conversion would present a 19 bed development over two floors with a communal living, dining and kitchen facilities provided on each floor. Both floors are to be serviced by two stairwells that will provide access from the ground floor with the main entrance feeding from High Street West. A secondary access will be provided from the rear to allow for waste, deliveries and drop offs to be appropriately managed.

Externally the appearance of the building will be updated to provide a more modern feel throughout. Such works include the application of a light colour render to the existing elevations, the insertion of new Georgian style windows with stone cills and lintels and the addition of two Georgian style flat roof dormer windows within the High Street West fronting roof plane. Entrance canopies are proposed to be installed on High Street West and within the rear lane environment.

The three storey building is situated on High Street West, a primary shopping street within the city centre. The street serves to link existing shopping and leisure facilities and has recently been subject to significant public realm improvements.

The application would normally be considered under delegated powers but has been referred to the Sunderland South and City Centre Sub-committee by former Ward Cllr Kay.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Millfield - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water
Millfield - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water

Final Date for Receipt of Representations: **04.06.2018**

REPRESENTATIONS:

Consultation

Internal consultation

Network Management

The development is within the S2 City Centre parking zone, whereby parking can be relaxed. The site has good links to public transport, with the rail and metro station within close proximity and there is a City Centre Residents parking scheme available for residents with cars.

The applicant should clarify the position of the bin store whilst the provision of sheltered cycle storage is also recommended.

Public Health

The noise assessment concludes that mitigation measures will need to be applied to the new windows to ensure the occupants receive appropriate living conditions. This can be achieved by conditioning any approval in line with the recommendations of the report.

The contamination assessment is currently under review and until it has been fully assessed it is recommend that no works other than investigation works should be carried out on the site.

External consultation

Northumbrian Water

No observations offered

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

SA_67_Development of residential accommodation over shops/ commercial premises

CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

COMMENTS:

Issues to consider

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out 3 overarching objectives which aim to assist in the delivery of sustainable development. These are identified as being;

- an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right

time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The relevant guidance of the NPPF detailed above feeds into the specific policies of the City Council's adopted Unitary Development Plan (1998) and Supplementary Planning Documents referred to throughout this section of the report.

With regard to the above, the main issues to consider in the determination of this application are:

1. the principle of the proposed development;
2. amenity considerations;
3. the impact of the development on highway and pedestrian safety;
4. the ecological implications of the proposed development;

1) Principle of the Development

The section of High Street West in which the subject property is located is not allocated for a specific land use by the proposals map of the City Council's adopted Unitary Development Plan Alteration No. 2 (Central Sunderland). Alteration No. 2 does, however, identify High Street West as being located within the retail core of the City Centre and policy S2A therein seeks to direct new retail development and town centre uses towards this area. Also relevant is policy EC10A, which states that the City Council will support the regeneration of Central Sunderland by maximising investment in employment, leisure, tourism and education and strengthening the retail function of the retail core. Proposals which will have a negative effect on efforts to encourage regeneration or detract from the City Centre's vitality and viability will be resisted.

In addition policy SA67A relates more specifically to residential development (conversions and changes of use) where sites are not identified or safeguarded for other purposes. This policy states:-

The City Council will support proposals for housing development within central Sunderland and the City Centre. In particular, the city council will support:-

- proposals to increase "living over the shop";
- the conversion of the redundant commercial buildings where the building retains no viable commercial use.

With regard to the above it is evident that the change of use only affects the upper floors of the building therefore importantly the proposal will not erode or undermine the existing retail unit to the ground floor, thereby ensuring that at street level, commercial activity will be maintained.

Consequently, it is considered that the proposals will not result in any harm to the vitality or viability of this section of High Street West or the wider retail core.

Indeed, the proposals have some regenerative benefits in terms of bringing long-term vacant floorspace back into use, as is encouraged by the core objectives of the NPPF, whilst the provision of increased levels of residential accommodation in the City Centre is likely to have a positive effect of supporting existing and new businesses.

With specific regard to the precise nature of the proposed use as student accommodation, it should also be noted that the Council has recently produced and adopted an Interim Student Accommodation Policy. The policy states:-

To assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose built student accommodation or the conversion of existing buildings for student accommodation within the city centre and on existing university campuses provided that proposals demonstrate that:

- a) The development meets an identified need in terms of quantity;
- b) The development meets an identified demand in terms of quality;
- c) The development is of a scale and appearance appropriate to its surroundings;
- d) The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;
- e) The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development.

With regard to the above it is considered that proposal would meet the relevant criteria. The development is relatively small, being based around a total of 19 bedrooms and the agent has confirmed that the application has been submitted following consultation with local agents who advised that there is still activity in the student market and that the proposed conversion will meet the needs of their target demographic.

The development will provide an appropriate standard of accommodation with each room afforded en-suite facilities and a well-proportioned communal area and bring vacant upper floors of the building back into use. The current building is in need of repair and upgrading and the proposals provide a contemporary high quality refurbishment that will hopefully be a catalyst for other similar buildings on the High street.

In terms of location the development is considered to be located within close proximity to local facilities and is accessible to the university by foot and cycle and by public transport. The two university campuses are both within easy walking distance of the property and are less than 200m away from the metro line.

It is noted that the Interim Policy also sets out potential for Section 106 Heads of Terms and planning conditions to be imposed where planning permission is granted for student accommodation developments.

In terms of potential Section 106 Heads of Terms, these can include requiring the developer to submit details of the student residents on an annual basis for monitoring purposes and that the premises shall not be used as hostel accommodation. Potential planning conditions can include limiting occupancy of the buildings to students only.

However, in this particular instance as the scope of the development is clearly defined as Sui Generis through both the planning description and proposed layout as a House of Multiple

Occupancy, it would not be possible for the development to be converted into self-contained apartments, a hostel or other such uses without first obtaining a fresh planning consent.

As such there are considered to be requirement to enter into a legal agreement or impose a planning condition which restricts the future use of the first and second floors.

Based on the reasoning provided above, the principle of utilising the upper floors of the buildings as a House of Multiple Occupation is considered to be acceptable in principle with due regard to the aforementioned policies.

2) Amenity considerations

UDP Policy B2a states in part new development will be expected to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. This is taken forward by paragraph 127 of the NPPF which advises that planning policies and decisions should seek to achieve well designed places which function appropriately, promote a high standard of amenity for existing and future users, add to the quality of the area and are sympathetic to local character and history including the surrounding built environment and landscape setting.

Policy H18 of the UDP states that proposals for 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.

In specific regard to student accommodation, the Interim Student Accommodation Policy sets certain guidelines at paragraph 6.15 as to the quality of accommodation to be provided. Therein, it is stated that:

- I. Bedrooms to offer a choice in size and accommodate a bed, wardrobe and study desk and chair with the minimum size being 10 square metres for a single person, (excluding any en-suite facilities);
- II. Each bedroom shall include at least one window or skylight facing directly outdoors which can easily be opened;
- III. If bedrooms are not en-suite one bathroom and one separate WC with wash-hand basin should be provided for every 5 persons. However, for 6 persons or more one of the WC's with wash-hand basin must be separate, others can be contained within bathrooms;
- IV. Communal kitchens should be a minimum of 7 square metres for 1-5 people sharing, with larger residences requiring more sizeable kitchens;
- V. A communal lounge will be required of a size sufficient to accommodate the number of students in the unit;
- VI. Dining space shall be provided for all students, either separate to or as part of the lounge/kitchen area.

In terms of the accommodation to be provided as part of this development, it is considered that the proposed student accommodation use is in-keeping with the wide range of uses already evident in the city centre. The communal areas provided within the building comprise two open planned living/dining and kitchens whilst each residential bedroom benefits from its own window affording a reasonable level of outlook to the north (onto High Street West) and west (over the neighbouring roofscapes) for potential occupants. The smallest room (excluding the en-suite) amounts to 10.53sqm, this rises to 14.1sqm when the en-suite bathroom is factored in.

The applicant has submitted a noise assessment and a screening report to assess the potential for contamination to be present. The noise assessment has been considered by the City Council's Public Health section and it has been confirmed that noise would not be a significant constraint to the residential occupation of the upper floors.

Notwithstanding, due to the presence of mechanical plant associated with the nearby Tesco supermarket, the noise assessment has recommended that all glazed elements are appropriately insulated so as not to adversely impact on future occupants. The recommendations and mitigations presented within the report will therefore need to be conditioned to ensure that acceptable living conditions are provided in accordance with the requirements of UDP policy EN6.

Given the previous use of the building it is unlikely that contamination will be a constraint to the proposed development of the building however this will need to be formally confirmed by Public Health in writing.

In terms of the inter-relationship between the building and surrounding buildings, the distance of 18.3 metres between the front elevation of the building and the buildings on the opposite side of High Street West is considered to be appropriate in order that the amenities of occupiers and users of these buildings are not adversely affected as a result of the proposals. This position is supported by the City Centre location, wherein lesser distances between buildings are commonplace and also as the proposal relates to the conversion of an existing building.

Finally, with regards to the visual appearance of the building, the plans indicate that new windows, cills and lintels are to be inserted within the western and northern elevations whilst facade improvements are also proposed to the northern and southern elevations through the application of a light cream render. It was noted during the officer site visit that the buildings present within this section of High Street West displayed little uniformity, with differing window styles and facing treatment evident. Given the contrasting appearance of the properties, the addition of the Georgian style windows would not be unduly out of place within the context of the street and the application of the light render would correspond to some extent with the facing treatment of the adjoining buildings to the east and west. In any event the external work would serve to revitalise the appearance of the building and thereby enhance the visual impression of the street.

Although there are currently no dormer windows within the fronting street, it is acknowledged that the two examples proposed by this application are well designed and suitably subservient to the roof plane within which they would sit. In this respect it is not considered that they would be of undue detriment to the host building or wider street scene.

With regard to the above it is considered that the proposed accommodation is acceptable with regard to the aims of UDP policies B2a, H18 and EN6, Section 4 of SPG, paragraph 6.15 of the Interim Student Accommodation Policy and the aims of the NPPF insofar that it would provide an adequate level of amenity to future residents of the building.

3) Highways

Paragraph 108 of the NPPF advises that applications for development need to ensure that safe and suitable access can be achieved for all users, whilst paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and

to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking

As set out above, the Network Management Team has been consulted in respect of the proposed development and has advised that the development is within the City Centre with good links to public transport with the railway and metro station nearby. It is further noted that there is a City Centre Residents' Parking Scheme available for residents with cars and the Parking Services Team can advise further in this regard.

The matters raised by the Network Management team have been communicated to the applicant's agent who, in response, has provided a series of comments to support the current proposals. With regard to cycle and bin storage, it is argued that due to its internal layout and in the absence of any external yard space, there is no space available to provide such storage facilities internally. As such, it is intended for waste bins to be stored on the footway at the rear of the premises, as is the current arrangement.

The comments of the applicant's agent have been considered by the Council's Network Management team. The arguments relating to cycle and bin storage provision have previously been accepted for a scheme of 9no. residential apartments which was approved at the site 2015 (Planning ref: 15/00344/FUL) and whilst undesirable, it is recognised that the building is equidistant between the 2 university campuses, which are only a short walk away and as such it is unlikely that occupiers would need to seek reliance on cycling as a regular form of transport. In addition, the storage of bins on the highway to the rear is as an existing scenario.

To conclude highway matters, given the characteristics of the building and the nature of the proposed development as detailed above, the proposal is considered to be acceptable in respect of the highway network and the availability of car parking for residents who require it. The proposal is considered to accord satisfactorily with UDP policies and the requirements of the NPPF.

4) Ecological implications of the proposed development

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided). Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites.

There are two relevant designated sites within the vicinity of the application site: the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. The potential source of impact in this case would be from increased recreational visits to the coastal areas as a result of the development. However, the development proposes just 19 no beds and the impact of the small numbers of potential visitors to the coast arising from the development is not likely to have a significant effect upon the identified European sites either alone or in combination with other plans or projects. It is therefore considered that a full Appropriate Assessment is not required in this case.

Conclusion

For the reasons set out above, it is considered that the principle of the proposed development is acceptable and raises no significant concerns in respect of visual amenity, whilst the implications of the development in respect of highway and pedestrian safety and ecology are also acceptable.

The report also outlines that the proposals raise no residential amenity concerns, both in terms of existing properties and future occupiers of the new accommodation. Although contamination is unlikely to be a particular constraint to the proposed development, a formal response from Public Health has yet to be received on this matter. Notwithstanding, as it is envisaged that a positive recommendation will be reached on the application, the requisite planning conditions have been prepared on this basis. Should any contamination concerns arise as a result of the expected consultation response this will be reported to members at the meeting.

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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:

Members be minded to approve subject to the conditions listed below and subject to the satisfactory resolution of the outstanding land contamination matter, which will be reported to Members at the Committee meeting.

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 floor plans, elevations and site plans as existing and proposed and roof plan as proposed received 26.03.2018 (Planning No's P100, P101, P102, P103, P104, P105, P106, P200, P201, P400 and P401);

The location plan received 26.03.2018 (Planning No. P402).

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 The noise mitigation measures identified in the submitted noise assessment dated 16.08.2018, shall be implemented in full prior to the occupation of the development hereby approved. For the avoidance of doubt the mitigation measures need to ensure that;

1. All facade elements including glazing require a minimum sound reduction index of 37dB Rw for Flat 1 (Bedrooms 1,9 & 10) & Flat 2 (Bedrooms 1,8 & 9).
2. All facade elements including glazing for all other rooms in the development require a minimum sound reduction index of 32dB Rw.
3. All ventilation requires a minimum sound reduction of 37 dB Dn,e,w.

Reason:

In order to achieve a satisfactory level of amenity for prospective residents and to comply with the requirements of policy EN6 of the Council's adopted UDP.