

At a meeting of the DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on THURSDAY 24TH NOVEMBER, 2016 at 4.45 p.m.

Present:-

Councillor Jackson in the Chair

Councillors Beck, Bell, Foster, Francis, Mordey, Porthouse and Scaplehorn.

Declarations of Interest

16/01345/FUL – 1 Cliffe Park, Sunderland, SR6 9NR

Councillor Jackson made an open declaration that as Ward Councillor she had spoken with objectors but had not expressed an opinion either way and still retained an open mind on the application.

Apologies for Absence

Apologies for absence were submitted by Councillors Chequer and D. Wilson

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of Commercial Development submitted a report and circulatory report (copies circulated) relating to the North Sunderland area, copies of which had also been forwarded to each Member of the Council upon applications made thereunder.

(For copy report – see original minutes).

16/01345/FUL – Change of use of existing residential (C3) premises to a residential children’s home (C2) (further consultation – additional information to application has been received) - 1 Cliffe Park, Sunderland, SR6 9NR

The representative of the Executive Director of Commercial Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The Chairman introduced Len Stule, a local resident who wished to speak in objection to the proposal. Mr Stule commented that there more than 53 objectors of

who he was representing at the meeting and felt that officers had been dismissive of the planning rules and had translated them to work in their favour.

Mr Stule raised concerns for the safety and security of residents with the potential for a detrimental effect on residential amenity. Attention was also drawn to a similar application that had been turned down in the Ashbrooke area due to the proposal being at odds with the locality and Mr Stule felt that this claim was valid in this instance also.

The proposal was not suitable for the safeguarding of children and with five daytime staff utilising only two parking spaces, this would push parking demand outside of residents homes which were already suffering during high profile events such as the airshow and Sunderland illuminations.

Mr Stule commented that a business use premises should not be allowed in a residential area and that he believed this application was in essence an HMO, and he understood that the title deeds of the property restricted the use of the property to residential use, therefore it could not be used for business purposes.

Mr Stule referred to Council owned properties such as Rock Lodge Road which were currently up for sale and he believed the Council had arranged for covenants that would restrict the use of HMO's or Hostels which seemed contradictory. Mr Stule disputed the claim that a Childrens Home with largely transient users who had no attachment to the area and no parental control was in keeping with the locality and felt that the safety of the families in the area would be compromised by the development.

Mr Stule commented that previous areas such as Williamson Terrace had suffered from instances of anti-social behaviour due to Childrens Homes.

In summing up, Mr Stule commented that Cliffe Park was unsuitable for a Childrens Home due to the proximity to the cliffs and also the unsuitable layout of the house.

The Chairman introduced Councillor Curran who wished to speak in support of the residents as a Ward Councillor for the area. Councillor Curran commented that he understood the reasons behind the proposal but had concerns due to experience of the rise of other homes such as those in Dundas Street and Harbour View. He asked the Committee to consider that five children with challenging behaviour that required a psychologist being located next to the beach was the wrong location and environment and not appropriate.

Councillor Curran referred to the site visit in which he felt the garden was not suitable and in terms of amenity the rear of the property did not comply for children's use in his opinion.

Concerns were raised in respect of safeguarding issues with Whitburn Road, the promenade and the sea all attractions for 11-17 year olds with psychological problems. The area also held two of Sunderlands largest events in the Airshow and Illuminations that attracted huge attendances and would be a magnet for children.

Councillor Curran referred to the issues experienced at Dundas Street and the concerns that the children would also have friends that visit from other areas and he was not convinced that there wouldn't be cases of anti-social behaviour.

Anthony Jukes, Principal Development Control Planner advised that in relation to interpretation of policies, officers consider each application on individual merits, although regard had to be given to the similarities with the recent appeal decision at Ashbrooke where the Planning Inspector gave little weight to the Council's concerns regarding the effect on the character and amenity of the area. Unlike the appeal site the current application site is a large property with a reasonable sized garden. Also the proposed Children's home would only cater for five children while it is considered that the majority of activity would be at the front away from the nearest dwelling-houses.

In relation to the title deeds of the property, this was not a relevant planning consideration and would be an issue for the applicant to resolve. Mr Jukes advised that there were hotels, B&Bs, care homes, HMOs etc. in the area and as such, the proposal was acceptable in terms of land use and policy EN10.

The management of the property would be facilitated by OFSTED who would look at safeguarding and how the proposal was to be managed.

In response to Councillor Beck's enquiry, Mr Jukes advised that the fire escape on the property was an issue for another regulatory regime, such as Building Regulations and as such, would be picked up via Building Regulations.

Councillor Foster commented that he appreciated the proposal may meet the planning regulations required however he had real concerns over the safeguarding of the children after visiting the site and he agreed with Councillor Curran that as this was to be next door to a HMO, he did not believe it to be a suitable location.

Councillor Porthouse commented that he had concerns over the objections raised and was puzzled by the view that these children aged between 11-17 year old should not have the opportunity to experience the airshow or the illuminations, yet all the residents children in the area should be allowed to and he did not see why this could not be a Children's Home, and he considered that the majority of objections raised were not material planning considerations.

The Chairman commented that she believed the objections were more with regard to concerns over the high number of people who visit the area during those times of the airshow and illuminations, which would cause a safeguarding issue for the children in care.

Councillor Bell commented that as this was a quasi-judicial committee, they had to refer to national planning policy frameworks and if this application was refused without sufficient grounds then the Council would be liable for costs should an appeal be lodged and be successful.

Councillor Francis enquired in relation to the covenant mentioned and how prohibitive or restrictive it may be. The representative from Law and Governance

advised that this was a private matter for the applicant to rectify afterward, should consent be granted and this Committee need only deal with the material planning considerations.

Councillor Francis raised concerns over the layout of the house in relation to safety and commented that he was also concerned with the age ranges that could be housed together.

Councillor Francis also commented that the staff parking would cause problems for the neighbours and he would like to hear from the applicants on this along with the issues of safeguarding.

The Chairman introduced Barbara Thompson of Acorn Care and the applicant to address the Committee. Ms Thompson advised that they had two homes already within the Durham area and from a company point of view they absolutely take on board the concerns raised and they wish to work with the residents to have a positive impact in the community.

Ms Thompson advised that the young people may be looked after children but there would be a very strict regulatory process in order for them to achieve registration and this would be carried out by OFSTED. They would be inspected and rated twice yearly and the current services had all been rated as good.

Ms Thompson informed the Committee that the focus was on quality care and not on quantity so they would not be filling the home with people that would damage the locality and they wanted to provide a better life for the children.

Discussions had taken place with Children's Services and they would very much like to work with the company and it was not in the child's best interests for them to fail the community. A psychologist would work with the team of staff in providing therapeutic parenting and they would also work with Police to ensure that what they did was safe, caring and in the best interest of the child.

Ms Thompson commented that if the child was from out of the area, they would be inspected and audited from the authority they originated from and NYAS would also carry out monthly inspections.

Ms Thompson felt it was important to emphasise that they took on board peoples' concerns and they would do everything within their power to make this proposal a success.

The Chairman queried how they would provide safeguards during the occasions where events were taking place outside the property which would result in mass crowds in the area. Ms Thompson advised that ultimately they would like the children to participate in the events but risk assessments would be carried out and plans put in place should a young person have any particular needs around large crowds.

In response to Councillor Francis query over controls and risk assessments for 11-17 year olds cohabiting, Ms Thompson advised that there would be registration criteria

and a matching process with risk assessments to see if the young person would fit with the other residents. Weekly meetings to discuss the referrals would also take place and this could be evidenced. Ms Thompson wished to clarify that they were not looking to fill Cliff Park overnight.

The Chairman raised concerns over the location of the property and the vicinity to the cliffs and the partition wall being so close to the next property. Ms Thompson advised that every child would be risk assessed as well as environmental risk assessments being carried out.

Councillor Foster raised concerns that during the site visit they had not been able to have access to the building. Councillor Bell commented that the guidance given by Council was that Members were to only view the site and not engage with the people in the building or either party involved.

Mr Jukes also advised that the landowner had declined access to the building.

Having fully considered the application, the Chairman put the officers recommendation for approval to the vote, with three Members voting to approve and four voting against, the application was refused.

The Chairman asked Members to give the reasons why the application had been refused and commented that she was not convinced on the suitability of the location and the safety of the children in a property based on a busy main road.

Councillor Francis commented that he knew Whitburn Road very well and he was concerned in relation to the safety of the youngsters.

Councillor Beck referred to the events that were held in the area, the traffic these caused and the resulting blocking off of roads which affected emergency vehicles, therefore felt it was too busy to have children there.

Councillor Foster felt that the distance separating the two properties between this and the HMO was insufficient.

In summary it was agreed that the grounds for refusal were that the proposed use of the premises as a children's home was considered to be incompatible with the locality due to its proximity to a busy road, the coastal environment, the use of the coastal area for major public events which attracted high numbers of visitors and the presence of the house in multiple occupation in the adjoining building and the incompatibility of the use within the area of the site.

The proposed use of the building therefore gave rise to concerns in respect of the safety and safeguarding of vulnerable children and young people.

1. RESOLVED that the application be refused

16/01724/VAR – Variation of condition 2 (plans) attached to planning application 14/01157/FUL (Erection of car dealership with associated facilities and car parking): minor material amendment comprising revised parking, car

display and access arrangements – Land East of Dixon Peugeot, Newcastle Road, Sunderland, SR5 1JS

The representative of the Executive Director of Commercial Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that Members approve the application for the reasons set out in the report and subject to the 21 conditions contained within therein.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) J. JACKSON,
Chairman