

## **PLANNING AND HIGHWAYS (EAST) COMMITTEE**

### **AGENDA**

**Meeting to be held in the COUNCIL CHAMBER, CIVIC CENTRE on  
Monday 2<sup>nd</sup> August, 2021 at 5.30 p.m.**

#### **Membership**

Cllrs Bewick, Butler (Chair), Dixon, Doyle, Essl, Foster, E. Gibson, Hodson, Morrissey, Noble, Peacock, Reed, Scanlan, P. Smith, Stewart, Wilson (Vice Chair)

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Report of the Executive Director of City Development  
(copy herewith)

Elaine Waugh,  
Assistant Director of Law and Governance,  
Civic Centre  
SUNDERLAND

23<sup>rd</sup> July, 2021

**At a meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE  
held in the COUNCIL CHAMBER, on MONDAY 5<sup>th</sup> JULY, 2021 at 5. 30pm**

**Present:-**

Councillor Wilson in the Chair.

Councillors Dixon, Doyle, Foster, E. Gibson, Hodson, Morrissey, Noble, Peacock, Reed, Scanlan, P. Smith and Stewart.

**Declarations of Interest**

Item 4 Planning Application Reference No.:21/00703/FUL Change of use from a single residential use class C3 dwelling house to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence. 35 Cartwright Road Sunderland SR5 3DX

Councillors Foster and Wilson declared an interest in the item on the basis that they had already formed any opinion on the application and therefore would not be considering the matter with an open mind. Both indicated that they wished to speak in opposition and that they would leave the meeting having answered any questions. Councillors Foster and Wilson left the meeting at the appropriate point, taking no part in any consideration or decision thereon.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Bewick and Butler.

**Minutes of the last meeting of the Planning and Highways (East) Committee held on 7<sup>th</sup> June, 2021.**

1. RESOLVED that the minutes of the last meeting of the Planning and Highways (East) Committee held on 7<sup>th</sup> June 2021 be confirmed and signed as a correct record.

**Planning Application Reference No.: 20/01026/FUL Change of use from social club to 13 apartments; including rendering the exterior walls and new windows to side and rear elevation. Location: Ivy Leaf Club & Inst Ltd 38A Suffolk Street Hendon Sunderland SR2 8JZ**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above application.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of the key issues to consider in determining the application. The Committee also received a powerpoint presentation detailing the floor plan, front and rear elevations and site photographs. Members heard that in terms of the principle of the proposed development, officers considered that the benefit of bringing a long term vacant building back into use would outweigh the harm caused by the loss of a community facility; especially given that the provision of apartments would otherwise be a sustainable form of development. Officers therefore considered that the principle of the proposed development could be supported.

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

Members were advised that there were material considerations, in terms of the vacant building credit provided within paragraph 69 of the National Planning Policy Framework, which outweighed the requirement to provide affordable housing.

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

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

In conclusion Members were advised that the proposed change of use was considered acceptable and was therefore recommended for approval subject to the conditions detailed in the report.

The Chairman thanked the Planning Officer for his presentation and invited questions from Members.

The Planning Officer then addressed questions from the Committee regarding:-

- The extent to which account was taken of the comments received from Northumbria Police regarding the future management plan of the development
- the ability of the LPA to require that a development included provision for 15% affordable homes under paragraph 69 of the National Planning Policy Framework

- the marketing of the property
- the rationale behind not requiring the design to include the accessibility and space standards sought by the Core Strategy from 1 April 2021 and whether this would be enforced if the application was submitted today
- Whether a condition in respect of secure by design had ever been imposed on a grant in the past
- Postal arrangements and bin storage
- The size of the apartments in relation to the constraints of the building
- The unusual amount of detail contained in the Police response to the consultation
- The reasons for the assumption that in terms of amenity, the proposed change of use would result in less noise disturbance than the old.
- The extent of interest shown in retaining the building as a community facility
- Enforcement of conditions requiring that development work must begin not later than three years from the grant of permission

The Chairman then welcomed and introduced Mr Gavin Brown, the Agent for the applicant advising that he would have 5 minutes to address the Committee. Mr Brown replied that he had nothing to add to the Planning Officer's presentation, as he did not want to detain Members unduly, however he would be happy to answer any questions and expand upon the answers already provided by the Planning Officer if Members required more detail.

With regard to the marketing of the building, Mr Brown advised that it had been marketed by the previous owner and had received only one expression of interest over a 3 year period. Once his client had purchased the building, he had also marketed it while he was weighing up his options regarding whether to develop the property himself. Its marketing had been undertaken via all the usual on-line agencies. During this period only two enquires had been received. One from a London based investor who decided not to proceed without even visiting Sunderland and another who decided against, having only viewed the building externally.

Mr Brown believed that ample opportunity had been given for a community use proposal to have been brought forward. With regard to its retention as a social club, he felt that the demand for this form of use was very much in decline and cited the number of social club closures in recent years.

With regard to the progress of the proposed Section 106 agreement, the terms had already been agreed by his client and returned to the Assistant Director of Law and Governance.

In respect of the question regarding the size of the apartments and the constraints of the building, Mr Brown advised that it was a steel framed building and the size of the apartments reflected that there were very few internal walls that could be taken out because their load bearing properties. Mr Brown contended that the apartments were in many cases larger than similar apartments within the city.

In terms of security it was the intention of the developer to make the apartments as secure as possible. The last thing he wanted would be to make tenants feel unsafe. There would be CCTV externally and also internally within the communal areas. Postal arrangements would include secure internal letter boxes.

With regard to waste management, discussions were on going with the Council's cleansing department and their advice had been valued. It was anticipated that it would be based on the model used in student halls of residence using large commercial style bins, stored within the internal footprint of the premises. Residents would be subject to a tenancy agreement and while there would be no permanent management office, as the building comprised 13 individual apartments and was not an HMO, there would be a management contract in place including regular cleaning of communal areas and regular inspections from a representative of the agent.

With regard to the requirement that development work should commence within three years, Mr Brown reassured Members that it was not his client's intention to delay matters and it was planned that a building control application would be submitted as soon as planning permission had been obtained.

In response to member concerns that the management plan should be appropriate, the Planning Officer advised that the draft condition (no.5) as detailed in the report was a standard one. It was within the gift of the Committee however to amend it by adding an additional sentence stating "The Management Plan shall include....."

Mr Brown replied that he believed his client would find this acceptable subject to the condition not being too onerous. In response to a request from the Planning Officer, the Committee suggested that the Management Plan should include:-

- i) management of the external and internal communal areas of the building via CCTV
- ii) a schedule of the management inspection visits to the building
- iii) details of the cleaning regime

Consideration having then been given to the application, and the Officer recommendation, as amended, having been put to the Committee, it was:-

2. RESOLVED that approval be given to the delegation of the application to the Executive Director of City Development who was minded to approve the application, subject to the successful completion of a Section 106 Agreement for an off-site financial contribution towards the mitigation of impact upon the protected coastline at a rate of £271 per apartment and to the draft conditions set out in the report and as amended at the meeting.

Prior to declaring his interest in the following item and vacating the Chair, Councillor Wilson sought a nomination from the floor to Chair the meeting for the remaining items of business

Having been nominated and duly seconded it was:-

3. RESOLVED that Councillor Stewart be appointed as Chair for the remainder of the meeting.

**Planning Application Reference No.: 21/00703/FUL Change of use from a single residential use class C3 dwelling house to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence. - Location: 35 Cartwright Road Sunderland SR5 3DX**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above application.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee that the proposal affected a two-storey residential property standing on the inside of a bend in Cartwright Road in Castletown. There were garden areas to its rear and in front of both elevations facing the street. The property did not benefit from any in-curtilage parking space. Cartwright Road was flanked by residential dwellings on one side, but it also provided access to Castle View Academy and Sports Centre, which occupied extensive grounds on the west side of the road.

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

The Committee's attention was drawn to the representations received as detailed on pages 21-23 of the agenda.

The Committee was also informed of the following key issues to consider in determining the application.

- materiality of proposed use;
- the principle of the proposal;

- the impact of the proposal on the amenity of the locality; and
- the implications of the proposal in respect of highway and pedestrian safety.

In conclusion members were informed that it was considered that the proposed use of the property was acceptable in principle, and it would not have a significant impact on the amenity of the locality. Careful consideration had been given to the implications of the proposals relative to on-street parking and highway and pedestrian safety and, given the comments received from the Council's Highways team, it was concluded that the proposed development was acceptable in relation to this matter, subject to the recommended condition which served to restrict the nature and level of occupancy of the property. Members were recommended to grant approval to the application subject to the conditions as detailed in the report.

The Chairman thanked the Planning Officer for her presentation and invited questions from Members.

The Planning Officer then addressed questions from the Committee regarding:-

- why it was assumed that the resident mothers would not be car owners?
- could it be guaranteed that a member of staff would be present at all times?
- what would be the new use class for the property?
- what was the expected age of the mothers?

The Chairman informed Members that requests to address the Committee had been received from Councillors Foster, Wilson and D. MacKnight. The Chairman advised that they would each have 5 minutes to do so.

Each Councillor spoke in turn in opposition to the application and the following issues were cited:-

- it would exacerbate already very serious parking problems in the vicinity caused by the presence of a large Academy and its numerous after school and weekend events.
- consideration of the application should be deferred until the issue of the area's parking problems had been successfully addressed
- the application was in the wrong place at the wrong time
- it was wrong to assume the mothers would not be car owners
- the nature of the residents would generate traffic over and above that of a normal family home given the permanent presence of staff working shifts on a rota basis, regular visits from social workers, health visitors, district nurses together with families and friends anxious to see the new babies
- a similar application had been rejected in Hendon on the presumption of possible future parking problems and yet this application was being



considered in an area where there was 'cast iron' evidence to show that such a problem already existed

- the neighbouring academy was already large with over 1000 pupils however it was scheduled to grow even further in September with the addition of two new classrooms.
- The property faced directly onto the gates of the Academy which was the regular scene of drug and alcohol abuse and not the location in which vulnerable young mothers should be accommodated.

Councillors Forster and Wilson left the meeting in turn, after each had addressed questions from members on their presentations.

The Chairman then welcomed and introduced Dr Anton Lang, the Agent for the applicant advising that he would have 5 minutes to address the Committee.

Dr Lang contended that any impact on the parking issue would be modest and low level citing the professional opinion of the Council's Highways team, that the proposal was unlikely to result in an increase in parking demand that would significantly impact on local residents. He informed members that the mothers would be young women that required support and in all likelihood would be under the age of 21. Given their circumstances, it was likely that the mothers would be unemployed and not in ownership of a car. Similarly, the carers formed part of the low wage economy and anecdotally it was noted that 40% of the operator's employees were not car owners, with many using public transport. Dr Lang stated that there were no controls over parking in the area with no yellow lines or a residents' parking scheme. The issue of parking was a pre existing one. Dr Lang acknowledged that there was undoubtedly a problem at the weekends when football matches were played, but contended that this was not indicative of the rest of the week. The Academy now charged people to use the parking spaces it provided and this had encouraged people using the Academy's facilities to park in the surrounding streets. The parking issue in the area reflected the fact it accommodated a 1000 plus pupil Academy not potentially a home for two supported mothers and their babies. The proposed use was controlled and of low impact. This should be contrasted with the current uncontrolled C3 residential use.

The Chairman thanked Dr Lang for his submission and invited questions from Members. In response to questions received, Dr Lang informed the Committee that he did not believe there was a particular appeal to operators in establishing supported units in residential areas. Such a decision would be based on a variety of factors, however one thing an operator would not wish to do was ghettoise vulnerable people.

Dr Lang did not believe that the premises would become a magnet for anti-social behaviour. It would be a low-level provision supporting two mothers with babies. Its use would be controlled by planning conditions and the premises would become Ofsted accredited. The aim of the support programme was to ensure that the mothers did not become an attraction for an 'undesirable element'. The proposed use was more regulated than one

that could occur under the current C3 unregulated residential use and it was Dr Lang's conviction that it would result in far fewer vehicular movements.

Care staff would work rolling shift patterns of three days on and three days off. With regard to whether staff arrivals/departures could be timed to avoid the peak Saturday parking demands when football matches were played at the Academy, Dr Lang advised that whilst the presence of the care staff would be permanent, it was very unlikely that the visits of social workers and health care professionals would be arranged for a Saturday.

Dr Lang was unable to confirm whether any of the babies would be under a child in need plan or a child protection order but advised that it was not a material planning issue. With regard to condition no.3 on page 30 of the agenda, Dr Lang advised that the word 'children' had been used in case there was a multiple birth. It was anticipated that each mother would have a single child however it was possible that there may be more than one dependent child. Dr Lang stated that if the Committee required, it could consider amending the condition to specify a limit on the number of children permitted in the property. Dr Lang advised that he would be happy to install CCTV if required and confirmed that the mothers would continue to be supported beyond their anticipated 26 week stay at the premises.

The Chairman thanked Dr Lang for his responses and invited the Committee to comment on and debate the application.

Councillor Morrissey stated that the objections from the three ward councillors centred on parking problems in the area however in the professional opinion of the highways officer it was not believed that the application would significantly increase the parking demand over and above that of a normal family home. In the light of this he did not believe that the Committee had any materially relevant planning grounds on which to refuse the application.

Councillor Hodson advised that he felt very uncomfortable at the thought of placing a restriction on the number of children to be accommodated. He was also very uncomfortable with the tone of a lot of the objections which he felt were callous and sought to penalise a perfectly justified application. He referred to Councillor Wilson's reference to the application in Hendon and believed there was no comparison to be made with it being a completely different scenario. That application had been for a nursery and would have generated traffic issues on a completely different scale. The premises in Cartwright Road was a family house and this application sought to replicate a family home. It was not an HMO, it was supported living. Councillor Hodson stated that he lived in Thornhill and there were at least a dozen examples of supported living in the immediate residential area. He believed that parking was not a relevant issue, the provision was either good or it wasn't. He felt that the application before the Committee was an appropriate one.

Councillor P. Smith stated that as members of a Planning Committee, Councillors had to listen to the professional advice of officers and take decisions accordingly however it was the ward members who would be left to

deal with the reality of the situation on the ground. She did not believe that this particular application was suitable for the proposed location and felt that a more appropriate one should be sought.

Councillor Reed stated that he agreed with Councillor Hodson that no amendment should be made to the conditions in order to limit the number of children accommodated. Parking was obviously the main issue for the objectors however he did not feel, relatively speaking, that the proposed development would do anything to alter the current parking dynamics.

Councillor Noble stated that it was likely that the babies to be accommodated would be the subject of a child in need plan or a child protection order. As a result, especially if there were safeguarding concerns, the accommodation was likely to generate considerably more comings and goings than a family home given the support required from professionals. Despite this, her concern was not the parking but how the home would be received by local residents given the way the rumour mill operated and the objections from residents already highlighted in the report. She had no concerns about the project itself and welcomed it. She stated that the young people needed to be given a chance and supported however she just did not feel as comfortable as some other members of the Committee around the actual location.

Councillor Doyle stated that he largely agreed with the comments made by Councillor Hodson and he felt perfectly satisfied that condition no. 3 would satisfy any concerns. He believed that the issue in respect of parking was not the fault of the applicant but of the Academy.

Councillor Dixon stated that he could not accept the arguments from objectors about parking issues on planning grounds, but stressed that ward councillors were perfectly right to make the case for their residents. He felt the location of the supported living scheme was rather obtuse, being next to a large school, but could only trust that Forever Care would manage the development well in order to protect the young mothers and babies and make sure there weren't any future problems for them.

There being no further comments, the Chairman advised the meeting that the Officer recommendation in respect of the application was that approval be granted. He asked the Committee if it was prepared to signal agreement by acclamation or whether it required a vote on the matter.

Councillor P. Smith stated her objection and asked that a vote was taken.

Upon being put to the vote with 6 members voting in favour, 3 members voting against and 1 abstention, the recommendation was approved and according it was:-

4. RESOLVED that the application be approved subject to the 3 conditions as detailed in the report.

## **Items for Information**

Members gave consideration to the items for information contained within the matrix (agenda pages 31-36).

Councillor Doyle requested that Covid restrictions permitting, a Members' Site Visit was arranged in respect of the following application:-

21/01001/FU4 Land East of Primate Road Sunderland - Erection of 69 no affordable homes with associated infrastructure and landscaping

Accordingly it was:-

5. RESOLVED that:-

- i) the items for information as set out in the matrix be received and noted, and
- ii) Covid restrictions permitting, a Members' Site Visit be arranged in respect of the following application:-

21/01001/FU4 Land East of Primate Road Sunderland - Erection of 69 no affordable homes with associated infrastructure and landscaping.

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

(Signed)      D. WILSON  
                    P. STEWART  
                    (Chairmen)

**OBJECTION TO EXPERIMENTAL TRAFFIC REGULATION ORDER (ETRO)  
MARINE WALK (ST PETERS WARD)****1. PURPOSE OF REPORT**

- 1.1. To advise the Committee regarding an objection received, by the Council, in respect of the experimental traffic regulation order at Marine Walk, and to request the committee to not uphold the objection that cannot be resolved within the constraints of the scheme, as set out below.

**2. BACKGROUND**

- 2.1. Following requests for service submitted to the feasibility team in Asset & Network Management it was determined to introduce an ETRO on the northern section of Marine Walk to help address concerns raised with regards to obstructive parking and road safety.
- 2.2. As part of the investigation it was concluded that the area in question is very narrow with no suitable turning point for vehicles and is heavily pedestrianised. Currently drivers perceive that they may be able to park at northern end of Marine Walk which has led to heavy traffic in both directions with vehicles driving up to try and park. If we can extinguish that expectation, traffic should drop substantially in this heavily pedestrianised area. Therefore, it was deemed necessary to implement restrictions to prohibit vehicle movements and restrict parking and loading. The ETRO includes the introduction of No Waiting at Any Time (double yellow lines) and a prohibition of motor vehicles except for loading and access to off-street premises. The ETRO also includes a loading restriction between 10.30am - 8pm to accommodate deliveries to businesses.
- 2.3. As part of the public engagement process consultation documents were issued to all organisations on the Councils list of statutory consultees, such as the emergency services and bus operators as well as the Ward Councillors. No objections were received.
- 2.4. Public engagement documents consisting of a description of the proposals, response form and a plan of the proposed scheme was issued to the businesses considered to be directly affected by the proposals. As part of the public engagement exercise two businesses within the area advised that they were not in favour of the proposed scheme. However, following the public engagement exercise, it was deemed necessary to proceed with the implementation of the Experimental Traffic Regulation Order (ETRO) given the concerns raised with regards to obstructive parking and road safety. Following implementation of the experimental scheme we have written to both establishments on numerous occasions and asked if they wish to carry their comments from the public engagement forward as formal objections and neither have responded.

- 2.5. On 20th July 2020 the ETRO was advertised both on site and in the local press. The order came into effect on 27<sup>th</sup> July 2020 and can remain in place for a maximum of 18 months after the date on which it comes into force, which is 26th January 2022. The experimental order can be made permanent after a minimum of 6 months. As part of the experimental order process anyone who wishes to object to the scheme, can raise their objection formally with the Council at any time during the experimental period.
- 2.6. Since the implementation of the ETRO and associated restrictions the council has received one formal objection. The proposals are shown on plans in Appendix A, the approximate location of the objector is shown on a plan in Appendix B and a copy of the full objection in Appendix C.

### **3. CONCLUSION**

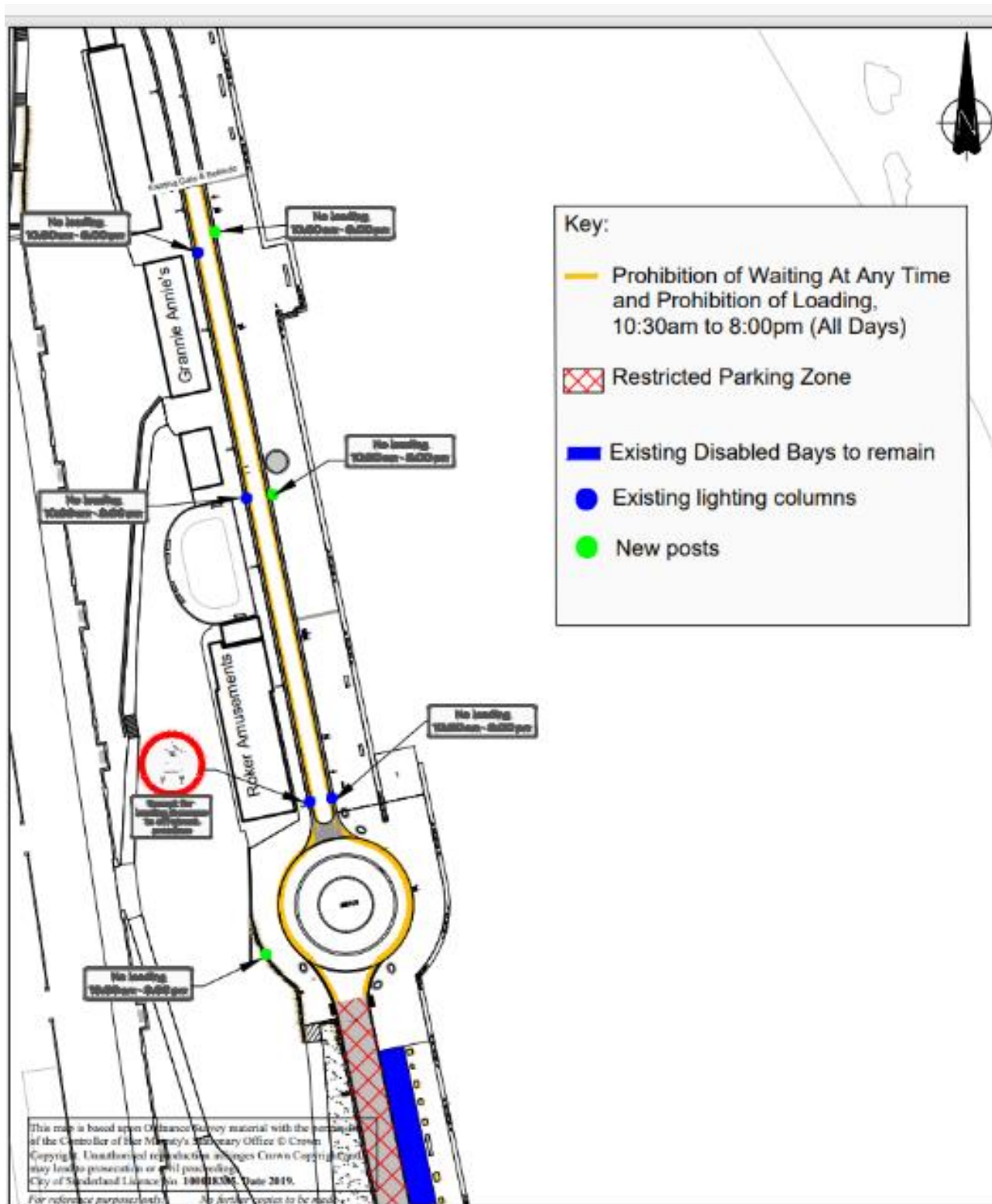
- 3.1. The Council has a duty under Section 122 of Road Traffic Regulation Act 1984; “to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.”
- 3.2. There are 10 designated disabled parking bays just south of the area covered by the ETRO. In Marine Walk car park, there are 50 parking spaces including 7 disabled parking spaces and 2 coach/minibus spaces. In Harbour View Car Park there are 128 spaces including 10 disabled bays and 2 electric car charging spaces. Also, at the top of the bank on Roker Terrace there are an additional 8 car parking spaces.
- 3.3. It is therefore considered necessary to make the experimental traffic regulation order permanent to maintain road safety for all users particularly pedestrians and prevent obstructive parking in this heavily pedestrianised area.

### **4. RECOMMENDATION**

It is RECOMMENDED that the Executive Director of City Development be advised that:

- 4.1. **The objection to the ETRO, for the proposed scheme under Sections 1, 9, 10 and 122 of the Road Traffic Regulation Act 1984 not be upheld;**
- 4.2. **The objector is notified accordingly of the decision.**
- 4.3. **The Executive Director of City Development instruct the Assistant Director of Law and Governance to take all necessary steps to make the experimental traffic regulation order permanent.**

## APPENDIX A - Public Engagement Drawing

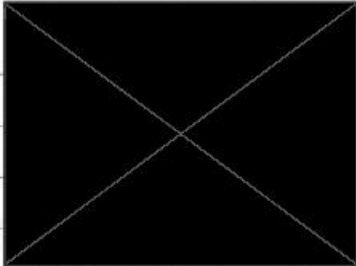


## APPENDIX B – Summary of Objection

Objector	Nature of Objection	Consideration of Objection
Objector	<ol style="list-style-type: none"> <li>1. There are only 10 disabled parking bays</li> <li>2. Move the rocks and add 20 - 30 disabled bays</li> </ol>	<p>The scheme is designed to ensure road safety for pedestrians. No designated disabled parking bays are being removed as part of the scheme, the area in which the ETRO is implemented is very narrow with no suitable turning point for vehicles and is heavily pedestrianised. There is additional disabled parking available nearby with 10 disabled bays just south of the restrictions. In Marine Walk car park, there are 7 disabled bays and in Harbour View Car Park there are 10 disabled bays.</p> <p>This is not a feasible option; the area is heavily pedestrianised and could not accommodate extra bays. There is seating for the PH and public benches situated in this area. Alternative disabled parking is available.</p>



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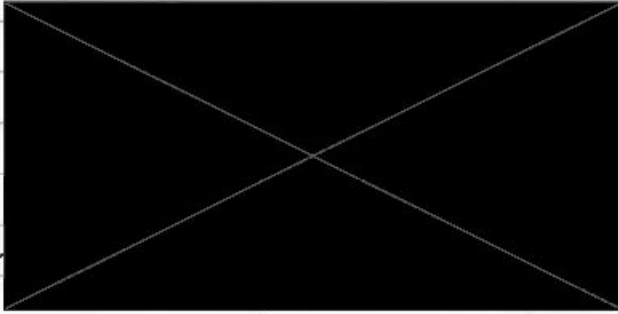


DEAR SIR OR MADAM

I AM WRITING  
THIS LETTER TO EXPRESS MY TOTAL  
DISSENT AT THE WAY YOU ARE  
TREATING DISABLED AND HANDICAP  
DRIVERS AT MARINE WALK PARKER  
BEACH BY PUT DOUBLE YELLOW LINES  
PAST THE ROUNDABOUT TO THE  
PUBS GRANNIS ANNIES, FROM SUE'S  
CAFE TO THE PUB THERE ARE  
ONLY 10 DISABLE BAYS AND  
NO OTHER PARKING NOW BEYOND  
THEM INSTEAD OF MOVING THE  
ROCKS ON THE PATH TOWARDS  
THE SEA WALL AND PUTTING IN  
BETWEEN 20-30 DISABLE BAYS  
YOU TOOK THE EASY OPTION AND  
PTD

YELLOW LINES I FOR ONE AM  
NOT HAPPY ABOUT THIS THE  
REASON I AM NOT HAPPY IS I  
HAVE ASBESTOSIS, C.O.B.D, THROAT  
CANCER, BOWEL AND PROSTATE  
CANCER THEREFOR CANNOT PARK  
MORE THAN 15-20 YDS AWAY  
FROM A TOILET ALSO I GO TO  
THE PUB ON A REGULAR BASIS  
FOR FOOD AND SUNDAY LUNCH  
YOU HAVE NOW DEPRIVED ME  
AND OTHER DISABLED DRIVERS  
IN THE SAME SITUATION AS  
ME, WHICH MEANS YOU ARE  
DEPRIVING ME OF MY HUMAN  
RIGHTS, AND MY SMALL PIECE  
OF INDEPENDENCE THAT I HAVE  
ALSO WHAT IS THE POINT OF  
HAVING A MOBILITY CAR AND BLUE  
BADGE IF I CAN'T PARK NEAR  
WHERE I WANT TO BE, CAN YOU  
PTO

LOOK INTO THIS MATTER FOR  
MYSELF AND OTHER DISABLED  
DRIVERS AND RECTIFY THIS  
SERIOUS PROBLEM.



THANK YOU.



# Item 5

## Planning and Highways (East) Committee

2nd August 2021

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 21/00399/FUL  
4 Roker Terrace Sunderland SR6 9NB
2. 21/01164/LP3  
Land To The South Of European Way Pallion Sunderland

##### COMMITTEE ROLE

The Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Committee Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk).

## **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 City Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director City Development

**Reference No.:** 21/00399/FUL Full Application

**Proposal:** **Change of use from residential property to children's care home for up to 6 children, with alterations as approved under previous permission 20/01584/FUL (removal of existing flat roof dormer to front elevation and erection of 2no bay windows within front roof slope, new dormer window to rear, replacement double glazing throughout, insertion of new doors to ground floor front bay window, replacement of existing pebble dash finish to walls with new, flat, white render finish, repainting and refurbishment). (Amended plans received 7/5/21 and 15/6/21)**

**Location:** 4 Roker Terrace Sunderland SR6 9NB

**Ward:** St Peters  
**Applicant:** HMO Northeast T/A Forevercare  
**Date Valid:** 23 February 2021  
**Target Date:** 20 April 2021

## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a former 6 bedroomed dwelling house over three storeys, including the attic room, situated within Roker Terrace, a row of similar properties set back and separated from the A183 by a raised area of forecourt/car parking. This area provides garden space and private and customer parking for most of the properties in the terrace and is accessed by a one-way entry and exit system to the front of the nearby Roker Hotel. To the rear, the property has a two-storey offshoot that extends the full length of the small yard area, which accesses the rear lane via a pedestrian gate.

The property lies within the Roker Park Conservation Area.

An application (20/01584/FUL) was approved in November 2020 for the removal of the existing flat-roofed dormer to the front elevation and the erection of two new dormer/bay windows within the front roof slope, a new dormer window to the rear, the insertion of new doors to the ground floor front bay window, and general refurbishment works including new double glazing, render, and repainting.

### **PROPOSAL**

The current application seeks to change the use of the property from a single dwellinghouse to a children's care home for up to 6 children. The layout indicates kitchen and living space on the ground floor, one bedroom with en-suite and dressing room on the ground floor, 3 en-suite bedrooms on the first floor, with additional kitchen and living space, and two bedrooms and an office on the second floor. The proposal includes the extensions and alterations previously approved.

Works have commenced to carry out the physical alterations to the property under the previously approved permission. During the consideration of the application, amended drawings have been submitted which reflects the alterations as built, which deviates from the approved plans in relation to the rear dormer. The dormer now covers the full width of the roof plane to provide one en-suite bedroom and includes a window to the en-suite and double doors to the bedroom, although there is no platform to step out onto.

Works have also included the reduction of the front garden immediately to the front of the house and the removal of the grassed area across the access lane, and their replacement with gravel to provide parking spaces. It must be noted that these works have been carried out under permitted development rights.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

St Peters - Ward Councillors Consultation  
Network Management  
Environmental Health  
Planning Policy  
Together For Children  
Northumbria Police  
St Peters - Ward Councillors Consultation  
Network Management

Final Date for Receipt of Representations: **08.07.2021**

#### **REPRESENTATIONS:**

Public consultation

The application has been publicised by way of neighbour consultation letters, a press notice in the Sunderland Echo, and a site notice posted adjacent to the application site. Fifty-five letters of objection have been received in response.

The objectors' main concerns relate to:

- The premises' proximity to popular drinking establishments and guest houses, which the children will have to pass to gain access to the site, potentially exposing them to anti-social behaviour, noise and disturbance,
- The potential risk to the children living in an area that receives many transient visitors, many of whom will have been drinking, making it difficult to adequately safeguard the children,
- Safeguarding issues relating to the proximity of the site to an alleged registered offender,

- The potential for the children themselves to be a source of anti-social behaviour, noise and disturbance,
- The likelihood that the development would lead to increased traffic within the immediate vicinity of the site along the access road,
- The development resulting in a loss of a family home,
- The detrimental impact of the development upon the character of the conservation area,
- Doubts over the professional credentials and previous track record of the applicant.

The latter is not a planning matter as planning permission runs with the land, not the applicant. The operator will be responsible for ensuring that all other relevant permissions and licences are obtained.

## **Consultees**

- Council's Environmental Health team

Environmental Health has examined the submitted documentation and has no objections to the proposed development, subject to consideration of the inclusion of a condition requiring the maintenance of management control at all times on site and with particular emphasis overnight. Responsibilities would include the prevention of noise nuisance and minimisation of potential impacts upon neighbouring properties.

- Council's Conservation team

The proposed works to the exterior of the property were considered in the context of the previous application. Consequently, the Conservation Team are satisfied that there is limited harm to the visual character, significance and appearance of the Conservation Area and has no objections.

- Council's Planning Policy team

The proposal is considered to be acceptable in principle but must be considered in the context of other relevant policies within the plan relating to issues such as amenity and heritage.

- Council's Transportation Development team

Confirmation would be required that the new parking spaces would be available for the properties sole use.

- Northumbria Police

The Design Out Crime Officer objects to the proposal stating that the proposed layout and location of the premises is not a suitable venue for a children's home. The proposal is contrary to the aim of the NPPF to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## **COMMENTS:**

### **ISSUES TO CONSIDER**

The main issues to consider in determining the application are:

1. the principle of the development;
2. the impact of the proposal on amenity and the character of the locality;
3. the built heritage implications of the proposed development;
4. the implications of the proposal in respect of highway and pedestrian safety.



## 1. Principle of Development

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

The application relates to the change of use of the property from a dwelling house (class C3) to a children's' home (class C2). The proposed use of the premises is residential in nature and the building is located within an area which is in mixed use but still primarily residential in character and so, in broad terms, the proposal does not conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with UDP policy EN10's requirements in this regard.

This conclusion does not, however, establish that the proposed use of the building is appropriate, rather it is considered to be broadly compatible with the established pattern of land use in the area. In order to reach a conclusion on this matter, regard must firstly be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

## 2. Impact upon Amenity and Character of Locality

Para 127 of the National Planning Policy framework (NPPF) states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy SP7 of the CSDP seeks to improve health and wellbeing in Sunderland by ensuring that new developments do not have unacceptable adverse impacts upon amenity which cannot be mitigated.

Policy HS1.3 states that development will not normally be supported where the existing neighbouring uses would unacceptably impact upon the amenity of the future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

The submitted details states that up to 6 children aged between 5 and 18 will be accommodated and there will be at least two members of staff in attendance at any one time. The Design Out Crime Officer has commented that the layout of the property and the proposed age mix is inappropriate and has the potential to put the young people at risk. However, details of the operation and management of the home is not a planning matter but would be controlled by other regulations and licences.

However, in terms of the character of the area within which it is sited, the host property is located within an area of varying types of residential accommodation; family houses, flats, HMOs as well as bed and breakfast/holiday lets and hotels and bars. Although the wider area is generally viewed as a family friendly seaside resort, there are land uses close by that are more adult focused - the vehicular route to exit from the site onto the street passes the outdoor drinking area of the Poetic Licence bar within the Roker Hotel. The submitted objections indicates that these factors are sufficient to generate a feeling that there is potential for risk to the future occupants of the development, and existing neighbouring uses are likely to result in an unacceptable impact upon their amenities.

Similarly, concern has been expressed via representation that the development itself could be a source of noise, disturbance and anti-social behaviour by the occupants of the site; there is a feeling that this is not an appropriate location for such a use, leading to a fear of crime that in itself will be detrimental to the amenities of the neighbouring residents and businesses.

Given the above, the proposed use is considered to constitute inappropriate development in the area, which would be detrimental to the living conditions of its future occupants, and the amenities of the occupiers of nearby properties, and would not meet the aim of creating places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience, contrary to policies SP7, HS1.3 and BH1 of the CSDP and para 127 of the NPPF.

### 3. Built Heritage

Policy BH8 of the CSDP states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.

The physical alterations to the property have already been assessed as part of the previous application, albeit that the rear dormer will now be slightly larger. The Conservation team have confirmed that there are no objections to the scheme in terms of the impact of the development upon the character and appearance of the conservation area and the application hence accords with policy BH8 of the CSDP.

### 4. Highway Safety

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

The alterations to the garden area provides space for the parking of 4 vehicles, which is considered to be sufficient to accommodate the parking requirements generated by the staff numbers proposed, although confirmation will be required that these spaces will be for exclusive use of the proposed development. The proposal will hence accord with policy ST3.

## **CONCLUSION**

For the reasons given above, the proposal is considered to be unlikely to be detrimental to highway safety of the character and appearance of the conservation area. However, the proposed change of use is considered to be inappropriate development and is likely to have an adverse impact upon the living conditions and amenities of its future occupant and the occupiers of nearby properties, working against the aim of creating places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The proposal is therefore contrary to policies SP7, HS1.3 and BH1 of the CSDP and para 127 of the NPPF and is unacceptable.

## **RECOMMENDATION: Refuse**

### **Reasons:**

1 The proposed change of use is considered to be inappropriate development and is likely to have an adverse impact upon the living conditions and amenities of its future occupants and the occupiers of nearby properties, working against the aim of creating places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The proposal is therefore contrary to policies SP7, HS1.3 and BH1 of the CSDP and para 127 of the NPPF.

<b>Reference No.</b>	21/01164/LP3 Local Authority (Reg 3)
<b>Proposal</b>	Installation of a NPG high to low voltage power substation.
<b>Location</b>	Land to the south of European Way, Pallion, Sunderland
<b>Ward</b>	Pallion
<b>Applicant</b>	Sunderland City Council
<b>Date Valid</b>	7 June 2021
<b>Target Date</b>	2 August 2021

## PROPOSAL

The application seeks full planning permission for a substation on land to the south of European Way, Pallion. The substation measures approximately 4 metres (width), 3 metres (depth) and 2.5 metres (height); constructed from glass reinforced plastic. The recently submitted Geoenvironmental Appraisal includes photographs of the substation on site, which means the application has been submitted on a retrospective basis.

## TYPE OF PUBLICITY

Neighbour Notifications

## CONSULTEES

Pallion - Ward Councillor Consultation  
 Network Management  
 Land Contamination  
 Environmental Health  
 Northern Electric  
 Land Contamination

Final Date for Receipt of Representations: **29.07.2021**

## COMMENTS

### Principle

The Core Strategy allocates the site, via policy EG2, as a "Key Employment Area". The policy says these sites will be "safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses". Officers consider the provision of a substation would make a contribution towards the above policy by providing infrastructure to support the development of the Key Employment Area. In the absence of any material considerations to the contrary, the proposal accords with the development plan.

### Amenity

The proposed development comprises a cabinet and the Environmental Health Officer has advised that they "have no objections to the proposed development". In the absence of any material considerations to the contrary, the proposal accords with policy HS1.

## Design

The proposed development would be a relatively small cabinet, viewed within the context of a wider Key Employment Area. In the absence of any material considerations to the contrary, the proposal accords with policy BH1.

## Groundworks

The Applicant has recently submitted a Geoenvironmental Appraisal. The Council's land contamination consultant has been asked to provide advice and a subsequent update will be provided to Members.

## Conclusion

The proposal would provide the infrastructure to support the Key Employment Area. The detailed impacts, specifically amenity and design, would accord be acceptable.

## **RECOMMENDATION**

MINDED TO GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the receipt of a positive consultation response from the Council's land contamination consultant (including any additional/ amended conditions) and subject to the draft condition listed below:

- 1 The development hereby granted permission shall be retained in full accordance with the following approved plans:
  - Tarmac Sub-station European Way Pallion (dated, 7 June 2021)
  - General Arrangement / Plans & Elevations (Ref No. C993892 B)
  - Standard Distribution Substation Drawing (Ref No. C991443 D)

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

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			

## ITEMS FOR INFORMATION

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Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
<b>20/02296/LP3</b>	Port Of Sunderland	Engineering works including the creation of a new vehicular access from Barrack Street,	08/12/2020	09/03/2021
<b>Hendon</b>	Hendon Sidings Enterprise Zone Adjacent To Prospect RowSunderlandPort Of Sunderland	alterations to the vehicular access from Extension Road and the re-profiling of the site (additional ecology and land contamination reports received).		
<b>21/01383/MW4</b>	WasteFront AS	Construction and operation of a waste management facility to process waste tyres to produce synthetic hydrocarbons and carbon black together with ancillary buildings, plant and machinery.	24/06/2021	24/09/2021
<b>Hendon</b>	Former Sunderland Oil Storage (Mobil Oil Company)Sunderland Oil Storage Hudson Dock East SideBarrack StreetSunderlandSR1 2BU			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/02054/LBC	Mr Stephen Treanor	Internal works to facilitate change of use to 10 student apartments.	05/12/2019	30/01/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			
19/02053/FUL	Mr Stephen Treanor	Change of use from offices (Use Class B1) to 10 no. student apartments; subject to condition 3 which prevents any other occupation of the building without the prior consent of the Local Planning Authority	17/12/2019	17/03/2020
Hendon	25 John StreetCity CentreSunderlandSR1 1JG			
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper MillOcean RoadSunderland			



Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01645/FUL	Mr A Swallwell	Proposed conversion of first, second floor and roof space to facilitate 14no residential apartments, including rear extension to increase roof space, new rear fenestration, glazed roof lanterns, new rooflights and street fronting access.	12/07/2021	11/10/2021
Millfield	59 Fawcett Street Sunderland SR1 1SE			
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01001/FU4	Bernicia	Erection of 69no affordable homes with associated infrastructure and landscaping	26/04/2021	26/07/2021
Silksworth	Land East Of Primate Road Sunderland	(amended layout and ground gas information received).		