

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 (General Development Procedure) Order 1995.

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

Reference No.: 09/01069/FUL Full Application

Proposal: Change of use from shop and dwelling house to mosque and social/educational centre (Class D1) and flat (Class C3) to include demolition of rear boundary wall and provision of 3 car parking spaces.

Location: 52 Saint Marks Road And 12 Chester Street East Millfield Sunderland

Ward: Millfield

Applicant: Mr Afzaal Mehdi

Date Valid: 5 June 2009

Target Date: 31 July 2009

Location Plan



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PROPOSAL:

Retrospective planning permission is sought for the change of use of 52 Saint Mark's Road and the ground floor of 12 Chester Road East, Millfield, into a mosque and social/education centre. The upper floor of 12 Chester Road would remain in residential use. Previously, 52 Saint Mark's Road was used as a cafe on the ground floor with residential accommodation above and this part of the site

has been in use as mosque since 2005. No. 12 Chester Road has been used for meeting purposes only in more recent times and was previously a dwelling house.

A retrospective planning application (Ref: 05/04402/FUL) seeking to retain the unauthorised use of 52 Saint Mark's Road was previously refused by the LPA on 19 January 2006 on the following grounds:

'This unauthorised change of use has increased the level of traffic visiting the premises and the lack of in curtilage parking facilities results in additional vehicles being parked in nearby side streets, causing congestion and creating conditions prejudicial to highway safety, contrary to Policy T14 of the council's adopted Unitary Development Plan and Supplementary Planning Guidance Topic 13.'

A subsequent appeal to the Planning Inspectorate (Ref: 06/00085/COU) against this refusal of planning permission was dismissed on 24 November 2006. Enforcement action was therefore instigated against the unauthorised use.

During 2008 an enforcement appeal relating to the above was dismissed by the Planning Inspectorate. The terms of the notice required the appellants to cease using the premises by 26th March 2009. Prior to this taking place, however, the applicant contacted the Local Planning Authority in an attempt to overcome the above highway reasons for refusal. This has resulted in the submission of the current planning application.

The current proposal involves a mosque, prayer area, kitchen and wash facilities on the ground floor of 52 Saint Mark's Road, with two after school classes and bathroom on the upper floor. The ground floor of 12 Chester Street East involves two ladies prayer areas with wash facilities and a flat with two bedrooms on the upper floor. There is no physical connection between the two premises internally.

It is proposed to provide three car parking spaces within the rear yard area of no. 12. There is no available space to the rear of 52 Saint Mark's Road for off street parking.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **30.06.2009**

REPRESENTATIONS:

Neighbours

- Six letters of objection have been received as a result of the consultation process. The concerns raised relate, in summary to the following:-
- The application site is located on a junction, which has restricted visibility and is narrow in width. Gatherings at the premises create car parking that obstructs all four sides of the junction causing dangerous conditions. The occupants also provide themselves with 'private on street parking' by placing cones on the highway as they see fit.
- Anything up to 35 cars may be parked outside the premises at any one time during meetings, which is a nuisance to other road users and also causes noise and disturbance due to car doors slamming/revving engines. Cars often park on the pavement, which impedes the passage of pedestrians.
- There are no insufficient parking spaces available for the use.
- The well being of residents is badly affected by the agitation caused by the use.
- There has been a blatant disregard of planning/appeal decisions and the use continues regardless.
- The property is joined to residential dwellings and the mosque causes noise many times a day. It is unsuitable to be used as a mosque due to its location and small size.
- People arrive from Seaham and other outlying areas and it does not only serve the local community.
- There is another mosque in Chester Road, a short walk away.
- Adding 3 car spaces will not overcome the previous objections relating to car parking and a learning centre will make it worse still.
- The people who visit have no regard for those that live in surrounding streets and, especially on Fridays and other religious festivals, park indiscriminately preventing residents from emptying shopping or arriving from work. The meetings may last until 10 p.m. at night and some parents drop off children then wait outside with their engines running, which disturbs rest.
- The proposed parking area would block access into the rear lane, which is heavily used, adjacent dwellings, as well as other road users, including the emergency services. A rear car park would cause noise and disturbance to adjoining bedrooms, especially during Ramadan.

Highway Engineers-

Recommend refusal as the proposal represents an intensification of use and does not adequately address the demand for parking. Increased traffic movements in the area and demand for on street parking would be detrimental to highway safety. There is insufficient information relating to the operating times of the proposed educational facility to properly assess the application. This has been requested from the applicant.

Northumbrian Water-

No objection

Community and Cultural Services-

Comments awaited. Any received will be reported to members at the meeting.

POLICIES:

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

CF_12_Encourage provision of cultural, religious and social facilities not currently available.

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood B_2_Scale, massing layout and setting of new developments.

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

SA_10_Maximisation of benefits (open space/community facilities) in developments.

COMMENTS:

The key issues to consider in this case are:-

- The principle of the use.
- Impact on residential amenity.
- Impact on highway safety/parking.

Clearly, the proposal has been amended since the previously submitted application and an assessment will be made as to whether these changes overcome previous objections to the proposal, or introduce new planning concerns.

The principle of the use.

Policy CF12 states that proposals for the provision of social, religious and cultural facilities, which are not currently available, will normally be permitted subject to normal planning control measures. Policy EN10 states that all proposals for development and change of use will be judged in accordance with the policies of the UDP. Where the plan does not indicate any proposals for change, the existing pattern of land use within the area is intended to remain and that proposals in such areas should be compatible with the principal use of the

neighbourhood. Policy SA10 identifies the Millfield and Pallion areas of the City as areas in which the Council will seek to maximise benefits, in the form of additional open space and community facilities, from sites to be developed or redeveloped.

Impact on residential amenity.

The current proposal includes the part of use of no. 12 Chester Street East as a prayer area for women. The applicant states that the ground floor of this property has been used for such a purpose for at least four months. The introduction of a non residential use on the ground floor has noise implications for the adjacent terraced dwelling both in terms of noise transmission through the party wall, as well as the overall numbers of visitors arriving at and leaving the property in close proximity to a single family residence. Policy B2 of the UDP requires that all new development should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. It against this policy that the new proposal must be assessed. Comments are awaited from the Environmental Health section in this regard.

Highways/parking.

Policy T14 relates to the highways and transport implications for new developments. It seeks to ensure that proposals for new development are readily accessible, should not cause traffic congestion or highway safety problems, should make provision for access and egress from sites, make provision for the loading and unloading of vehicles and indicate how parking requirements will be accommodated.

The aim of the Supplementary Planning Guidance Topic 13 is to ensure that adequate parking provision is made for various developments. Particularly pertinent in this instance are the parking requirements for places of worship or religious institutions (Use Class D1 Non-Residential Institutions), which require the provision of 1 in curtilage parking space per 5 seats or per 10 sqm of public floor area.

The application proposal makes provision for three car parking spaces to the rear of no. 12 Chester Street East that were not provided as part of the previous refusal of planning permission. However, the amount of floor space proposed has also increased by the addition of the ground floor of no. 12 and this would negate the provision of off street spaces to overcome previous highway concerns. The current proposal would allow for an increase in the numbers of visitors to the premises, particularly as an educational facility has been introduced and segregated prayer areas in both properties. The number of spaces required for the current proposal will be fully assessed once further information has been received regarding the nature of the educational facility and total numbers of visitors at the premises.

In order to assess the parking implications of the use two parking surveys have been carried out on consecutive days during July 2009, the results of which show the following:-

- Thursday 9th July 2009 12:41 to 13:15

There was no apparent activity associated with the mosque.

There were a small number of vehicle movements in the area during the survey period, again with no apparent association to the mosque.

- Friday 10th July 2009 12:11 to 13:55

There were a total of 29 Vehicles associated with the mosque. It was apparent that there were possibly more vehicles, however these fell outside of our field of vision and therefore have not been included as they can't be fully confirmed.

5 worshipers appeared to arrive on foot.

Worshipers arrived between 13:00 and 13:35, with people beginning to leave the mosque at 13:50.

It was noted that persons from the mosque placed road cones on the highway at 13:14 hours.

The numbers recorded on Friday 10th July represent an increase in previous numbers - the highest of which were 17 and 19 recorded as part of the previous planning and enforcement appeals.

CONCLUSION

The applicant has been asked to provide additional information regarding the nature of the proposed educational facility along with numbers of visitors associated with each part of the facility. An assessment of the noise implications of the proposed use through party walls would also be pertinent. It is anticipated that those issues will be addressed and a recommendation made on the supplement.

RECOMMENDATION: Director of Development and Regeneration to Report

Proposal: Proposed development of a 65 bedroom hotel with external car park and landscaping. Stopping up of existing footpath within site

Ward: Hendon
Applicant: Keeping Inn Ltd
Date Valid: 8 May 2009
Target Date: 3 July 2009

The map shows the Salford Quays area, with the proposed development site highlighted in blue with a red boundary. The site is located between the Salford Quays Canal and the Salford Quays Bridge. The map includes various buildings, streets, and infrastructure. Key features include the Salford Quays Development, the Salford Quays Canal, and the Salford Quays Bridge. The map is oriented with North at the top.

PROPOSAL:

The development proposals comprise the erection of a 65 bedroom (130 bed space) hotel with associated landscape and car parking on the currently vacant land to the east of the Sunderland Exchange Building on High Street East, Sunderland. The accommodation will be spread over 7 floors which will be laid out as follows:-

- The ground floor will comprise a refuse store, plant room, linen store, staff room and disabled WC;
- The first floor will comprise a kitchen, store, breakfast/dining room and 1 disabled bedroom with 2 bed spaces;
- The second floor comprises an entrance foyer, reception and hotel office space as well as 9 double bedrooms and a disabled bedroom;
- Floors 3, 4 and 5 are of identical layout and comprise 13 double bedrooms and a further disabled bedroom each.
- The sixth floor has a slightly smaller floor area and comprises 12 standard bedrooms.

The appearance of the proposed development is designed to complement both the adjoining listed Exchange Building and the surrounding Conservation Area. A detailed consideration of the design is set out within an accompanying Design and Access Statement.

The southern elevation of the building fronts directly onto High Street East adjoining the listed building with the introduction of a "link building" with different materials to the remainder of the development.

The rear of the building appears higher as a result of the change in levels from front to back. As with the front elevation, the design has been set with a clear distinction between the old and new with a change in materials. In order to maximise views across the river to the north the scheme incorporates Juliette balconies on many of the windows on the rear elevation.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
County Archaeologist
ARC
Northern Electric
English Heritage
Environment Agency
Northumbrian Water
Amenities Societies
Business Investment
Force Planning And Police Architectural Liaison Officer
The Highways Agency
UK Gas Business
World Heritage

Final Date for Receipt of Representations: 09.06.2009

REPRESENTATIONS:

English Heritage.

English Heritage (EH) has expressed concerns over the design of the proposal. This is a large and prominent site within the Old Sunderland Riverside Conservation Area: an area rich in historical significance with some key buildings remaining. The development site offers a great opportunity to enhance this part of Sunderland and raise the quality of new design in this area and EH support the principle of a hotel development on this site. The proposed development, however, is considered neither of sufficient quality nor does it take account of the particular character of the area in its siting, scale, massing or detailing. In the opinion of English Heritage, it would have a detrimental impact on the character and appearance of the Conservation Area and the setting of the adjacent listed buildings and recommend that the application is refused.

English Heritage advise that this is a large and prominent site within the Old Sunderland Riverside Conservation Area: an area rich in historical significance with some key buildings remaining. The area has seen major change in more recent decades: largely new development providing more activity and a mix of uses but which unfortunately has not been of the highest design quality and creates some poor public spaces. English Heritage has grant aided a number of historic buildings in the area, including the Bonded Warehouse and Rose Line Building, and EH can see the potential for significant improvements through new development.

The EH remit is to consider the effects of the proposed development upon the character and appearance of the Conservation Area, the setting of the listed buildings and the setting of the candidate World Heritage Site across the river (the buffer zone of which is adjacent to the site). EH welcome the opportunity to provide advice and comments on development proposals at an early, pre-application stage so it is unfortunate that this is the first time EH have seen the proposed plans at such a late stage.

The principle of the redevelopment of this site is to be welcomed: the gap site provides a great opportunity to reinstate a building line along High Street East and Low Street. The proposed hotel use is also one which could contribute positively to the area and provide much-needed activity. Guidance on the character of the area and design guidelines are provided in a Conservation Area Character Appraisal and the Sunderland Central Area Urban Design Strategy (adopted as SPD and which is not referred to at all in the application Design and Access Statement). This latter document specifically sets out objectives including to "reinforce the fine grained and historic pattern of streets within the area through contextually sensitive infill development that fronts the public realm" (para 5.199).

- Site layout.

The proposed building would be sited on the back edge of the pavement of High Street East adjacent to the Exchange Building. Whilst this would reinstate the building line along High Street East, the remaining site boundaries would remain open to a large area of car parking. It is unfortunate that the proposed development does not take advantage of the change in levels to hide car parking and use site frontages to provide

active frontages. A large expanse of tarmac and car parking would not enhance the appearance of the Conservation Area along Low Street nor would it provide much-needed overlooking, and thus natural surveillance, of the public street.

The archaeological desk-based assessment has identified that the existing footpath crossing the site from High Street East to Low Street is Stob's Lane, a historic lane providing access between the buildings. The proposal would involve the removal of this historic route which should, and could, be retained as part of a redevelopment scheme.

- Scale and massing.

The buildings along the northern side of High Street East step down in height as the street follows the topography of the area. Whilst the building which existed on the site prior to its demolition was a large building which did exceed the height of the Exchange Building, this should not automatically result in a new building of a similar height. Ideally the development should be lower than Exchange Building but have a larger footprint providing more building frontage to High Street East and Low Street. The deep plan and low pitched roof creates a building with a heavy presence on the site which it is considered dominates the adjacent Exchange Building. The full height glazing on the gable end could also sterilise the adjacent site for future development opportunities.

The entrance link with Exchange Building is considered an unnecessary and ill-considered approach to designing adjacent to an historic building. A well-designed building of an appropriate scale and massing should sit comfortably next to an historic building without needing a break between the old and the new. The proposed link merely highlights the large bulk of the main building whilst the cladding frame system and arched forms are considered a dated approach to contextual design.

- Architectural Detailing.

The use of light-coloured render reduces the emphasis of the listed building within a series of red brick buildings and it is considered the central panel only serves to emphasise the large bulk of the building. A simple, robust red brick building would be considered a far more contextual approach to contemporary design for this site.

On the rear elevation, the emphasis of the stair/lift core, draws the eye away from the balanced facade of the Exchange Building with its central clock tower. The vertical windows and spandrel panels again only serve to emphasise the large scale of the building. The red brick plinth does help to reduce the apparent height of the building but this elevation is considered too cluttered and would detract from the beautiful rear elevation of the listed building when viewed from the north. EH are not convinced that the impact upon the candidate World Heritage Site has been fully considered in the design of the proposed development.

It is EH opinion that the design would be contrary to the adopted Sunderland Central Urban Design Strategy and the development brief jointly produced by the Council and site owner, and does not fully consider the specific character and appearance of the Old Sunderland Riverside Conservation Area.

English Heritage recommends that the current proposal is refused on the grounds that it would:-

“Harm the character and appearance of the Old Sunderland Riverside Conservation Area and the setting of adjacent listed buildings”.

POLICY

- **PPS6 Planning for Town Centres (2005)**

Guidance provided in PPS6 states that hotels are a town centre use and encourages that wherever possible growth should be accommodated by more efficient use of land and buildings within existing centres, and identifying existing sites suitable for redevelopment and / or conversion.

The development accords with the guidance provided by PPS6 through being a town centre use able to be accommodated on a site located directly adjacent the existing through the efficient use of land, promoting the development of a town centre use (PPS6 - Para 1.8) and in a location accessible by a choice of means of transport including public transport, walking, cycling and private car (PPS6 Para 3.25).

- **Regional Spatial Strategy (July 2008)**

RSS (Policy 16) provides guidance aiming to promote tourism including the provision for resources which support it through:

- Improving the first impressions gained by visitors including supporting the delivery of environmental improvements;
- Ensuring the development of facilities invests in and enhances and maintains the natural, built and heritage environments;
- Encouraging tourism developments that benefit the local economy, people and environment without diminishing the attractiveness of the place visited;
- Ensuring the development of tourist facilities is guided by the principles of sustainability and able to maximise opportunities to travel by means other than the private car;
- Encouraging the creation of concentrations of tourism related development within sustainable locations to contribute to wider regeneration objectives.

The proposed development supports the aims of the guidance provided in the RSS as it is able to deliver environmental improvements to a site which is currently vacant, meet the principles of sustainability through the intensification of a site accessible through sustainable transport options (including metro, train, and buses) and support the wider regeneration objectives of Central Sunderland.

- **UDP (1998)**

Policy EC5 Mixed Use Sites.

The proposed development site is allocated in the UDP as a mixed-use site with guidance supporting the retention and improvement for a mixture of commercial uses. The development proposal accords with guidance provided in Policy EC5 as hotels are an acceptable primary use.

Policy SA5.2 Land North and South of Low Street.

The proposed development is allocated in the adopted UDP in Policy SA5.2 Land North and South of Low Street, Sunderland. The policy supports food and drink, light industry, offices, research & development, and student accommodation with ancillary uses and exclusions outlined in Policy EC5. Guidance provided through Policy EC5 outlines ancillary uses and exclusions, hotel developments do not fall within either of these and should be decided on their individual merits.

Policy EC9 Tourist Facilities.

The adopted UDP states that hotels, conference centres and similar facilities will normally be permitted in the centres of Sunderland and Washington on sites well related to the primary road network and may also be acceptable on industrial/commercial locations defined in the UDP provided there is a significant element of job creation and an overall satisfactory environment. The proposed development accords with guidance provided in Policy EC9 as it is well related to the primary road network, within a short distance (500m) of the City Centre and located on a site allocated for industrial/commercial uses and would be expected to provide employment opportunities both through the hotel development and external businesses servicing the hotel. The overall environment is expected to be improved as the area is of poor quality consisting of a car park, derelict land, and an area of landscaping (including border shrubs and a number of young trees) of a poor standard and offering limited environmental or amenity benefits.

Policy B10 Listed Buildings.

Guidance provided in Policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting. The development is located adjacent the Grade II Listed Sunderland Exchange and the proposed hotel raises significant

concern as to the impact from the scale of development (5 storeys) and design may have on the both the character and setting of the adjacent listed building. Initial designs of the development demonstrates a limited attempt to mitigate the impact on the listed building and further discussions should take place with the appropriate officers of Planning Services to ensure appropriate measures are met to reduce any perceived negative impact on the listed building.

- **UDP Alteration No.2 Central Sunderland**

Policy NA28A World Heritage Site.

Guidance states there will be a presumption against development which would adversely affect the character and appearance of the candidate World Heritage Site and its setting. Development proposals will be required to demonstrate that full account has been taken of their impact on the views to and from the candidate World Heritage Site and, where necessary, to propose a suitable programme of mitigation as part of the planning application. Concern has been raised regarding the scale and design of the development and it is considered necessary to ensure discussions and additional comments are sought from Planning Policy and Planning Implementation Sections respectively.

County Archaeologist

The County Archaeologist was consulted about this scheme at pre-application stage and advised that an archaeological desk based assessment was needed (which has been submitted) and that preliminary archaeological trial trenching should be undertaken before a planning decision was made.

The site lies within the presumed vicinity of the early medieval South Wearmouth village, which certainly existed in 934 AD but could be as early as c. 685 AD.

The site definitely lies within the former extent of the medieval borough of Sunderland. The borough and port were in existence by 1180 AD. The settlement was centred around Low Street. Medieval and post medieval remains associated with occupation, boat building, salt, fishing and fish processing (herring and salmon) could be present.

Archaeological evaluation at Wylam Wharf in 1994 recorded ballast layers which had been used to reclaim land from the river foreshore. Above the ballast were fragments of hand made bricks and wood chips (from boat building?).

At Bodlewell Lane in 1997 a flagged slipway of probable 17th century date and waterlogged leather and wood was found.

On the development site immediately to the east (High Street East/Low Street/Bodlewell Lane) an archaeological excavation in 2004 recorded medieval remains in-between the later cellars - 13th century walls and structures associated with riverside industries, later filled with domestic rubbish and shell middens to create Low Street. Finds included a 14th century silver penny, a copper belt buckle and strap, a 17th century cannon ball and iron nails and rivets from boat building.

There is a high possibility that similar archaeological remains will survive on this site.

In accordance with PPG16 and UDP policy B14 a programme of preliminary evaluation is needed before a planning decision is made, as the City Council should not give planning permission for a scheme which goes on to destroy important archaeological remains.

Further archaeological excavation will be required in due course. Depending on the results from the preliminary trench excavations, this will probably be able to be conditioned. These preliminary trench work results have been submitted and forwarded to the County Archaeologist.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_8_Demolition of listed buildings

B_10_Development affecting the setting of listed buildings

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

B_15_Developments causing large scale ground disturbance (currently undeveloped areas)

B_16_Assessing, recording and preserving historic sites discovered during development

B_17_Schemes to promote, manage and assist in interpreting important heritage features

CN_23_Measures to conserve/ improve wildlife corridors

SA_5_Retention and improvement of existing mixed use site

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

COMMENTS:

The proposal has raised issues with English Heritage in terms of design and the County Archaeologist regarding the history of the site.

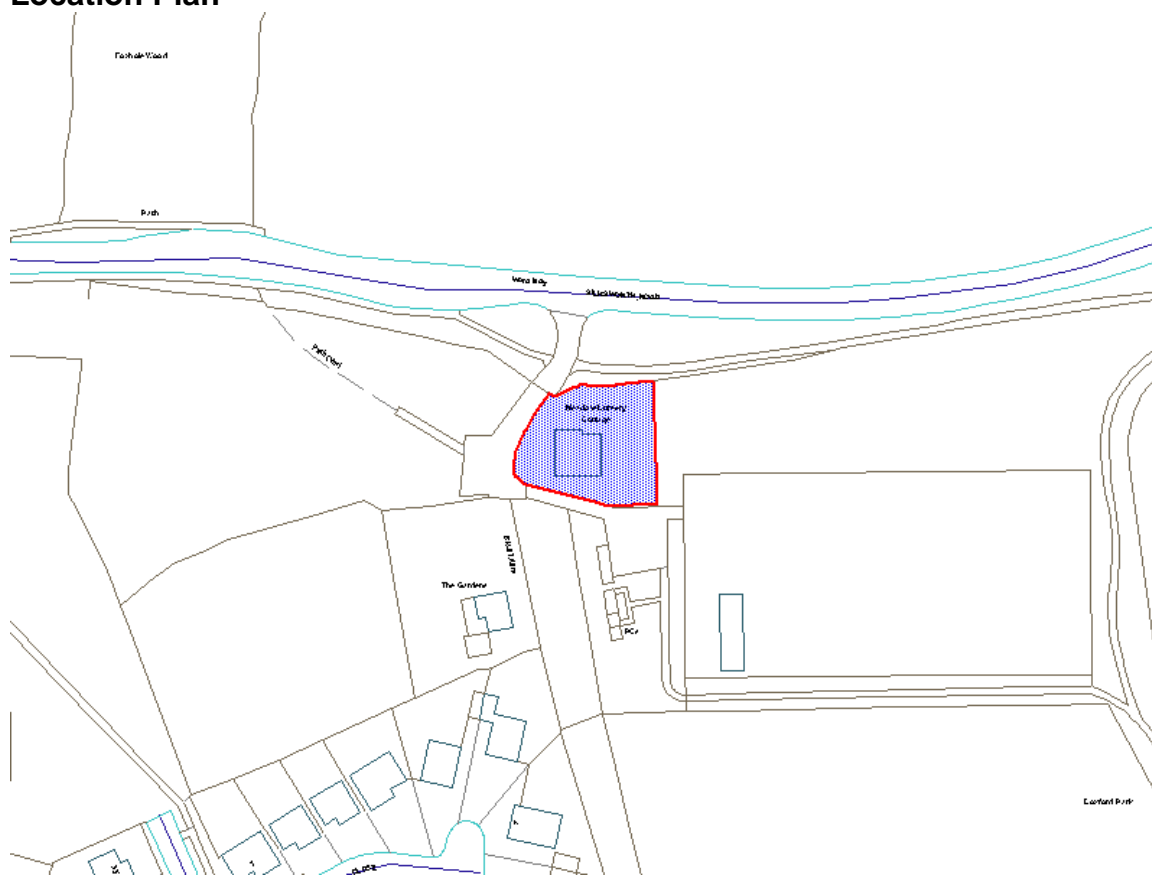
As a result an amended scheme has been submitted and is under consideration. An Interim Archaeological Evaluation has also been submitted and this has been forwarded to the County Archaeologist whose comments are awaited.

It is anticipated a report and recommendation will be made on the supplement to this report.

RECOMMENDATION: Director of Development and Regeneration to Report.

Reference No.: 09/02123/REN Renewal**Proposal:** Renewal of planning permission 08/00366/FUL for the continued use of the premises as a support and advice centre for parents and carers of drug and alcohol users.**Location:** Meadow Nursery Cottage Silksworth Gardens Sunderland**Ward:** Doxford**Applicant:** Mrs Susan Leigh**Date Valid:** 4 June 2009**Target Date:** 30 July 2009

Location Plan



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PROPOSAL:

Members may recall that at the Sub-Committee Meeting on 3 June 2008, planning permission was granted for the change of use to a support and advice centre for parents and carers of drug and alcohol users at Meadow Nursery Lodge Cottage, Silksworth Gardens for a temporary period of one year. At the time of the previous application, a one year consent was issued in order that the operation of the site could be monitored for a trial period. Consent is now sought to renew this permission on a permanent basis.

The application site is a single storey brick building located within Doxford Park with a floor space of approximately 137 square metres. The submitted plan indicates that the building is unchanged internally from the time when consent was previously granted, currently being divided to provide kitchen, office accommodation, three private rooms and toilet facilities. No physical changes are proposed to the building. The building is of historic significance being the former cottage / lodge to the walled garden of the Grade II* listed Doxford House, although the cottage itself is not listed.

The building is currently occupied by the South Area Parents Support Group (SAPS), whose role is to support parents and carers of drug and alcohol users, along with parents and families experiencing problems with Anti Social Behaviour Orders. The group also provides support and advice to families who are having problems associated with drug and alcohol misuse, issues such as money management, welfare rights and housing issues. The group is made up of local people including parents and carers of drug and alcohol users living within the area.

The application site acts solely as the base for the group, from where the users of the group can be referred elsewhere in order to access relevant services.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist

Final Date for Receipt of Representations: **08.07.2009**

REPRESENTATIONS:

To date, no representations have been received following the neighbour consultation or wider publicity processes.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_18_Protecting the character/ setting of historic parks and gardens
L_2_Redressing indoor sport/recreation deficiencies through new development/dual uses
L_3_Encouragement to regional recreational developments in appropriate locations
L_4_Standards for outdoor sport and recreation
L_5_Ensuring the availability of Public Parks and amenity open space
L_7_Protection of recreational and amenity land
SA_29_Development of urban country park, east of Farringdon/south of Gilley Law
SA_36_Protection of the character and setting of Doxford Park (Historic Park)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in determining this application are:

- The principle of the proposed use
- Residential and visual amenity
- Highway safety

The principle of the proposed use

The application site lies within the extent of Silksworth Hall Conservation Area and as such, policies B4 and B6 of the Unitary Development Plan apply in this instance. Policy B4 seeks to ensure that all development within and adjacent to conservation areas will be required to preserve or enhance the character of the conservation area.

To this end, policy B6 dictates that the City Council will:

- Encourage the retention of existing buildings and the improvement of features, open spaces, street patterns and plot boundaries.
- Encourage the retention of existing mature trees.
- Give special attention to the preservation of important views.
- Promote Environmental Improvement and Enhancement programmes.

The site is situated directly adjacent to Doxford Park, which is identified as a historic park. UDP policy B18 dictates that the character and setting of historic parks and gardens will be protected from adverse impact from development, whilst policy SA29 sought the creation of the urban country park in this location and policy SA36 identifies the park as an area where the character and setting will be protected from adverse impact by development.

The application site is also subject to policies B3, L2, L3, L4, L5 and L7 of the UDP forming part of an area adopted as open space, being sited adjacent to the historic park. Policy B3 states that public and private open space will be protected from development, which would have a serious impact on its amenity, recreational or nature conservation value. Policies L2 - L5 outline the City Council's commitment to the provision of both indoor and outdoor sports and leisure facilities, public parks and recreational open space. Policy L7 states that land allocated for open space or outdoor recreation will be retained in its existing use unless: alternative provision of an equivalent scale, quality and accessibility is made available; the development is for educational purposes and there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

It should also be noted that the proposal does not impact upon the levels of open space provision within Doxford Park and that no physical alterations are proposed to the building. As such, it is considered that the proposal is in accordance with policies B3, B4, B6, B18, L2, L3, L4, L5, L7, SA29 and SA36 in preserving the amenities of the Conservation Area and adjacent historic park. Thus, the principle of the use is considered to be acceptable in land use policy terms.

Residential and visual amenity

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. In this regard, the application site is separated from the nearest residential curtilage, at 6 Brenlynn Close, to the south of the site by 36 metres, with the buildings themselves separated by a distance of 56 metres. This separation distance is considered adequate in order that the proposal shall not impact upon the amenities of the nearby dwellings.

In addition, the applicant has confirmed that the premises are ordinarily only in operation between the hours of 9:30 and 16:30 and has no objection to the imposition of a condition limiting the operation of the premises to normal office hours, should Members be minded to grant permission.

With regard to the visual amenities of the area, no physical extension works are proposed to the building, although it is noted that some works were carried out to the building when the group first occupied it, including the reinstatement of windows and external and internal redecoration. In this regard, it is considered that the limited external works previously carried out to the building, none of which required planning permission, represent an improvement from the building's former state and as such, it is considered that the external appearance of the building has been improved through its use by the group without detriment to the surrounding area.

Highway Safety

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

Car parking is provided at the entrance to Doxford Park, directly adjacent to the application site, although this is not allocated specifically for the purposes of Meadow Nursery Cottage. This area provides spaces for up to 5 vehicles, although is not formally marked. In addition, further parking provision is available to the south of the cottage. In light of the above, it should be noted that the centre operates both on an appointment basis and at times as a drop in centre. The applicant has confirmed that ordinarily, as there is only one member of staff present at the cottage, there will only be one appointment ongoing at the premises at any time. It should however be noted that each Thursday afternoon, the premises hosts a coffee meeting for the parents and carers of the drug and alcohol users and this will normally be the busiest time for the centre, although there are still usually few visitors at these times, ordinarily a number in single figures.

In light of the above, the existing car parking provision on site is considered adequate and there have no known problems have arisen from the centre's operation in this regard during the last year. As such, the proposal is considered to accord with the requirements of UDP policies T14 and T22.

CONCLUSION

In light of the above, the proposal is considered to be acceptable with due regard to the relevant policies of the Unitary Development Plan as detailed. As no problems or complaints have arisen as a result of the operation of the premises during the last year and no objections have been received in connection with the current application, Members are recommended to grant planning permission on a permanent basis, subject to the following conditions:

RECOMMENDATION: Approve

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 premises shall not be operated for the purposes hereby approved outside of the hours of 08:30 and 17:30 on any day, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 09/02381/LAP Development by City(Regulation 3)

Proposal: Change of use of premises from D1 (non residential) to mixed use D1 and B1 (business)
RESUBMISSION

Location: Hendon Health Centre Meaburn Terrace Sunderland

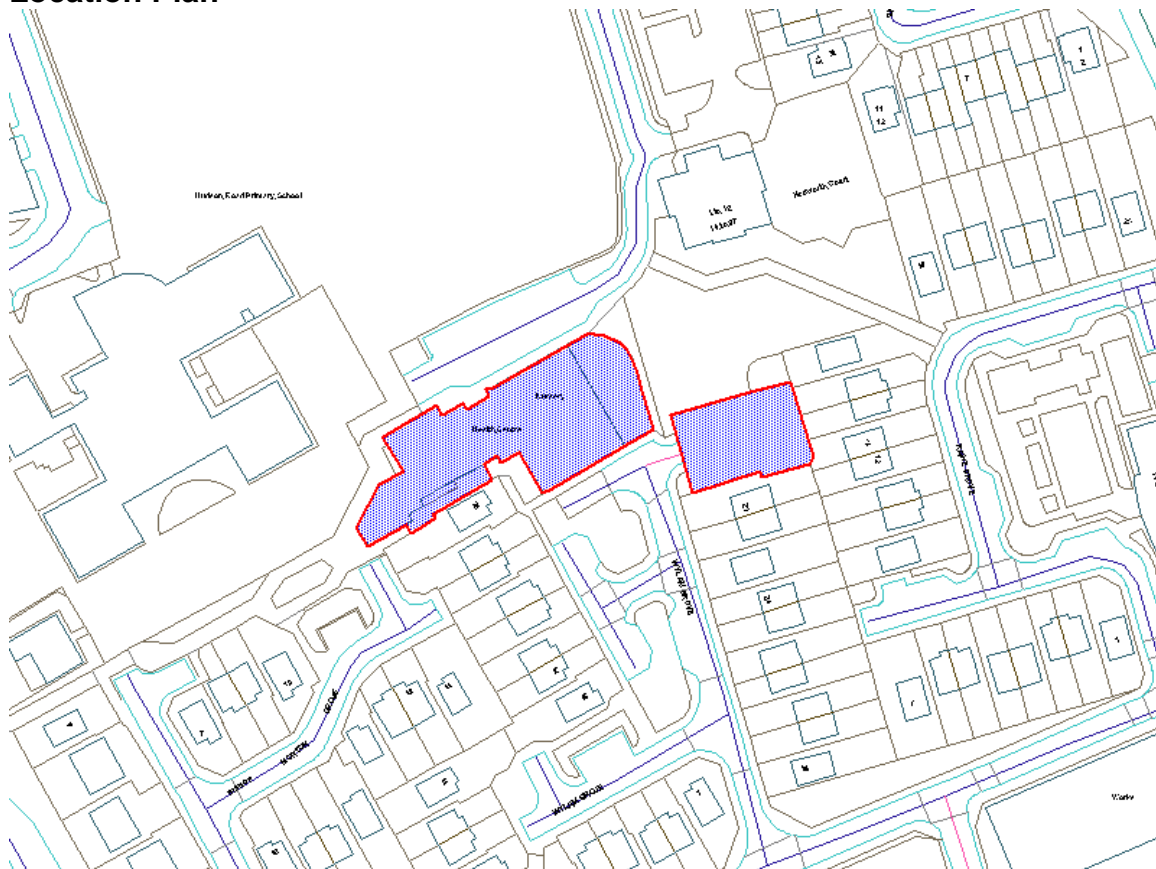
Ward: Hendon

Applicant: Director Of Development And Regeneration

Date Valid: 24 June 2009

Target Date: 19 August 2009

Location Plan



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PROPOSAL:

The application property is Hendon Health Centre located on Meaburn Terrace. The property has a longstanding use as a health centre with records referring to the health centre dating back to the 1970s.

The current application has been submitted following a previous submission, which was withdrawn, due to outstanding issues relating to highway safety and parking provision.

The proposal relates to the change of use of the existing premises from an existing D1 use to a mixed use to include B1, business. The ground floor use is to remain as existing operating as a health centre that is classified as a D1 use within the Town and Country Planning (Use Classes) Order 1995.

The proposal is to change the use of the first floor to operate as an office, which is a B1 use. The premises are currently vacant at first floor due to the relocation of the doctor's surgery. The first floor will be used for an office base for the Council's Children Services staff.

The children's centre staff do not deliver services from the office rather they visit schools and community centres. No clients will attend the site with administrative and management located at the building.

No external alterations are proposed to facilitate the change of use with a small number of internal alterations proposed.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Health, Housing And Adult Services

Final Date for Receipt of Representations: 24.07.2009

REPRESENTATIONS:

To date following public consultation one letter of objection has been received. The objection was received from the owner/ occupier of 24 Wylam Grove and outlined concerns in relation to traffic. The objector is concerned that if the car park located within Wylam Grove is brought back into use, traffic will increase. It is also suggested that additional cars may park in residents areas and that there are children playing constantly in the vicinity.

No objections were received from Health, Housing and Adult Services, while no comments were received from the Head of Land and Property Services following the expiry of the consultation period.

The Transportation Engineers have raised no objection to the proposed change of use as the applicant has indicated that the Wylam Grove car park has been included within the application site.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

Given there are no external alterations proposed within the submitted scheme the key issues to consider in relation to the application are:-

- Acceptability of the proposed use
- Impact on highway safety
- Neighbour representations

Acceptability of the proposed use.

The relevant Unitary Development Plan (UDP) policies in this instance are B2 and EN10 concerning design, impact upon street scene and residential amenity.

Policy EN10 seeks to ensure that all proposals for new development are compatible with the principal land use of the neighbouring area. The design and siting of new developments is controlled under policy B2, while policy T14 is concerned with ensuring that proposals for new development would not prove prejudicial to highway or pedestrian safety.

Given that there are no external alterations proposed, with the application relating purely to the use of the first floor, the scheme is acceptable in terms of policy B2.

Turning to policy EN10 the existing function of the ground floor must be considered. The proposal relates to the change of use of first floor to offices while the ground floor is to remain as existing. The function of the first floor as an office is a use, which is not considered incompatible with the ground floor health centre. As the health centre is a long established use the introduction of offices to the first floor is not considered to have a detrimental effect on the neighbouring area, complying with policy EN10.

The proposal is therefore considered acceptable in principle.

Impact on highway safety.

Following the completion of the consultation process with the Highway Engineers the following comments and observations were received. It is noted that the proposal would lead to an intensification of the existing use and as such additional parking provision is required. The site will see an increase from 11 to 29 staff, with supporting documentation claiming 25 people will travel by car.

The secured parking within Wylam Grove is included within the site boundary of the application, which provides an additional 18 spaces that would cater for the majority of the staff. The remainder of the staff can be accommodated by the existing car park to the north of the health centre which has 19 designated bays.

It is anticipated that the proposal would not generate traffic over and above its previous use as a health centre and associated doctor's surgery. Therefore as the existing car park on Wylam Grove is included within the site boundary, which was previously used for the doctor's surgery before it was relocated, the parking provision is deemed satisfactory and the proposal acceptable in highway safety terms in accordance with policy T14.

In order to ensure that adequate levels of parking provision can be provided conditions have been placed on the application requiring the car park in Wylam Grove to be brought into use and maintained as such prior to the occupation of the first floor offices.

Neighbour representations.

The representation received in response to the consultation process is duly noted. The objection letter was received in relation to highway safety concerned that traffic movements would increase, children safety could be compromised and on street parking in Wylam Grove may be affected. The issues have been considered and following the advice of the Transportation Engineers the proposal is considered to be acceptable in highway safety terms.

It should be noted that the additional car park in Wylam Grove, as identified within the application, has been used as such previously and therefore bringing it back into use is not anticipated to create a significant issue.

CONCLUSION.

The expiry of neighbour consultations and the site notice remains outstanding and does not expire until the 16th and 24th July 2009 respectively. The consultation period expires prior to the meeting of the Sub-Committee and as such any further representations will be reported on the Supplementary Report.

RECOMMENDATION: Director of Development and Regeneration to Report.