DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE

AGENDA

Meeting to be held in Committee Room No. 1 on Monday 27th November, 2017 at 4.45p.m.

ITEM		PAGE
1.	**Receipt of Declarations of Interest (if any)**	
2.	**Apologies for Absence**	
3.	**Applications made under the Town and Country Planning Acts and Regulations made thereunder** Report of the Executive Director of Economy and Place (copy herewith).	1

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

17th November, 2017

For further information and assistance, please contact Matthew Jackson on 561 1055

Item 3

Development Control (South Sunderland) Sub-Committee

27th November 2017

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place 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. 15/02345/OUT
   The Hunters Lodge Silksworth Lane Sunderland SR3 1AQ
2. 17/01442/FUL
   23 Fawcett Street Sunderland SR1 1RH
3. 17/01640/FUL
   B & Q Warehouse Trimdon Street Sunderland SR4 6DW
4. 17/01698/FUL
   24 Park Place West Sunderland SR2 8HT

COMMITTEE ROLE

The Sub 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 Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email 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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

1. South Sunderland

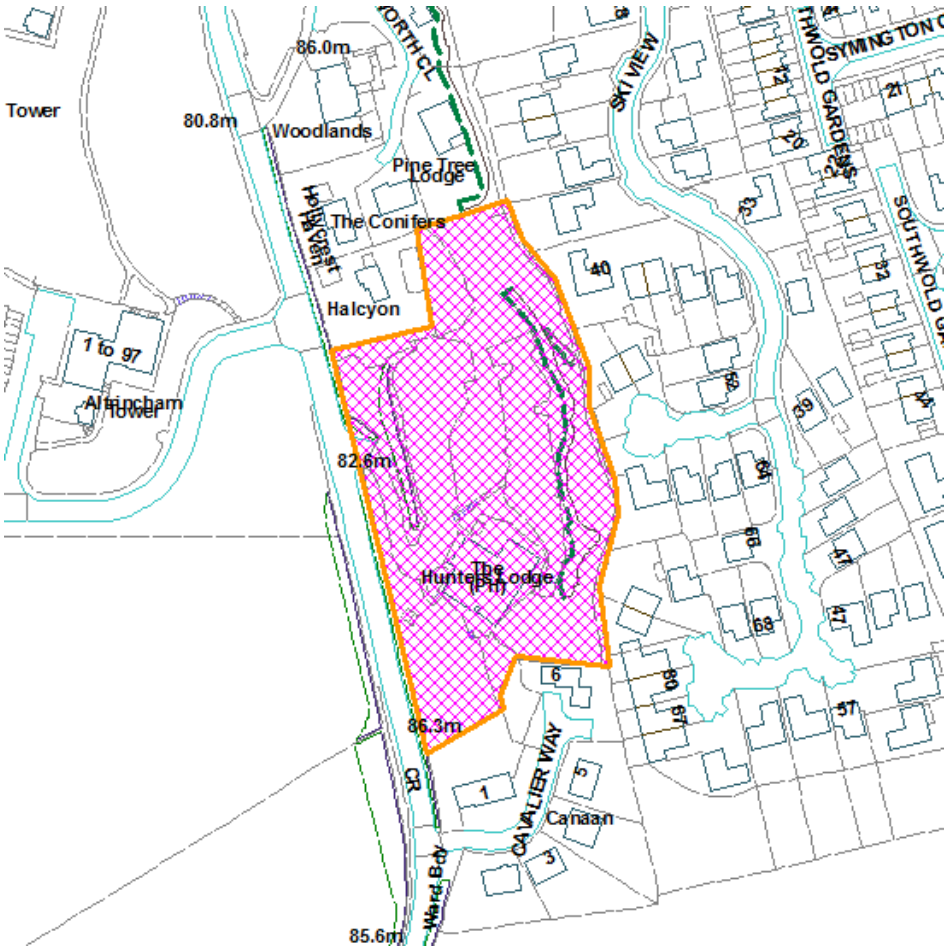
Reference No.: 15/02345/OUT Outline Application

Proposal: **Outline application for demolition of existing public house and removal of existing trees to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).**

Location: The Hunters Lodge Silksworth Lane Sunderland SR3 1AQ

Ward: Silksworth
Applicant: Mr Phillip Jefferies
Date Valid: 4 August 2016
Target Date: 29 September 2016

Location Plan



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PROPOSAL:

Outline planning consent is sought that includes the demolition of the existing public house to facilitate the erection of 7 No. detached dwellings (approval sought for layout, scale, and access) at The Hunters Lodge, Silksworth Lane, Sunderland.

The site is approximately 0.93 hectare (ha) in area, and is currently occupied by a large detached public house. Access is taken from Silksworth Lane to the existing public house and lower car park area. The site is steeply sloping and provides two levelled areas, the lower car park and the overflow car park. Vehicular access to the over flow car park has now been removed to facilitate the residential development at Cavalier Way, thus landlocking the over flow car park area of the site.

The site is characterised by a woodland backdrop and is covered by Tree Preservation Order 88. The area surrounding the site is largely residential in character, with the Ski View development to the east, Cavalier Way to the south, bound by Silksworth Lane to the west and a number of detached dwellings to the north.

The site has been subject to two previous planning applications both with the same description:

10/01350/OUT & 11/01350/OUT - Outline application (all matters reserved) for the demolition of public house and erection of 7 dwellings. Both applications were withdrawn due to the requirement for further survey work to be undertaken prior to a decision being made.

In light of the above, the current proposal has been supported by the following documents:

- Design and Access Statement.
- Phase 1 Desk Top Study Report.
- Flood Risk Assessment and Drainage Strategy.
- Tree Survey and Arboricultural Impact Assessment.
- Topographical Survey and Site Sections.
- Habitats Regulations Assessment.
- Bat Survey and Preliminary Ecological Appraisal.
- Bat Survey.
- Ecological Appraisal.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Silksworth - Ward Councillor Consultation
Environmental Health
City Arboricultural Officer
Network Management
Tyne And Wear Archaeology Officer
Silksworth - Ward Councillor Consultation
Northumbrian Water

Final Date for Receipt of Representations: **06.12.2017**

REPRESENTATIONS:

Further to consultations with neighbouring properties, no letters of representation were received.

Northumbrian Water Limited - Pre-application correspondence with the applicant requested that foul and surface water flows are separated in accordance with Part H of the Building Regulations prior to the final connection to the public sewer.

All new connections to the public sewerage system must first be approved through the Section 106 of the Water industry Act 1991 prior to construction.

Foul Water Discharge - The estimated foul flow of 0.32l/sec can be discharged without restriction into manhole 4507.

Surface Water Discharge - It should be demonstrated that the site has considered the 3 alternative options for the management of surface water, namely:

(a) an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable,
(b) a watercourse; or where that is not reasonably practicable,
(c) a sewer.

If the more sustainable options prove to be unfeasible, the proposed surface water flow of 5l/sec would be permitted. Any excess in flows must be attenuated on site .
Sewage Treatment Capacity - The sewage treatment works to which this development finally discharges to is able to accept the additional flows.

Natural Heritage Team - Further to review of the Bat Survey by E3 Ecology Limited, Ecological Appraisal by E3 Ecology Limited and Shadow Habitats Regulations Assessment by E3 Ecology Limited the following comments have been received.

Bat Survey.

1. Should development not take place within 12 months of date of the survey work, further updating surveys will be required to be undertaken and be submitted to the Local Planning Authority. LPA.

2. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved by the LPA. The strategy shall identify areas and features on site that are particularly sensitive for species and that are likely to cause disturbance. It should also include appropriate lighting contour plans and technical specification so that it can clearly demonstrate areas to be lit will not disturb/impact on ecologically sensitive areas as well as features potentially used by protected species.

3. Where it is intended to create a semi-natural habitat as part of the landscaping plans, all species used in the planting proposals shall be locally native specieis of local provenance unless otherwise agreed in writing with the LPA.

4. Prior to the start of construction, a plan showing the location of 4 bat boxes and specification as well as the bat roosting units to be incorporated into the new builds need to be submitted to the LPA for approval.

5. All building demolition and tree removal to be undertaken in accordance with the precautionary method statements in Appendix 5 and 6 of the report.

Ecological Appraisal.

6. I am concerned about the location of plot 6 as it almost abuts the Magnesian Limestone cliff exposure which is identified as an important habitat on site.

7. No removal of hedgerows, trees or shrubs that might be used by breeding birds shall take place between March and August inclusive, unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

8. As referred to earlier landscape design should incorporate locally native species and improvements to boundary features the plan must show the location and number of Wych Elms to be planted as well as detail of the boundary planting. A management plan should accompany the landscape design to demonstrate means of delivery and maintenance including the remaining semi natural broadleaved woodland.

9. A badger checking survey will take place prior to ground works commencing on site and results submittted to the LPA.

10. Condition the working methods and best practice section of the report H1.3.

11. A plan to be submitted prior to construction showing the location of the 10 bird boxes as well as specification of further details regarding maintenance of the features should also be incorporated within this information.

12. A section 106 will be sought to compensate for the loss of semi-natural broad leaved woodland and scrub.

Habitat Regulations Assessment.
13. The competent authority concurs with the findings within the HRA screening for Cavalier House undertaken by E3 Ecology providing that the identified mitigation measures (Section E8) are secured as part of any planning approval and through appropriate conditions. A condition detailing the walking routes and their maintenance to be submitted for approval prior to any works taking place on site.

14. A section 106 devised to secure a total of £15,000 also needs to be agreed.

Network Management Section.

The following observations have been reported.

Access/Visibility - There appears to be no improvements proposed to the substantially substandard access to Silksworth Lane; the access requires a visibility splay of around 4.5m x 120 for the 40mph road.

Pedestrian Provision/Safety - No footpath provision is included within the proposed road layout and there is no footpath provision on Silkworth Lane, (east side).

Retaining Walls - Retaining walls supporting/retaining land in the site would need to be subject to the appropriate technical approvals and if permission is granted for this development then these retaining structures may need to be adopted with the appropriate commuted sums charged for future maintenance.

Layout - It is doubtful that the current layout, due to the gradient of the site, would be of an adoptable standard.

Further to receipt of the above, the agent has provided the following rebuttal to the Highways Engineer.

Access/Visibility - The existing access is used for Hunters Lodge that is a large public house with function room and existing car park accommodate approximately 90 cars. The new proposal is for 7 dwellings that will each have approximately 2 cars resulting in a decrease of approximately 76 vehicles using the site. The agent has povided a plan illustrating that a visibility splay can be provided.

Pedestrian Provision/Safety - It is proposed that the development has a shared surface and therefore does not require a pavement.

Retaining Walls - Technical information will be provided as part of a full planning application.
Layout - The response says that it is doubtful that the current layout would be to an adoptable standard due to gradient. Is this definitely the case and if so what gradient would be suitable. If it is unable to be adopted it would be proposed that it remains in private ownership.

In light of the above information, the Network Management Section have confirmed that on planning balance the development shouldn't create any issues that will result in a significant impact on highway safety.

Public Protection and Regulatory Services has considered the submitted documentation and considers the proposal to be acceptable subject to condition. Specifically;

Land contamination

The Desk Study (Phase 1) Report by Geo-Environmental Engineering dated 8 April 2016 has been reviewed. It does not appear that land contamination is a significant constraint to development. On this basis it is recommended that conditions for a Phase II Investigation, Remediation Strategy / Verification Plan, Verification Report and a condition for unexpected contamination are attached to any granted consent.

Construction Management

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Further information for the Applicant in respect of these matters is contained in the table below;

The following appraisal of the submitted documentation should be provided to the Applicant to assist in the preparation and submission of further information;

Land ContaminationA Desk Study (Phase 1) Report by Geo-Environmental Engineering dated 8 April 2016 has been provided for development of the site of the Cavalier Public House, Silksworth, for residential land use comprising seven detached houses. The Desk Study includes a site walkover survey made in January 2016, a site history based on Ordnance Survey mapping at scales of 1:1,250 to 1:2,500 from 1855-1993, geology based on published 1:50,000 mapping, a Groundsure computerised search of environmental databases dated 24 March 2016 and a Coal Mining Report dated 31 March 2016.

The site is terraced and dips steeply to the east and includes a public house with an access road, parking, retaining structures and soft landscaping. Part of the site is densely wooded. The First Edition OS mapping indicates a wood along a rock outcrop towards the east boundary which likely indicates historical quarrying on the site predating the more recent quarrying shown to the north of the site. In 1896 a property is shown to be developed north of the site and the adjacent quarry is noted as "Old". The site itself was developed by 1919 as Silksworth Close with a property on the south side, and twin structures, possibly cottages towards the north, with another narrow building possibly stables north of the site adjacent to Silksworth Lane. The estate roads indicate a relationship between the big house and the smaller structures and associated enclosures. The neighbouring property is shown to have a glasshouse indicating a probable residential purpose. By 1939 the twin structure is joined by two other independent structures to the south and west, the latter being attached to a glasshouse. In 1953 the pair of cottages has developed slightly in outline and is called a Lodge with the addition of two further glasshouses to the west of the pre-existing one. The narrow building off the site has disappeared and three glasshouses and a bathing pool are shown on the plot north of the site. In 1967 the Lodge has disappeared and the southern property has been developed as a Public House. The building outline has changed suggesting possible demolition rather than remodelling. The rear (east) of the property previously wooded has been developed as a car park up to almost the rock outcrop. At this time the bathing pool and area of glasshouses also appears to have been redeveloped, as a separate building "Halcyan". Further development of four large structures and ancillary buildings has occurred off the site to the north of Halcyan by 1979. No 1:10,000 mapping has been provided however residential development is relatively stable and it is unlikely there has been intermediate industrial or commercial development on the site.

The underlying geology based on published mapping is Glacial Till / Pelaw Clay over Permian Ford Formation Dolostone. The Dolostone is a Principal Aquifer but the site is not within a Groundwater Source Protection Zone. There are no surface watercourses immediately adjacent to the site. The underlying Coal Measures have been mined at depth in five seams between 350m and 630m depth, last worked in1971. Any ground movement associated with these workings should by now have ceased. There are no legacy coal mining risks such as mine entries associated with the site. Due to the presence of Permian rocks, no shallow unrecorded coal mine workings are anticipated.

Geo-Environmental Engineering has anticipated possible anthropogenic content in Made Ground of ash, brick, clinker and coal. Surrounding land uses include quarries, collieries, ground workings, reservoirs, refuse heaps and railway sidings, which could be sources of fill onto the site. Generally neighbouring activity including an historical tank situated c.46m north of the site and electricity substation c.188m north-east are not anticipated to be constraints for site development. There are no registered, licensed or historical landfills within 250m of the site; therefore the only deep source of Made Ground are the local (including on-site) quarries. The depth of bedrock and thickness of quarry infill may be highly variable. Due to the unknown nature and thickness of quarry infill, site slopes and retaining walls there may be geotechnical problems for site development.

Made ground anticipated across the site associated with historical developments and site usage is considered likely to pose a risk of contamination. Potential Contaminants of Concern (PCOC's) include Arsenic, Cadmium, Chromium (III and VI), Copper, Lead, Mercury, Nickel, Selenium, Zinc, Cyanide (free), pH, Soluble Sulphate, Total Organic Carbon, Speciated PAH and Asbestos. Asbestos containing materials (ACM's) could be present within the fabric of existing site structures and former site structures. Potential sources of hazardous gases were identified in made ground (areas of infilling - on site and off site) and historical mining.

Due to the unknown ground conditions a Moderate risk to end users (residents) is anticipated from both soil contamination and ground/mine gases. A Moderate risk is also anticipated for controlled waters from pollution on the site.

A Phase II Investigation, environmental sampling with chemical testing and a hazardous gas monitoring programme have been proposed for the site by Geo-Environmental Engineering. Due to the sensitivity of the proposed land use and the potential for contamination from previous site usage this is considered to be a reasonable precaution. There is no requirement for investigation for shallow coal mine workings.

The site appears to be suitable for conditioning of a Phase II Investigation, Remediation Strategy / Verification Plan, Verification Report and a condition for unexpected contamination.

Noise: The proposed dwellings should be capable of meeting the internal and external criteria as stated in BS8233:2014 and the world health organisation guidelines on community noise 1999.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
H_1_Provision for new housing
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
T_11_Attention to needs of persons with mobility problems / sensory impairments
T_13_Criteria influencing proposals for highways improvements including new road construction.
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
CN_13_Protection and enhancement of important views
CN_14_Landscaping schemes and developments prominent from main transport routes
CN_18_Promotion of nature conservation (general)
CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
CN_20_Developments affecting designated/proposed SSSI's
CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS
CN_22_Developments affecting protected wildlife species and habitats
CN_23_Measures to conserve/ improve wildlife corridors
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_1_Improvement of the environment
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_9_Conflicts between proposed sensitive developments and existing non compatible uses

COMMENTS:

The key issues to consider in determining the application are as follows:

1. Principle of development.
2. Layout and scale.
3. Highway implications.
4. Ecology and nature conservation.
5. Removal of trees
6. Water resources and flood risk.
7. Ground conditions.
8. Planning obligations.
9. Conclusion.

1. Principle of development.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, grant permission unless:-
  - (a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or
  - (b) Any specific policies in the NPPF indicate that development should be restricted."

In assessing proposals for housing on any land within the City area and as indicated by paragraphs 47 and 49 of the NPPF, delivering a wide choice of high quality homes, the Local Planning Authority should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5% to ensure choice and competition in the market for land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

The land is not allocated for a particular use in the UPD and therefore policy EN10 is applicable. This states:

> "all proposals for new development (including change of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood."

In addition Policy H1 (New Housing Provision) of the UDP, seeks to ensure that sufficient new housing is provided which will maximise locational choice, caters for reduced out migration and increasing household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land.

Policy R2 of the UDP, Resource Utilisation, states that in considering proposals for new development the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure minimises the need for travel and makes use of vacant and derelict land.

In assessing the merits of the proposal it is worthy of note that the adjoining site to the immediate south, Cavalier Way which previously provided the access to the over flow car park, has now been developed for residential use, with this in mind the compatility of the site for residential use has previously been considered acceptable.

In respect of the above it is considered that the existing public house site would provide an acceptable location for future residential development in principle, in accordance with the provisions of policies EN10, H1 and R2 of the UDP.

2. Layout and Scale.

Paragraph 17 of the NPPF, in part, states that planning should seek to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that:

> "permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions."

UDP policy B2 which is fully compliant with the NPPF, requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

In addition to the above, the city council has produced the Residential Design Guide Supplementary Planning Document (SPD) in order to ensure the delivery of sensitive and appropriately designed sustainable development across the city. The SPD provides guidance on acceptable spacing standards between residential units and the current proposal is considered to be fully compliant with this guidance ,in terms of the layout, orientation and spacing around both existing and proposed dwellings.

The scale of the proposal is defined in terms of height, width and length of each building proposed and the current application has provided the following parameters for the 7 dwellings proposed:

Plot 1 : Detached house with integral garage, 2 storey with rooms in the roof, floor area approximately 380 square metres.

Plot 2,3&4 : Detached house with integral garage, split level 3 storey, floor area approximately 290 square metres.

Plot 5 : Detached house with integral garage, floor area approximately 380 square metres.

Plot 6 : Detached house with integral garage, split level 3 storey, floor area approximately 335 square metres.

Plot 7 : Detached house and double garage, 2 storey with rooms in the roof, floor area 450 square metres.

Each of the plots are considered to provide a form of development commensurate with surrounding residential areas insofar as it relates to scale and this element of the proposal is considered to be acceptable.

On the basis of the above, it is considered that the layout and scale of the proposed development is appropriate within the context of the setting and would not demonstrably harm the amenity of neighbouring occupiers, in accordance with UDP policies B2 and paragraphs 17, 56 and 57 of the UDP.

3. Highway Implications.

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movements should be supported by a Transport Statement (TS) or Transport Assessment (TA) and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while development proposals should not cause traffic congestion or highway safety problems, make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvments, whilst policies T8, T9, T10 and T11 seek to improve facilities for personal mobility.

Further to consultations with the Network Management Section, it is recognised that the site is presently served by a poor access road that provides no pedestrian footways, visibility from the access to Silksworth Lane is restricted by trees and gradients throughout the site are challenging. It is also noted that the Network Management Section have indicated that the proposal is contrary to policy T14 of the UDP.

With the above in mind and further to a members site visit, it is acknowledged that the existing use functions inspite of the aformentioned concerns, the agent has provided a rebuttal to the Network Management comments and whilst it is acknowledged that the proposal may be contrary to policy T14, the NPPF is clear in stipulating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In light of the above, the Network Management Section have confirmed that on balance the development should not create any issues that will result in a significant impact on highway safety.

4. Ecology and Nature Conservation.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addtion to the above The Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular relevance in the assessment of this proposal.

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-

- If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI which is likely to have an adverse effect on a SSSI should not normally be permitted. Where an adverse effect is likely, an exception should only be made where the benefits of the development clearly outweigh the impacts on the features of the SSSI;
- Opportunities to incorporate biodiversity in and around development should be encouraged;
- The following wildlife sites should be given the same protection as European Sites:
- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority , can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

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

There are a number of designated sites within the vicinity of the proposal, these include both statutory and non-statutory sites. The statutory sites being the Northumbria Coast Special Protection Area, the Durham Coast Special Area of Conservation, Gillet Law Quarry, Site of

Special Scientific Interest. Whilst the non statutory sites include Tunstall Hills Local Nature Reserve and Sunderland Local Wildlife sites that include Blakeney Woods, Newport Railway cuttings and Newport Dene.

Policies CN13, CN14, CN18, CN19, CN20, CN21, CN22, CN23 and R1 are all of particular relevance with regards to safeguarding the ecology and biodiversity of the site and surrounding areas.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast, the application has been supported by a Habitats Regulations Assessment - Screening Opinion, a Preliminary Ecological Assessment and Bat Survey, an Ecological Appraisal and a Bat Survey.

Each of the above reports has been considered by the City Council's Natural Heritage Protection team and a full copy of their comments is provided within the consultations section of the agenda report. The comments have concluded that via a series of mitigation measures that can be imposed via condition should Members be minded to approve the application and the signing of a Section 106 agreement to provide ecological enhancements, the development of the site for residential use is considered to be acceptable in principle.

5. Removal of trees (TPO 88).

Policies CN16 and CN17 relate specifically to encouraging the retention and enhancement of existing trees, to ensure the visual amenity and character of an area. With this in mind the existing site and wider Gilley Law Plantation is covered by Tree Preservation Order 88.

The current proposal seeks the removal of 31 trees and 3 groups to facilitate the demolition of the existing premises and to allow the delivery of 7 detached dwellings within the site. In order to assess the acceptability of such a significant loss of trees within the site, the application has been supported by a Tree Survey and an Arboricultural Impact Assessment, that categorises all the trees in accordance with the cascade chart in Table 1 of the British Standard BS 5837:2005 Trees in relation to construction - Recommendations.

In summary a total of 94 individual trees, one hedgerow and six grouped areas of trees were surveyed, which generally categorised the tree stock on site as semi-mature to mature in age range. Of the trees surveyed only 2 have been categorised as category A specimens, one beech and one Austrian pine, both of which are sited in close proximity to the exisiting public house.

Further to a site visit, it is apparent that following the construction of the Cavalier Way housing development to the immediate south of the site, the severance of the overflow car park has lead to this entire area becoming divorced from the public house site and left unkempt for some 25 years, the lack of husbandry and general maintenance of the trees has also created an overgrown, untidy and overly dense planted area in need of significant thinning and maintenance to improve the visual amenity of the area.

In summary and on balance, it is recognised from visiting the site, that the overall reduction in the number of trees that are contained within the site would not lead to a significant reduction of visual amenity when viewed from Silksworth Lane, furthermore the thining of trees would allow the remaining species to flourish allowing more light through the exisiting canopies which subsequently would open the site up for the proposed development. It is also noteworthy that following consultations with the surrounding neighbouring residential properties there have been no concerns raised relating to the the loss of trees from within the site.

The supporting Arboricultural Impact Assessment has identified that many of the trees within the site are suppressed by the overall quantum of species and subsequent thinning across the site would in the long term serve to enhance the overall appearance public house site.

The proposal is considered to have adequately demonstrated that the loss of the trees to facilitate the development will in the long term enhance the overall visual appearance of the site, whilst also ensuring that retained trees are brought back under private ownership to ensure long term maintenance and visual amenity of the site and surrounding Gilley Law Plantation.

6. Water Resources and Flood Risk.

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk and The Floods and Water Management Act 2010 established a regulatory system within Local Authorities for ensuring new developments provide an acceptable Sustainable Drainage System.

UDP policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality. Policy EN12 states that:

> "In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:
> 1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere , or increase the number of people or properties at risk from flooding; and
> 2. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries to other water based wildlife habitats."

Policy EN12 is considered to be broadly compliant with the NPPF with an emphasis firmly placed upon ensuring developments follow the site specific flood risk assessment procedure.

Planning applications therefore require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding (e.g. climate change) while satisfactory demonstrating that their development is safe. This two-pronged requirement is expected to be evidenced in a Flood Risk Assessment (FRA). The principle aim of a FRA is to determine the acceptable management of flood risk. FRA's should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes and they should demonstrate that proposed development will not worsen the existing situation.

The application has been supported by a Flood Risk Assessment and Drainage Strategy dated July 2016 by Fairhurst. The proposal has also engaged in pre-application discussions with both the Lead Local Flood Authority and Northumbrian Water Limited where appropriate dsicharge rates and capacity values were provided.

The proposed development site is not within the Environment Agency's indicative flood envelopes and is classified as being within Flood Zone 1. Based on the compatibility of developments within each Flood Zone, set out within the Planning Practice Guidance, the site is suitable for all types of developments.

The supporting Drainage Strategy states that it is anticipated the surface water will be discharged via SuDS such as permeable paving to a Northumbrian Water combined sewer. The SuDS will be used to attenuate and store surface water prior to discharge at a 5l/s into the combined sewer at the junction of Silksworth Lane and Amsterdam Road to the north of the proposed development.

Surface water discharge will be attenuated on site to 5l/s, for events up to the 1 in 100 year rate to ensure no increase in floodrisk.

149 cubic metres in volume will be required to attenuate and store surface water prior to discharge offsite. Detailed appraisal and hydraulic assessment will be undertaken to provide a suitable surface water drainage solution for the proposed development. The design will accommodate runoff from all events up to an including the 1 in 100 year event, inclusive of an allowance for climate change, without producing and flooding off site. Should Members be minded to approve the application a condition shall be imposed requiring the submission of the detailed assessment prior to commencement on site.

Further to the submission of the above FRA, the outline consent is considered to comply with both national and local policy and the drainage element of the development is considered to be acceptable.

7. Ground Conditions.

Section 11 : Conserving and Enhancing the Natural Environment of the NPPF states in part, within paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded derilict, contaminated and unstable land, where appropriate. Paragraph 120 is concerned with preventing unacceptable risks from pollution and land stability and highlights that where a site is affected by contamination or land stability issues the responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN14 of the UDP requires that consideration be given to ground conditions and to ensure that contamination issues are taken into account.

The current proposal has been supported by a Phase 1 : Desk Top Study Report (Preliminary Risk Assessment) dated 08.04.2016. Further to consultations with the City Council's Public Protection and Regulatory Services Section it is recommended that should Members be minded to approve the application standard conditions should be included or a Phase II, Remediation Strategy/Verification Report and Unexpected Ground Conditions.

8. Planning Obligations.

Regulation 122(2) of the 2010 Community Infrastructure levy (CIL) introduced into law, three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via paragraph 204.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably realted in scale in kind to the development proposal.

Furthermore, paragraph 203 requires the local planning authorites to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address impacts through a condition.

Following consultations with the Natural Heritage Team and discussions with the agent, in this particular instance the developer is required to fund a financial contribution to the sum of £15,000 towards Habitat Regulations Assessment mitigation.

9. Conclusion.

The outline application seeks consent for a residential scheme up to 7 dwellings, that requires the demolition of the existing public house, and the removal of protected trees on the site of the The Hunters Lodge. The site has been subject to extensive consultations and all material considerations have been covered within the agenda report.

The NPPF states that development that is sustainable should go ahead without delay - a presumption in favour of sustainable development should be the basis for every decision.

The proposed development is considered to provide a land use that is compatible with the surounding area, and whilst it is recognised that the access to the site is challenging to both pedestrian and vehicular traffic, the proposed use is not considered to be a significant intensification to raise concerns upon the impact on highway safety. Following extensive consideration of all of the ecological and arboricultural reports, the reduction in the number of trees and potential habitats is considered to be acceptable and via the imposition of appropriate conditions, satsifactory mitigation can be provided. Matters relating to drainage and land contamination have all been considered to be acceptable in principle and with additional reports and evidence to be conditioned, the site is considered to be deliverable.

Whilst appearance and landscaping are both reserved for future development, via the imposition of conditions relating to materials, planting schedules and landscaping proposals it is considered that the site can be developed for residential use.

To conclude, and following examination of all material considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of paragraphs 14 and 49 of the NPPF, which states that housing should be considered in the contect of the presumption of sustainable development, it is therefore recommended that subject to the signing of the proposed Section 106 agreement planning permission should be approved in accordance with the draft conditions listed below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

(a)tackle prejudice, and
(b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION:
Minded to Approve subject to the signing of the Section 106 Agreement and draft conditions listed below.

Conditions:

1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- Appearance
- Landscaping

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

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

- Drawing No. SCC/MA/801, Site Location Plan dated 10.15.
- Drawing No. SCC/MA/801 Rev C, Proposed Site Plan received 13.10.17.
- Drawing No. Arbtech AIA 01 dated Nov.2015, Arboricultural Impact Assessment,Concept Site Plan.

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

4 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 5 to number 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

5 No development shall take place until an updated Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
human health
property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments.
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

6 No development shall take place) until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

9 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP

10 Before the development hereby approved is commenced details of the means of phasing for the demolition, tree removal and works and construction of each individual plot shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out

in accordance with the agreed details in order to protect the amenities of the area and to reduce the impact upon the surrounding highway network and to comply with policies B2 and T14 of the UDP.

11 No construction work shall take place until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to :

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528 : Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;

In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

12 The development hereby approved shall be carried out in full accordance with The Flood Risk Assessment and Drainage Strategy dated July 2016 by Fairhurst, unless otherwise first agreed in writing by the Local Planning Authority, in order to prevent increased risk of flooding from any sources in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved adopted UDP.

13 No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details and to prevent the increased risk of flooding from any sources in accordance with paragraphs 103 of the NPPF and Policy EN12 of the saved adopted UDP.

14 Development shall not commence within the reserved matters phase, until samples of materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.

15 Development shall not commence within the reserved matters phase until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details, in the interest of visual amenity and to comply with policy B2 of the saved adopted UDP.

16 The development shall be carried out in accordance with the E3 Ecology, Bat Survey, The Cavalier Public House, dated August 2017, should development not take place within 12 months of the date of this survey work further updating surveys will be required to be undertaken and submitted to the Local Planning Authority for approval in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.

17 Prior to occupation of the first dwelling, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify areas and features on site that are particularly sensitive for species and that are likely to cause disturbance. The strategy should also include appropriate lighting contour plans and technical specification so that it can clearly demonstrate areas to be lit will not disturb/impact on ecologically sensitive areas as well as features potentially used by protected species in the interest of protecting the retained and new bat roost sites and to comply with policy CN22 of the UDP.

18 Prior to the commencement of construction on site, a detailed plan showing the location of four bat boxes and specifications as well as the bat roosting units to be incorporated into the new builds shall be submitted to and approved in writing by the Local Planning Authority, in the interest of protecting the retained and new bat roost sites and to comply with policy CN22 of the UDP.

19 All building/demolition/tree works removal to be undertaken in accordance with the precautionary method statements in Appendix 5 and 6 of the Bat Survey - August 2017 by E3 Ecology Ltd. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.

20 All vegetation clearance works (hedgerows, trees or shrubs) shall be undertaken outside of the bird nesting season of mid March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season, the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected. In order to ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.

21 No development shall take place (including groundworks) until a further checking survey work has been carried out to ascertain the presence or absence of badgers, which are afforded special protection by law, or its habitat, within the site or affected by the development hereby approved, and submitted to and agreed in writing with the Local Planning Authority, in the interest of protecting the badger species and habitats and to comply with policy CN22 of the UDP.

22 Prior to the commencement of construction on site, a detailed plan showing the location of ten bird boxes as well as specification of further details regarding maintenance of the features shall be submitted to and approved in writing by the Local Planning Authority, in the interest of protecting the retained and bird roost sites and to comply with policy CN22 of the UDP.

23 All building/demolition/tree works removal to be undertaken in accordance with the Section H - Recommendations of the Ecological Appraisal - August 2017 by E3 Ecology Ltd. Prior to the commencement of development, copies of the aforementioned report shall be issued to the

developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.

24 No development shall take place until full details of both hard and soft landscaping have been submitted to an approved in writing by the local planning authority. For the avoidance of doubt, these details shall include; car parking layouts, other vehicles and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc). Where it is intended to create a semi-natural habitat as part of the landscaping plans, all species used in the planting proposals shall be locally native species of local provenance. The landscape design should incorporate locally native species and improvements to boundary features the plan must show the location and number of Wych Elms to be planted as well as detail of the boundary planting. A management plan should accompany the landscape design to demonstrate means of delivery and maintenance including the remaining semi natural broadleaved woodland. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

25 Prior to the occupation of the dwellings hereby approved, details of walking routes and their maintenance shall be submitted to and approved in writing by the Local Planning Authortiy in order to ensure satisfactory mitigation measures are implemented in accordance with the HRA screening undertaken by E3 Ecology dated August 2017 and to accord with policy CN19 of the saved adopted UDP.

26 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

27 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.

28 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.

29 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the UDP.

2. City Centre

Reference No.: 17/01442/FUL Full Application

Proposal: **Conversion of upper floors to 12no. one-bedroomed apartments (AMENDED DESCRIPTION)**

Location: 23 Fawcett Street Sunderland SR1 1RH

Ward: Hendon
Applicant: Mahady Consultants Ltd
Date Valid: 2 October 2017
Target Date: 1 January 2018

Location Plan



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PROPOSAL:

The application is for the conversion of the upper two floors and roof space of no 23 Fawcett Street in the City Centre, which lies within the Sunniside Conservation Area. Members may know this building as the former Vestry Public House / Tea Rooms which is situated directly opposite the main City Centre Post Office. The proposal seeks to convert the upper floors (504 Sq m) which is currently classed as A2 (office space) into 12 no. self-contained apartments, with 6 no. on the first floor, 5 no. on the 2nd floor and 1 no in the roof space. The lower floor of the building is currently as a tea room / café. Access to the upper floors is taken from a separate door to the left hand side of the premises. Externally there are no changes proposed to the front of the building. To the rear, the existing single storey flat felt roof is to be removed and a new steel external fire installed to allow rear access to the upper floors along with other insignificant alterations to a window. In the roof space 6 no. Velux windows are proposed to be inserted to the front elevation and 2 no. to the rear.

The application has been advertised accordingly, by way of press notice, site notice and neighbour notifications.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Northumbrian Water

Final Date for Receipt of Representations: **01.11.2017**

REPRESENTATIONS:

Neighbours/ consultees

No observations/ letters of representation have been received as a result of the publicity / consultation exercise.

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
EN_1_Improvement of the environment
H_18_Proposals for provision/ conversion of dwellings for multiple occupation
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

COMMENTS:

The key issues to consider in relation to this application are:

- The Principle of the Use.
- The Principle of Apartments.
- Alterations to the Building.
- Amenity.
- Environmental Matters.
- Highways Matters.

The Principle of the Use.

Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. At the heart of the NPPF is the presumption in favour of sustainable development, which means approving development proposals that accord with the development plan without delay. One of the key principles set out in the NPPF is that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made suitable, such as this site.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007. The site lies within the Central Sunderland Boundary as shown in the latter on an area identified as a Strategic Location for change. Policy EC5B requires proposals on these sites to:

i) Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
ii) Create linkages between different land uses;
iii) Take account of the potential of these prominent locations in enhancing the image of the city;
iv) Accord with UDP Supplementary Planning Guidance 'development control guidelines'.

The site, which forms part of the area referred to as "Sunniside" is described as "a lively, mixed-use, urban quarter with a high quality physical environment" Alteration no 2 Policy SA55B.1 then goes on to provide more detailed policy for this specific strategic location, advising that uses falling within Use Class C3 - Housing are identified as already contributing significantly to the character of the area and should remain predominant, amongst a mix of other identified acceptable uses.

Furthermore, policy SA67A of alteration no. 2 (Central Sunderland) states that the Council will support proposals for housing development within Central Sunderland and in particular the City Centre where sites are not identified or safeguarded for other purposes.

In addition, the Council has produced and adopted a Planning and Design Framework for the Sunniside area (SPDF) wherein at page 63 it is stated that C3 Housing is a preferred use on

Fawcett Street, although this will be limited to the upper floors only and that hostel or bedsit accommodation will not be permitted.

Given that the proposal seeks consent for the provision of twelve no self-contained apartments on the first and second floors (and the roofspace), it is considered to accord satisfactorily with the relevant land use policies in UDP alteration No.2 and the guidelines set out in the SPDF. As such, the proposal is considered to be appropriate in land use policy terms.

The Principle of Apartments

Policy H18 of the UDP states that the conversion of non-residential buildings which are vacant or under used to bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where they do not conflict with other policies and proposals in the plan.

An expansion of this guidance is provided at section 4 of the Development Control Guidelines Supplementary Planning Guidance (SPG) which identifies general principles for conversion to flats and houses in multiple occupation. Therein, it is stated that proposals must reflect the general character and amenity of the area and those which represent an over intensive form of development will normally be resisted. Existing features which contribute to the character of the area should be retained and external entrances to flats or houses in multiple occupation should normally be located on the main road frontages.

The proposal is considered to accord with the aims of UDP policy H18 relating to the conversion of the upper floors of a non-residential building to self-contained apartments. The proposal does not conflict with any of the relevant land use policies set out in the UDP and UDP alteration No.2 as set out above. In respect of the supplementary guidance relating to such conversions, it is considered that the proposal reflects the similar schemes in the locality which have been approved and implemented, in terms of the amount and nature of accommodation provided, which is appropriate to its City Centre setting. The entrance to the accommodation is to be taken from Fawcett Street and the building itself is considered to be of a sufficient enough size to accommodate the number of self-contained units proposed, which vary in size from 22 sq m to 48 sq m. The size of the rooms proposed and the levels of amenity which would be afforded to future occupiers are considered to be acceptable, consistent with the approach taken elsewhere in this central location and would see upper floors of the building brought back into an appropriate use to its central location. Each unit benefits from windows looking over either Fawcett Street or the existing internal courtyard, whilst the unit in the roofspace will be lit by Velux rooflights. Given that this proposal seeks permission for the conversion of the building to self-contained apartments, it is not an HMO and there is no mention of it being aimed at students. Therefore, the proposal is considered to be accordance with due regard to the relevant adopted UDP and SPG guidance.

Alterations to the Building.

Policy B2A of the UDP alteration No.2 states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

UDP Policy B4 states that all development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end, the Council will issue planning/design guidance for the various areas from time to time.

Point 1 of Policy B6 states that the City Council will preserve and enhance the character or appearance of conservation areas; measures will include encouraging the retention of existing

buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;

In this regard, interventions to the exterior of the building are fairly limited. The proposal would see minimal alterations to the rear, involving the repositioning of a rear window at the first floor and removal of felt flat roof at the ground floor to help facilitate the installation of rear external fire escape to service the upper floors. As such, these works are not considered to give rise to any harm to the appearance of the host building or the conservation area so as to warrant a refusal of planning permission.

Amenity.

Policy B2A of UDP alteration No.2 relates to sustainable urban design and states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit. In assessing the impact upon amenity, it is considered that the main issue is the inter-relationship between the building and surrounding properties. In this respect, the building stands within a terrace of properties in a City Centre location. To the front, the properties on the opposite side of Fawcett Street are approximately 20 m away and the rear of properties on John Street are over 10 metres away. Furthermore, the property faces buildings within a similar use, i.e. commercial at ground floor with residential accommodation above. As such, it is considered that the proposed use of the building will not give rise to any harm to the amenities of occupiers or users of these buildings as a result of this proposal and is considered to be acceptable with due regard to policy B2A as set out above.

Environmental Matters.

UDP policy EN1 states that the City Council will seek to improve the environment by seeking to minimise all forms of pollution. Public Protection and Regulatory Services have advised that as the proposal is situated in a busy city centre location it may be subject to relatively high levels of intrusive noise. As such, it is recommended that the development should be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate level of protection conducive to good sleeping or resting conditions, as set out in the World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:2014, Sound insulation and noise reduction for buildings - Code of practice. The applicant can be advised of these requirements by way of an informative note attached to any consent issued, should Members be minded to approve the application.

Highways Matters.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

In response to consultation, the Network Management Team has advised that there is no due to the physical layout of the building there is no car parking provision available. However as the development is located within the city centre it has good links to public transport with the bus, railway and metro facilities nearby. It is further noted that there is a City Centre Residents' Parking Scheme available for residents with cars and the Parking Services Team can advise further in this regard. As such, given the characteristics of the building and the nature of the proposed development as detailed above, the proposal is considered to be acceptable in respect

of the highway network and the availability of car parking for residents who require it. The proposal is considered to accord satisfactorily with UDP policies T14 and T22.

CONCLUSION

To summarise, the scheme will result in the refurbishment and improvement of an existing underused building and would not result in any significant adverse impacts on residential amenity, visual amenity or highway / pedestrian safety. The proposal therefore accords with the relevant paragraphs of the NPPF, policies B2, EN5, EN10, H18, T14 and T22, of the adopted UDP, and topic 4 of the Development Control Guidelines SPG. It is therefore recommended that planning permission should be granted accordingly, subject to the draft conditions set out at the foot of this report.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to

(a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:-

(a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

(a) tackle prejudice, and
(b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE subject to the following draft conditions.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following Drawing no's:

- 15126/01 dated 05.07.17
- 15126/02 dated 23.11.15
- 15126/03 dated 23.11.15
- 15126/04 dated 23.11.15
- 15126/05 dated 05.07.15
- 15126/06 dated 05.07.17

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

3 Notwithstanding any indication of materials which may have been given in the application; any external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 Construction Management
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:-

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Hours of construction, including deliveries;

- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

3. South Sunderland

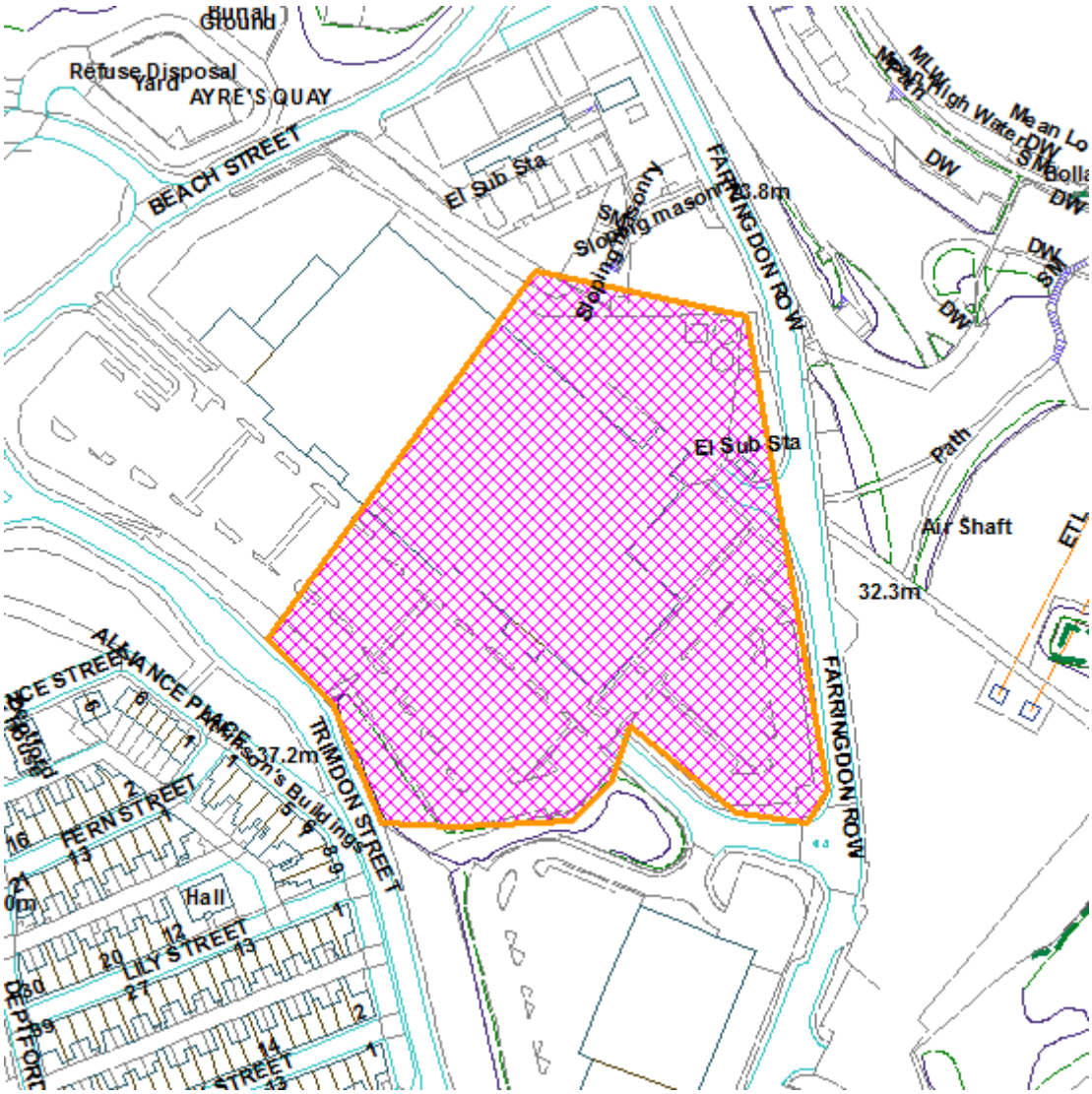
Reference No.: 17/01640/FUL Full Application

Proposal: **External alterations to include new shop front and associated works.**

Location: B & Q Warehouse Trimdon Street Sunderland SR4 6DW

Ward: Millfield
Applicant: T J Morris
Date Valid: 30 August 2017
Target Date: 29 November 2017

Location Plan



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PROPOSAL:

Planning consent is sought for the external alterations to include new shop front and associated works at B&Q Warehouse, Trimdon Street, Sunderland.

THE PROPOSAL:

The main element of the works comprise the following:

1. Subdivision of existing B&Q to form a 3no. retail units.
2. 2no. new entrances for Home Bargains and the new retail unit.
3. Reconfiguration of car parking spaces to the front of the unit.
4. Reconfiguration of wider car park and provision of roundabout.
5. Creation of 20no. new disabled car parking spaces, 14 family parking spaces and 10 cycle spaces.
6. Fork lift truck enclosure area.
7. New silver cladding panels along elevations.
8. New entrance tower with brickwork piers and glazed internal lobby.
9. New 3000mm high heras fencing and double gate for holding area along south east elevation.
10. New fire exit door to south west and south east elevation.
11. 2no.new fire doors to north east elevation.
12. Shop front glazed system with glazed effect blanking panels.
13. New powder coated shop front with bi-parting doors.
14. New signage zone mounted on feature dark grey cladding to south west elevation.
15. Installation of 1no. Automated Teller Machine to the northern elevation.

The main element of the external alterations comprises the over cladding of the existing frontage along with new glazing. Other alterations to the design includes new customer entrances on the south west elevation to create 2 no. entrances. Signage will be subject to a separate Advertisement Consent Application.

The reconfiguration of the existing car park seeks to provide 20 disabled car parking spaces, immediately to the front of the unit, 14 family parking spaces and 10 new cycle spaces, furthermore to remove traffic from immediately outside the proposed unit , a 3 arm mini-roundabout with footway provision is sought.

THE SITE AND SURROUNDING AREA.

The site is located on the north side of Trimdon Street (A1231), approximately 650m north-west of Sunderland City Centre. The B&Q unit to which the application relates extends to some 5047 square metres Gross Internal Area and is a stand alone retail unit at Trimdon Street, Sunderland. The retail park is fronted by car parking comprising some 548 spaces and fronts Trimdon Street to the west, Beach Street to the north and by Farringdon Row to the south and east. The retail warehouse itself sits to the rear of the site, with car parking to the front and the outdoor garden centre located to the northern end of the building.

The unit is a standard portal frame construction, rectangular in shape and covered with steel cladding carrying the corporate colours and logos of the operator.

PLANNING HISTORY

The original outline application for the B&Q unit (ref : 99/00084/OUT) was approved in March 1999 for:

> "Development of land to provide retail warehouse with garden centre and building materials outlet, car park and access to include stopping up of all purpose highway and change of use of footpath, landscaping and car park."

Members may recall that a Section 73 Variation of Condition No.3 application was tabled to Sunderland South Development Control Sub-Committee dated 27.04.2017 and Members were minded to approve the application which was subsequently referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09) and later approved dated 25.05.2017.

The variation of condition 3 modified the sale of goods from the premises and the condition reads: "The Class A1 development hereby permitted shall not be used for the retailing of any of the following goods without the prior consent of the Local Planning Authority:

> (a) food and drink (excluding the sale of food and drink for consumption on the premises);
> (b) fashion clothing (excluding gardening/DIY overalls and protective clothing);
> (c) fashion accessories;
> (d) footwear (excluding gardening/DIY protective footwear);
> (e) jewellery;
> (f) cosmetics and toiletries;
> (g) pharmaceutical products;
> (h) books and magazines (excluding gardening/DIY books and magazines);
> (i) toys (excluding garden toys and play equipment);
> (j) sports goods (including walking and climbing equipment); and
> (k) camping equipment,

In order that the local planning authority may retain control over the development. However, the area shown in pink on drawing ref. 15165-SK-05, with a gross internal area of no more than 5,162 sq. metres shall be used for the sale of any non-food goods and up to 30% (1,549 sq. metres) of food and drink goods."

PLANNING CONTEXT

The current proposal relates to the above external alterations and associated works that allow the existing unit to be sub-divided into three separate units, to facilitate the occupation of one of the units by "Home Bargains," with the remaining unit vacant. The aforementioned Section 73 approval providing the framework of goods that may be sold within the subdivided floorspace of the building.

The business model for Home Bargains (HB) is to "sell the best branded products at the lowest possible price" Approximately 70% of the retailer's stock is regular lines, while the other 30% changes continually. This business model allows prices to be kept to a minimum. The principal product range includes the following:

- Health and beauty products;
- Baby/Nursery products;
- Household products;
- Toys and games;
- Pet food and associated products;
- Home improvement and garden products;

- Home furniture and furnishings;
- Food and drink products; and
- Seasonal products.

In terms of the food and drink offer, the product lines included within this element do not include fresh, refrigerated or frozen food ranges - it is all non-perishable products (i.e. tins, jars, bottled and boxed items). The range is essential in providing the appropriate synergy within the retail unit and provides a commercially viable store. it is not possible to disaggregate the product range between alternative smaller unit as it would not provide the critical mass of products within the store to make it viable.

The proposed store would generate up to 75 full and part time new job opportunities.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Millfied - Ward Councillor Consultation
Northumbrian Water
Southern Area Command - Police
Flood and Coastal Group Engineer

Final Date for Receipt of Representations: **27.09.2017**

REPRESENTATIONS:

Lead Local Flood Authority - No observations to report.

Northumbrian Water Limited - No comments.

Third party representations - No comments received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
S_7_Design and requirements for new retail development
EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

The key planning issues to consider in relation to this application are:

1. Planning and Retail Policy.
2. Highways.
3. Design and Amenity.

4. Other Material Considerations.

1. Planning and Retail Policy.

The NPPF was published on 27th March 2012. Paragraphs 2,11,12,13 and 196 of the NPPF emphasise that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions.

Thus, the statutory starting point for consideration of planning applications is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise.

Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 9 advises that there are numerous ways to improve the built environment, it states in part that:

"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including:

- Replacing poor design with better design."

Paragraph 14 of the NPPF then sets out the presumption in favour of sustainable development in more detail and says that it'.should be seen as a golden thread running through both plan making and decision-taking.

For decision-taking this means, unless material consideration indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.

Thus if an application accords with the development plan, the provisions of Paragraph 14 of the NPPF suggests that it should be permitted without delay, unless material considerations indicate otherwise. Conversely, it is clear that applications which do not accord with an up-to-date development plan should be refused, unless material considerations indicate otherwise. The second decision-taking bullet point in paragraph 14 of the NPPF only comes into force if the development plan is '..absent, silent or relevant policies are out-of-date."

The development plan for this part of Sunderland comprises the saved policies of the City of Sunderland Unitary Development Plan (UDP), adopted in 1998, together with the saved policies of UDP Alteration No.2 (Central Sunderland), adopted in September 2007. Given that both of these plans were adopted prior to the publication of the NPPF (March 2012) Paragraph 215 states that following 12 months from the day of the NPPF's publication "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework."

With regards the current planning proposal, consent is not being sought with matters relating to land use, the use of the building having been established via the Section 73 application ref : 16/02130/VAR and subsequently the principle of the development is considered to be acceptable.

2. Highways.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety and make appropriate safe provision for access and egress. Policies T8 and T9 seek to improve facilities for pedestrians and cyclists respectively.

Further to consultations with the Network Management Section the following observations have been reported:

> Car Park - It is noted there will be a loss of car parking spaces as a result of the reconfiguration of the existing car park. However, the recommended parking guidelines for the unit based upon 5,047 sq.metres floor area is 325 space. The development proposes 331 spaces, therefore the loss is considered acceptable.
>
> Bus Shelter - Previous applications for the site made reference to the provision of a bus shelter.
>
> Sunderland Strategic Transport Corridor 3 - Trimdon Street is to be widened and improved with alterations to junctions, however the existing access will be retained.

3. Design and Amenity.

Policy B2A "Sustainable Urban Design" of the Sunderland City Council's UDP Alteration No.2 provides the strategic criteria of design in and around the City. It states:

"The City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

To achieve high standards of urban design all new development will be required to:

i) Reinforce or enhance the established (or proposed) urban character;
ii) Respond to and reinforce the scale, form, massing and patterns of townscape development which make a positive contribution to the distinctive townscape and architectural qualities of the area;
iii) Ensure the arrangement of buildings define the enclosure of the street, with street frontages as continuous as possible with a minimum of gaps between buildings;
iv) Contribute to a safe and secure environment by providing surveillance for paths, streets and public spaces;
v) Integrate with the existing street pattern as appropriate and provide choice and convenience of movement for pedestrians and cyclists;
vi) Ensure parking provisions is considered as an integral element of the design;
vii) Developments will be required to conform with the Council's Supplementary Planning Guidance including design criteria set out in Supplementary Planning Guidance No.3 Residential Design. Specific guidance for the Central Area/City Centre will be prepared in the form of a City Centre design strategy;
viii) Be accompanied by a design statement for all significant forms of development setting out the design principles of a proposed development ;

ix) Respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy (including proposals for extensions to existing buildings);
x) Ensure Sustainable Urban Drainage techniques (SUDS) are incorporated into development proposals, unless it can be demonstrated that this is not feasible.
All new major developments will be encouraged:

i) To achieve 10% embedded energy supply from renewable sources, unless it can be demonstrated that this is not feasible; and
ii) To achieve high energy efficiency and to minimise consumption so that they achieve BREEAM and eco-homes very good or excellent rating (to include the redevelopment of existing buildings)."

The current proposal seeks to introduce 2 No. new entrances to the front of the building, the main entrance to the proposed unit serving Home Bargains following a very similar design ethos to the original entrance to the B&Q unit. Raised approximately 2.4 metres above the flat roof of the main warehouse building, the materials and overall scale of this new entrance feature is considered to mirror the existing design, and is sympathetic in providing an overall balance to the front of the building. A smaller entrance is to be located between the existing and proposed large entrances which, is subordinate with these entrances but harmonious with the overall design approach for the subdivided building.

The application has provided a materials schedule on Drawing No. 122 Proposed Elevations that tables all of the materials proposed in the modifications to the external appearance of the units. Should Members be minded to approve the application it is considered that these materials should be conditioned to be used in the external works to the building.

With the above in mind, it is noted that Policy S7 of the adopted UDP requires all new retail development to be of a high standard of design and well related to its surroundings in appearance and in terms of design, pedestrian, cyclist and vehicular access and traffic generation. It will normally be required to provide in part the following:

iii) Adequate servicing and secure car and cycle parking to serve customers and employees;
iv) A safe and secure pedestrian environment, protected from the elements where possible, designed to ensure ease of use throughout by people with disabilities and those with pushchairs;
v) Shop fronts which are in keeping with the building in which they are contained and the streets as a whole.

Following consideration of the proposed alterations, it is considered that the modifications required to facilitate the subdivision of the original B&Q unit are acceptable and in accordance with both National and local planning policy.

4. Other Material Considerations.

Flood Risk Considerations - UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of food water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

Further to consultations with the Lead Local Flood Authority, it is considered that the proposed variation will have no significant impact on flood risk and drainage.

Conclusion

As has been discussed above the application proposal seeks to implement the planning consent that is currently in place via the Section 73 approval ref : 16/02130/VAR whilst providing modifications to the existing external appearance of the existing unit and alterations to the configuration of the existing car park, both elements of which are considered to be acceptable and compliant with national and local planning policy. The application raises no concern in relation to any other material consideration and in the light of the lack of any negative consultation responses the proposal is considered to be acceptable.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:-

(a) tackle prejudice, and
(b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: Approve subject to the following conditions:-

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- Drawing No.100 Rev A dated July 17, Site Location Plan.
- Drawing No.101 Rev A dated 11.07.2017, Existing Site Plan.
- Drawing No.102 Rev A dated 11.07.2017, Existing Floor Plan.
- Drawing No.103 Rev A dated July 17, Existing Elevations.
- Drawing No.120 Rev B dated 11.07.2017, Proposed Floor Plan.
- Drawing No.121 Rev B dated 11.07.2017, Proposed Site Plan.
- Drawing No.122 Rev B dated July 2017, Proposed Elevations

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

3 The materials and finishes to be used for the external surfaces, including walls, roofs, doors, glazing shall be as identified within the schedule of finishes as tabled on Drawing No. 120 Rev. B dated 11.07.2017 Proposed Floor Plan. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and T14 of the UDP.

4. South Sunderland

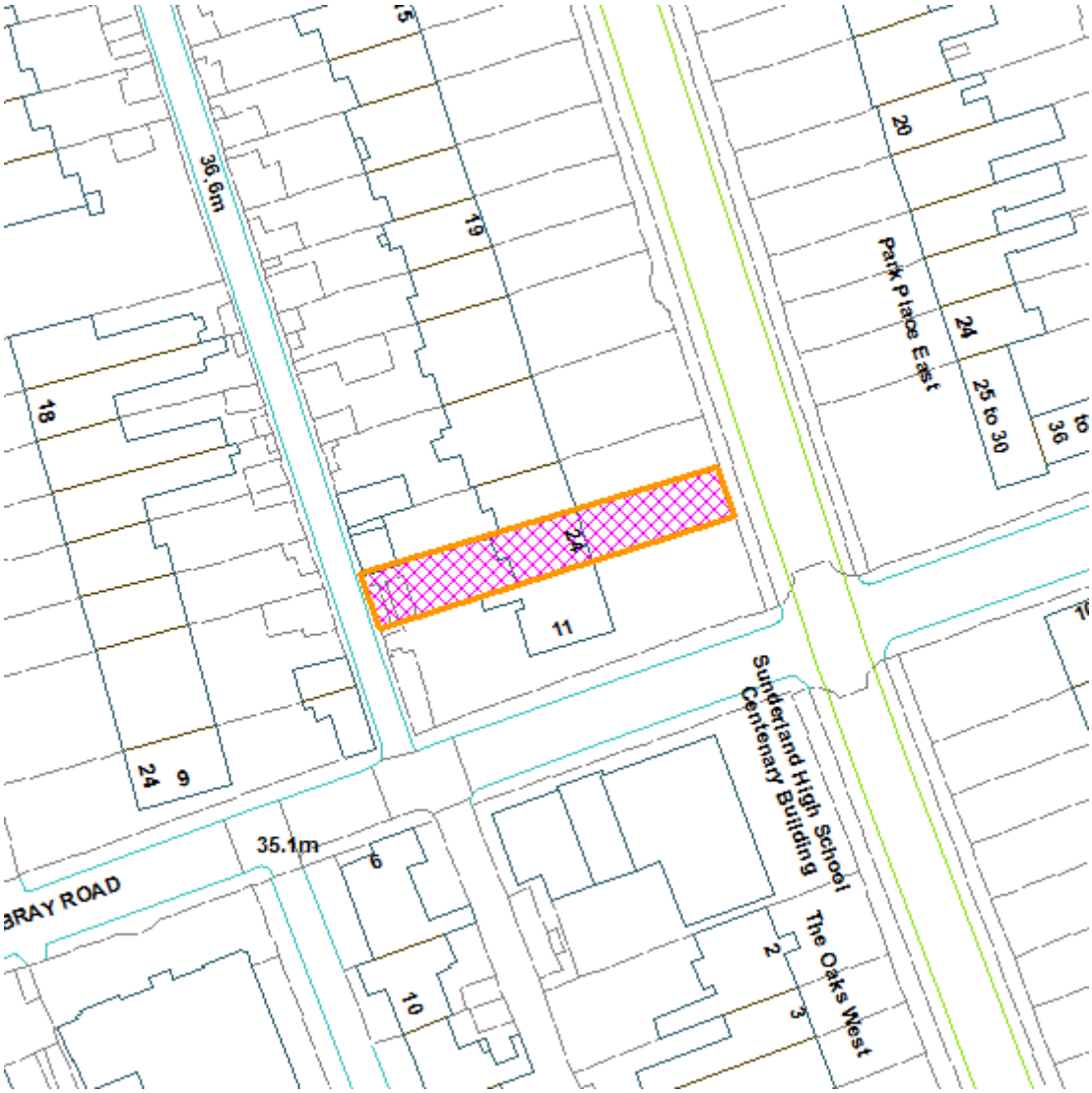
Reference No.: 17/01698/FUL Full Application

Proposal: **Change of use from residential home to seven bedroom house in multiple occupation (Retrospective) (AMENDED DESCRIPTION - 02.10.17)**

Location: 24 Park Place West Sunderland SR2 8HT

Ward: Hendon
Applicant: Bedebrooke Lettings
Date Valid: 4 September 2017
Target Date: 30 October 2017

Location Plan



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PROPOSAL:

Retrospective planning permission is sought for the change of use from a single dwelling house to a 7 bedroomed house in multiple occupation (HMO) at 24 Park Place West, Sunderland, SR2 8HT. The property is a Grade II Listed, mid-terrace dwelling, in a street of 24 similar properties. Park Place West fronts onto a private, gated road and is one of three such listed terraces in this area, namely, Park Place West, Park Place East and Saint Bede's Terrace. The terraces are listed for their special architectural interest and form a prominent feature of the Ashbrooke Conservation Area.

The property comprises of 4 stories; a lower ground floor, a ground floor, first floor and a second floor contained within the roof space with a dormer window within the rear roof slope. This arrangement is repeated within the street with a number of dormer windows visible to both front and rear of dwellings; the majority of which located to the rear.

Upon inspection, the internal layout appears to have been set out in its current configuration for a significant number of years, a view which is maintained by the owner / applicant who acquired the premises early in 2008. They assert that the premises were this way and having made checks with Council Tax and the Councils private housing team, it appears that this is indeed the case. No records can however be found that pre-date 2008. The application has come about as a result of a neighbour complaint and subsequent Enforcement investigation, where the owner has been advised to submit either a CLEUD (Certificate of Lawfulness) or application for full planning permission, depending upon whether or not they could satisfactorily demonstrate that the premises had been operating in its current manner for a period of 10 years or more. Following receipt of a Planning Application and a site visit by the case officer, the application description has been amended accordingly, to highlight the fact that the proposal is retrospective in nature.

The application has been advertised accordingly, by way of press notice, site notice and neighbour notifications.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **02.10.2017**

REPRESENTATIONS:

Consultees/ Neighbours

Following the expiry of the public consultation period, 8 letters of objection have been received. The main issues raised are as follows:

- the street is primarily occupied by family dwellings and HMO uses are not welcome. An article 4 direction is in place to prevent this.

- The proposal is over intensive and does not accord with the prevailing nature of other properties within the street
- an approval would set a precedent
- the proposal would lead to an increase in noise and disturbance
- the parking provision is inadequate and may result in parking problems
- a management plan has not been supplied
- the proposal is contrary to the interim student policy with the site located outside of the preferable locations and no sequential test completed to access available site within the City Centre or Campus sites.
- there is an adequate supply of student accommodation within the City Centre and a potential over supply of such accommodation

All of these are considered in detail in the comments section below.

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_8_Demolition of listed buildings
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_18_Proposals for provision/ conversion of dwellings for multiple occupation
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 be considered in determining this application are:-

- Principle of Development.
- Amenity Issues.
- Highways.

Policy Background.

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The overarching aim of the NPPF is to deliver 'sustainable development', which comprises three dimensions: economic, social and environmental. The planning system has a role to play in contributing to all three dimensions and to achieve this, the NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, should encourage the effective re-use of land and property and should deliver the homes the country needs.

Paragraph 50 of the NPPF, meanwhile, requires Local Planning Authorities to deliver a wide choice of homes and accommodation, taking into account the needs of different groups in the community.

The NPPF guidance above feeds into those local policies which are considered relevant in the determination of this application, namely EN10, B2, B4, B8, H18, T14 and T22 of the City

Council's adopted Unitary Development Plan (1998), together with the Adopted Interim Student Accommodation Guidance (ISAG).

Policy EN10 requires development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy H18, meanwhile, states that the conversion of dwellings into multiple shared accommodation will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality and appropriate arrangements are made to secure the maintenance of gardens and external spaces.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, B4 and B8 which relate to the special considerations relating to developments in Conservation Areas and works to Listed Buildings; and T14 / T22, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety, including ensuring the provision of adequate car parking provision.

It should also be noted that the Council introduced a blanket Article 4 direction on the Hendon ward (and a number of others) in December 2013 to prevent the otherwise permissible change of use from a dwellinghouse (Class C3) to a HMO (Class C4), brought about by changes to the The Town and Country Planning (Use Classes) Order 1987 (As Amended).

Principle of Development.

The host property is not allocated for any specific use by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as highlighted above, policy EN10 is therefore applicable. This states that where the Development Plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood.

Also relevant in considering the principle of development is policy H18 of the UDP. This states that the conversion of dwellings into multiple shared accommodation will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality. Appropriate arrangements are also required to secure the maintenance of gardens and external spaces.

As an expansion of policy H18, topic 4 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) indicates that proposals for the conversion of dwellings to apartments and HMO's will not be acceptable where they are overly intensive or in areas where single family dwellings prevail. Specifically, Topic 4.1(b) states that 'proposals must reflect and respect the general character and amenity of the area. Those which represent an over intensive form of development will normally be resisted', whilst 4.1(c) adds further emphasis to the effects that over-intensive uses can cause by stating that 'planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area'.

The dwellings in this and the neighbouring terraces were originally constructed as large, family residential dwellings, with the uses of properties varying over the years. It is however noted by objectors that the majority of properties within the street are now occupied for single household purposes. A search of Council housing records suggests that there are only a limited number of properties recorded as being in multiple occupation uses. In fact, the premises that are subject to this application is indeed one of these, having been registered as a 7 person House in Multiple Occupation shortly after the applicant acquired it in 2008. Additionally, it is also noted that the premises is certified under the Councils Accredited Landlord Scheme. The applicant themselves

have also submitted information with regards this use, including identifying a small number of similar properties in the vicinity, which have been in a similar use prior to the introduction of the Article 4 direction on HMOs and the ISAG which do not appear to have any negative impact. From the applicants perspective, they consider themselves to be a responsible landlord and in are agreement that it is important for student accommodation to have minimal negative impact on the existing community and character of the area. Indeed, having conducted checks with the Councils Pollution Control and Anti-Social Behaviour sections regarding complaints from the premises, it is understood that there are no recorded incidents dating back to 2000.

Notwithstanding these facts though, the premises does have the benefit of planning permission and as such, even though the premises has been occupied over this period of time, its use as a 7 bedroomed HMO for unrelated individuals, does not accord with the principle use of the properties within the street. Furthermore, given that an HMO for students only provides accommodation for individuals over a relatively short-term period, the occupancy of the property over this time there are concerns that the likely transitory nature of the occupants, will be out of keeping with the immediate surroundings.

On balance, it is considered that the use of the property as an HMO has the potential to intensify and alter the character of the premises to an extent which is not characteristic with the prevailing residential character of the street. Trips to and from the property (whether by private vehicle or on foot) are inevitably going to be significantly greater than what would be expected with a single dwelling house, given the number of residents, particularly once you factor in the additional visitors that you would reasonably expect them to attract; again out of keeping with the setting.

By way of justification for this existing use, the applicant has submitted a statement towards how they consider the property complies with the ISAG. This guidance seeks to focus student accommodation close to the University campuses and in the city centre, in order to ensure that the accommodation provided is in a suitable location and of a sufficient quality. Whilst the property is not within one of the identified areas, (it falls outside by one street) it is nonetheless within close proximity to the University. In such instances, the guidance states that should a proposal come forward which is not located within the specified areas, the developer will need to demonstrate there are no suitable and available sites to accommodate the proposed development within either the city centre or on an existing campus and also ensure compliance with the points (a-e) set out below:-

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

In order to satisfy the above, the applicant has provided the following information with regards points (a)-(e)

a) The development meets an identified need in terms of quantity;

By having this property occupied by students since the applicants acquisition shows there is a need for this accommodation in the area. Whilst section 2.7 of the ISAG states there is a growing trend of people looking to reside in purpose built accommodation for all of their university life, the applicant asserts that as they run an estate agency business and manage a number of their own student properties through this business, they have not seen any drop off in demand for the

properties they have on offer. Their rentals run at over 95% capacity each year and they find that a large number of students that come to stay in their properties come after having been in purpose built accommodation (PBSA) for a year, then look to leave after their first tenancy. This mainly appears to be down to costings, with most developments having their cheapest rooms at £90 per week and their most expensive at £160 per week. As such, it is only the students from a wealthier background who can afford PBSA for their entire period of study. The applicant themselves have their own PBSA scheme, City View (1-4 Thornhill Crescent), where the business plan was to cater for this top 5% of students in terms of wealth (rental).

b) The development meets an identified demand in terms of quality;

The applicant considers the application meets a demand for quality expected by students, as it is evident that the property is well maintained and offers comfortable living for all residents at price points to match the budget of all students (from £75 to £90 per person per week). Furthermore, the premises exceed the minimum standard necessary for a property from a Sunderland Accredited landlord.

c) The development is of a scale and appearance appropriate to its surroundings;

The applicant considers the premises certainly keeps in line with the scale and appearance of its surroundings, as no structural change has been made to the property, something that they consider cannot be said for a number of other properties within the street. A number of photographs have been submitted by the applicant in this regard showing a number of inappropriately designed dormer windows and also properties that have been split into flats, which have involved the insertion of additional entranceways, neither of which are apparent at the property which is the subject of this application.

d) The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;

The applicant advises that the premises is located within close proximity to local facilities and is accessible to the university by foot and cycle and by public transport. Park Place West is less than 10 minutes walk (approx. 7 minutes) to Sunderland Interchange which provides metro and bus links to the university buildings, other parts of Sunderland and the wider north east. This means that it is also a 10 minute walk to the local shopping facilities and other local amenities. Park Place West is less one mile from the City University Campus (0.8 miles) meaning the average person would be able to walk there in less than 15 minutes which is a reasonable distance in which to travel.

e) The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development.

As mentioned earlier, the applicant considers the accommodation to provide high quality living accommodation in terms of design, layout, standards and facilities provided within the development. As the proposal is retrospective, the layout has largely been informed by the original form of the property. The majority of the rooms are of a large enough size to accommodate en-suites, a large communal area and ample kitchen space with dining space too is also readily provided across the lower ground floor. In addition, the property also has parking and cycle storage facilities to the rear of the property and well maintained gardens, which are suitable for socialising when the weather permits. The applicant also provides a gardener to keep the entrance to the property in great condition and cleaners on a two-weekly basis for the communal areas. High speed broadband is also provided throughout the property as well as

smart televisions in each room. A number of photographs have also been provided by the applicant to help illustrate these points.

It is considered that the information submitted meets the criteria; therefore the applicant needs to demonstrate there are no suitable and available sites to accommodate the proposed development within either the city centre or on an existing campus. In this regard, the applicant does not consider that they need to demonstrate that there are more suitable sites available, in particular because the use of the property as a Student HMO pre-dates the guidance itself by many years. They do note that Point 5.6 of the aim of the policy is to create a 'University City' and whilst the property is not in one of the identified locations, it does meet much of the criteria that is required for a proposal, by helping to ensure there is suitable choice in the type of quality accommodation that is available.

In addition the main ISAG Policy criteria consideration above, the applicant has also submitted justification with regards the "Detailed guidance to comply with Policy" (sections 6 and 7). In this regard, whilst not in an identified area, they do consider their location to be acceptable, as the property is in easy walking distance of both University Campuses and the city centre. Furthermore, as it is so close to the city centre they are of the view that the occupiers would still assist in the ongoing regeneration of the city (a requirement of 6.7) as the amenities that are used by the residents of the property are those of the city centre, such as multiple bars, restaurants, cafes and shops. Through their estate agency, the applicant sees a large demand for properties in the Ashbrooke area by students as it is ideally located for access to central Sunderland and its surrounding areas.

Looking at Section 6.2 of the ISAG, which highlights Sunniside as a key area to absorb future student accommodation, the applicant is of the view that Ashbrooke, being an area with a large amount of 7 and 8 bedroom properties, is also a suitable location, as in todays age it is unrealistic to think that 100% of these types of properties would be occupied by single families. By way of illustration, the applicant has provided a number of photographs of properties nearby that show properties that have been converted into flats and single dwellings that stand empty within the area as they are simply too large for the majority of todays household. They re-assert that they are of the view that students actively want to live in Ashbrooke, and this is the main line of enquiries for rental properties that they receive from students.

The applicant goes on to note that with regard to section 6.3, another aspect of the guidance is to try and prevent over concentrations of students in established residential areas and preventing hostility between existing residents and students which often has a negative impact on the character of neighbourhoods and how they function. In this respect, the applicant states that since they have owned and managed the property, they are aware that from the councils records that there are no recorded cases of nuisance from this property and they aim (as they have so far believe to have achieved) to assist in the maintenance of the general residential character of the neighbourhood by managing the property to a very high standard.

Section 6.9, of the guidance requires the applicant to provide details of where the student occupiers are likely to be drawn from. As mentioned earlier, the applicant has stated that due to their good reputation, and the location of their properties which are sought after; students are drawn to them. They also note that there are several HMO's nearby that appear to be ran without negative effect namely;

a) 23 St Bedes Terrace (24 Rooms)
b) 6 Mowbray Close (7 rooms)
c) 7 Mowbray Close (7 rooms)
d) 25 Park Place West (Womens refuge, room amount unknown)

e) 9 Mowbray Close (7 rooms)
f) 10 Mowbray Close (8 rooms)

6.10 and 6.11 requires a demonstration of the need of the amount and type of accommodation provided within the area; taking into account the number and location of existing student housing. In this regard, the applicant has asserted that the property is already there, its offer pre-dating the introduction of the ISAG. As mentioned earlier, through their estate agency, they state that they continually see demand for properties of the quality that they provide in this area every year, and they consistently have an occupancy rate above 95%. When considering the issue of quality further, the applicants are confident that the proposal exceeds the expectations of the Councils Accredited Landlord Scheme and meets the criteria of Policies 6.15 - 6.18. Residents have a choice in size of a room; all have at least one window and complies with the minimum number of bathrooms required. It also has a large social space and kitchen space to help to allow the residents to engage in social and community living.

Moving to section 7 of the guidance, which concern the management of the property, the applicants agree that it is important for student accommodation to have minimal negative impact on the existing community and character of the area, and accordingly have provided information on how the property is managed, including the submission of their standard tenancy agreement. Furthermore, they advise that for the past two years we have won awards for the high quality accommodation they provide at the North East Student Housing Awards. In addition to the above, they advise the following:-

a) Fire safety / Sound proofing - to comply with fire safety regulations they ensure the fire alarms within the property are checked on a regular basis, and that the amount of fire proofing for the property is above the minimum level required, which also means that there is more soundproofing that required.
b) Security - through the installation of CCTV and security lights they are of the opinion that they have been able to make the property and surrounding area a safer place for all.
c) Car Parking - Whilst most students situated in around the city centre do not use their car whilst at university, provisions for parking at the property have been made and have found these adequate to date.
d) On-going maintenance - Assessments are made each year to the relevant works necessary to the property covering all areas. Over the past 2 years they have fully renovated the lounge areas, had the chimney breast swept, fitted an en-suite and modernised bathrooms. A large amount of the rental income is reinvested in the properties to keep them to a very high standard; this includes monthly maintenance programme which includes a visit from a gardener, two weekly visits from cleaners and a monthly visit from window cleaner.
e) Refuse and recycling - Adequate provision has been made for both waste disposal and recycling disposal in the form of wheelie bins. Tenants are sent a reminder email prior bin collection day to request the bins are put out and a further reminder email sent to remind them to bring them in after. They also perform checks on the day to ensure the bins are out for collection and bring them in if necessary to ensure the back street is kept in good order.
f) Cycle storage - cycle storage is available at the rear of the property in the form of a container, this is lockable for the safety and security of the tenants and their belongings.
g) Lighting - Security lighting is present at the front and rear of the property to ensure that the tenants feel safe and secure; this also reduces the risk of opportunist crime.
h) Helpline contact for residents - We have a 24 hour operational number for all residents of our properties, this is communicated to them prior, during and after move in to ensure they have someone to contact if needed.

From the above, it is considered that at present, the property is currently managed to an above-satisfactory standard. As mentioned earlier, the applicant is a member of the Sunderland Accredited Landlord Scheme and they consider that the standards set are higher than the minimum standards required. Furthermore, the property meets the requirements necessary to achieve a HMO licence and one is currently held for the property, and has been for a considerable amount of time.

Notwithstanding this however, this current position is only achieved as a result of the good-standing of the applicant and given that planning permission runs with the land, not an individual, there is the potential that the property could change hands in the future. If this were to happen then the very nature and intensity of the development could be likely to give rise to significant disturbance and harm to adjacent occupiers which would be detrimental to the character and amenity of the locality. As such, the proposal would be contrary to the requirements of policies EN10 and H18 of the Council's adopted UDP and topic 4 of the SPD.

Amenity Issues.

In addition to the above ISAG, Policy B2 of the UDP states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities the locality. The exterior of the building has not been altered and as such, it is not considered that any visual impact upon the streetscene occurs and as such, accords with policy B2.

In addition to visual impact, Policy B2 also requires development proposals to respect the amenity of neighbouring residential properties. As mentioned earlier in the report, the objections received in response to consultation express concern that the use gives rise to an intensification in noise and disturbance, particularly late at night, with occupiers returning to the property in the early hours of the morning. However, checks made by the case officer with the Councils Pollution Control and Anti-Social Behaviour sections regarding noise complaints from the premises have revealed that there have been no recorded incidents dating back to 2000. Therefore, whilst there may have been some recent disturbance, as referred to by objectors, it does not appear that there have been any sustained or prolonged periods of such occurrences. Having discussed the matter with the applicant, they have confirmed that they were aware of such an incident at the beginning of the academic year, shortly after the current occupants had arrived at the building but they have been advised that this type of behaviour will not be tolerated. Consequently, there does not appear to have been any further incidences of anti-social behaviour. Whilst this is encouraging, it must be remembered that this current situation is a result of the property being adequately managed at present. There are no guarantees that this arrangement will continue for the lifetime of the building, particularly if the building were to change hands at some point in the future.

In addition to the above, the level of amenity afforded to the actual occupiers of the premises must also be given consideration, as is required by aforementioned topic 4 of the SPG and as already discussed above a requirement of 6.15 - 6.18 of the ISAG. In this regard, the layout of the premises is similar to the original property; no rooms have been subdivided and as such there is sufficient space for occupiers and amenity provided.

In this particular instance, whilst there is no evidence currently available to demonstrate that the unlawful use of the subject property as a HMO has given rise to unacceptable levels of disturbance, it is nevertheless considered that the very nature of such a use does have the potential, in the future, to give rise to conditions that would be out of character with the area and contrary to the requirements of policy B2 of the UDP or topic 4 of the 'Development Control Guidelines' SPG. This would be by virtue of the potential noise and disturbance that can be generated by such a use.

Highways.

Policy T14 of the UDP states that new development must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated parking, having had regard to the nature of the proposal and the characteristics of the site. The rear yard provides 4 parking spaces; however, these are set out in tandem, which could provide problems at time with access / manoeuvres. The guidance requirements are one no. parking space per three beds for student accommodation and one no. space per five beds and as such on balance the proposal is considered to have sufficient parking. Furthermore, it is considered that an improvement to the existing car parking arrangement could be made if the bin storage area were to be relocated, which could be achieved via the imposition of a condition should Members be minded to approve the application.

CONCLUSION.

Whilst the impact of the proposal on visual amenity is considered to be acceptable given that no external works have been proposed, the use of the building as a 7 bedroomed HMO is considered to be unacceptable given the area appears to be predominately single household residential dwellings. Whilst the applicant has demonstrated that they have satisfactorily managed the use of the premises over the past nine years, there is no guarantee that this would continue, if it were ever to be sold to another party. As such, there is a risk that the building has the potential become detrimental to the character and amenity of the area given the increased frequency and timing of movements to and from the premises and the other associated activities, noise and disturbance which will be of detriment to nearby residential properties.

As such, the proposed change of use is considered to be unacceptable contrary to the requirements of policies EN10, B2, H18, T14 and T22 of the UDP, topic 4 of the SPG and the principles of the NPPF.

In light of the above, the application is recommended for refusal, for the reasons detailed below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:-

(a) tackle prejudice, and
(b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: Refuse for the reason detailed below:-

1 The use of the premises for a house in multiple occupation is not compatible with the prevailing character of a locality dominated by single family homes and has the potential to result in harm to the amenity of surrounding residential properties by virtue of noise and disturbance generated by such a use, which would set an undesirable precedent for similar developments within the area. The proposal therefore conflicts with the requirements of policies H18 and B2 of the Council's adopted Unitary Development Plan (1998), Topic 4 of the Council's adopted 'Development Control Guidelines' Supplementary Planning Guidance and the core principles of the NPPF.

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
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41Lawrence StreetSunderland			
17/01761/FUL	Your Life Management Services Ltd	Demolition of existing canteen and food technology block, erection of a extra care facility (Use Class C2) comprising of 55no bedrooms with associated landscaping (removal of trees) and car park.	11/09/2017	11/12/2017
Hendon	Sunderland Church High SchoolMowbray RoadSunderlandSR2 8HY			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00787/ADV **Hendon**	Community Partners Ltd Various RoundaboutsCity Centre/South Sunderland	Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.	10/05/2017	05/07/2017
17/02216/LP3 **Pallion**	Sunderland City Council New Wear CrossingNorth West Corner Of The Junction Of The Eastbound Lane Of The Southern Approach Link/Riverside South Link RoadSunderland	Erection of a freestanding feature wall (size approx. 2.4m wide, 1.4m high) to commemorate the location of the former Crown Works at Pallion using the original header and date stones that were salvaged from the former Crown Works head offices prior to its demolition.	13/11/2017	08/01/2018