

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 21/00399/FUL Full Application

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

Location: 4 Roker Terrace Sunderland SR6 9NB

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

PROPOSAL:

APPLICATION SITE

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

The property lies within the Roker Park Conservation Area.

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

PROPOSAL

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

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

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

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

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

REPRESENTATIONS:

Public consultation

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

The objectors' main concerns relate to:

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

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

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

Consultees

- Council's Environmental Health team

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

- Council's Conservation team

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

- Council's Planning Policy team

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

- Council's Transportation Development team

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

- Northumbria Police

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

COMMENTS:

ISSUES TO CONSIDER

The main issues to consider in determining the application are:

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

1. Principle of Development

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

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

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

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

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

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

2. Impact upon Amenity and Character of Locality

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

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

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

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

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

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

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

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

3. Built Heritage

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

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

4. Highway Safety

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

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

CONCLUSION

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

RECOMMENDATION: Refuse

Reasons:

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

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

PROPOSAL

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

TYPE OF PUBLICITY

Neighbour Notifications

CONSULTEES

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

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

COMMENTS

Principle

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

Amenity

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

Design

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

Groundworks

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

Conclusion

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

RECOMMENDATION

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

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

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