

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

North  
Sunderland

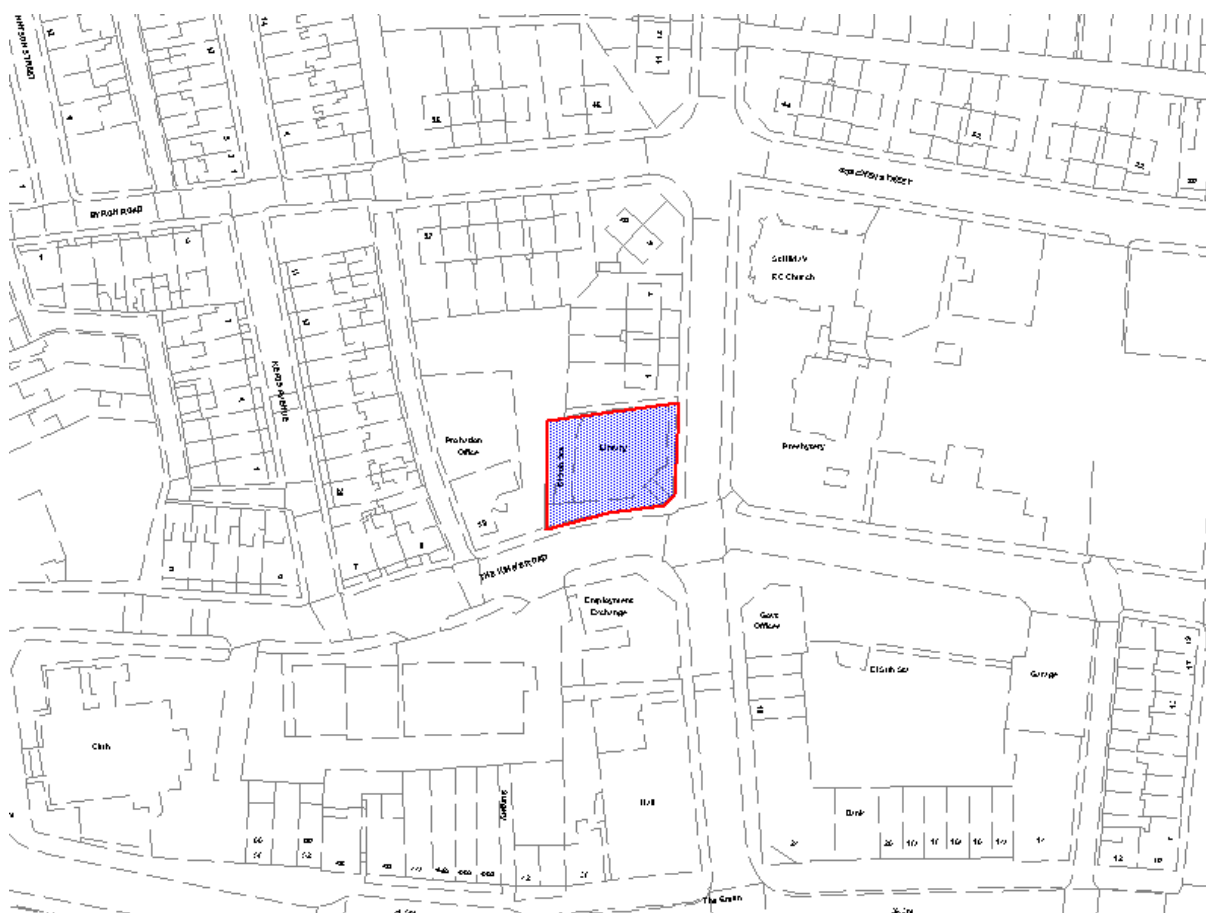
Reference No.: 14/02637/FU4 Full Application (Reg 4)

Proposal: **Change of use from former library to coffee shop including small play space.**

Location: Southwick Branch Library Beaumont Street Southwick  
Sunderland SR5 2JR

Ward: Southwick  
Applicant: Mrs Tina Hogben  
Date Valid: 3 February 2015  
Target Date: 31 March 2015

### Location Plan



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### PROPOSAL:

Planning permission is sought for the change of use of vacant library to coffee shop at former Southwick Branch Library, Beaumont Street, Southwick, Sunderland, SR5 2JR.

The proposed change of use affects the recently-closed Southwick Branch Library on Beaumont Street, on the northern edge of Southwick's commercial centre. The detached library building stands on the north-west corner of the crossroads junction between Beaumont Street and The King's Road and presents elevations to both streets, with the corner to the junction chamfered. To the west of the library building is a probation centre and then residential dwellings fronting The King's Road, whilst to the north are dwellings fronting Beaumont Street. To the south, on the opposite side of The King's Road, is the St. Hilda's Parish Centre building. Beyond this, further south, Beaumont Street is flanked by commercial units up to where it meets Southwick Green.

The library, which dates from the early 1930's, was purpose-built and is a highly attractive building constructed from red brick with sandstone banding and detailing, a slate roof and featuring arched windows. Its ornate stepped and pillared entrance is set within the chamfered corner facing across the junction and above the entrance door are a 'Branch Library' inscription and the Sunderland coat of arms. A ramped access is available to a separate door in the elevation to The King's Road. The library was closed, along with eight other branches, in late 2013 as part of the City Council's reorganisation and modernisation of its library services.

The application proposes to change the use of the vacant library building into a coffee shop, a use falling within use class A3 (restaurants and cafes) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing authorised use of the building as a library falls within use class D1 (non-residential institutions) of the Order.

The applicant already operates a cafe similar to that proposed at Barmston Village Centre in Washington (Miss Tina's Coffee Shop). As with the Barmston site, the proposed cafe will offer a child-friendly environment aimed at those with, or caring for, babies and toddlers. A small indoor play space will be provided within the premises to occupy youngsters whilst parents/carers are able to enjoy the cafe. The play space is also to be available for children's parties, whilst a regular programme of educational and creative events and activities for children and adults will be run. The company operates on a not-for-profit basis, with any earnings invested back into the business.

The proposed change of use affects the entire library floorspace, which comprises one main room and three smaller ante-rooms and has a total area of 333.6 sq. metres. An existing small kitchen at the rear of the building is to be retained for use with the coffee shop, as are toilets and a store room. No physical alterations to the exterior of the building are proposed to facilitate the change of use, although the submitted plans do show signage affixed to either side of the entrance door (whether advertisement consent is required for this signage will be established separately to the determination of this planning application).

The proposed coffee shop is anticipated to employ a total of 4 no. persons (two full-time, two part-time). No hours of opening have been proposed as part of the application, although the applicant has verbally advised that it is intended to operate similar hours to the Barmston cafe (i.e. open 09:30 - 16:30 Monday to Friday, 10:00 - 14:00 on Saturday, closed on Sunday, with the premises also available 'after hours' for pre-booked parties and events). A range of hot and cold drinks will be served, whilst the food to be served will be limited to cakes, snacks

and light meals (e.g. soup, quiche, pies), which will simply be warmed on the premises.

The library building still belongs to Sunderland City Council but the application has been submitted by a Mrs T Hogben, with notice served on the Council as building owner.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Southwick - Ward Councillor Consultation

Final Date for Receipt of Representations: **14.04.2015**

**REPRESENTATIONS:**

Public consultation - the period for the receipt of representation expires on 17th March 2015 and no representations have been received to date. Any representations received in the period between the preparation of this report and the Committee meeting will be reported to the Committee.

**POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
S\_5\_Criteria for evaluating new retail and other key town centre developments  
S\_12\_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres  
CF\_2\_Consideration of alternative community uses when existing sites become surplus  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

**COMMENTS:**

**CONSIDERATION OF APPLICATION**

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. 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 proactively drive and support sustainable economic development; should encourage the effective re-use of land and property and should promote the vitality and viability of existing urban areas.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, S5, S12, CF2, T14 and T22 of the City Council's adopted Unitary Development

Plan (1998), which are consequently considered to be pertinent to the determination of this application.

With regard to the abovementioned policy framework, it is considered that the main issues to address in the determination of this application are as follows:

1. principle of proposed development;
2. impact of development on residential amenity;
3. impact of development on highway and pedestrian safety

#### 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood. Policy S12, meanwhile, advises that food and drink-related uses are generally acceptable if they are located within an existing town or local centre but proposals must not have a detrimental impact on the environment, residential amenity and public or highway safety.

The application site lies just outside the boundary of the Southwick Green local centre, as identified by the UDP proposals map, the northern edge of which is formed by The King's Road. Although there are residential dwellings to the north and west of the library building, to its south the character of Beaumont Street is predominantly commercial, whilst the library building itself has historically been used for non-residential purposes. Having regard to the requirements of policies EN10 and S12 of the UDP, it is considered that the proposed cafe use is broadly acceptable within such a context.

Regard must also be had to section 2 of the NPPF, which seeks to promote and ensure the vitality of existing town and local centres. In this regard, the proposed use of the building constitutes a 'main town centre' use and paragraph 24 of the NPPF requires Local Planning Authorities to take a sequential approach to such uses by, firstly, directing them to town centres and then, secondly, edge-of-centre locations (defined by the NPPF glossary as sites within 300 metres of a town centre boundary). Preference should be given to edge-of-centre sites which are well connected to the town centre. Local Planning Authorities are advised, however, to demonstrate a degree of flexibility in applying this approach. The requirements of section 2 of the NPPF are essentially echoed by policy S5 of the UDP.

In this case, as noted above, the application premises is situated just outside Southwick Green local centre, with the buildings on the south side of The King's Road falling within the local centre boundary. Given this proximity and the relatively small-scale nature of the proposal (i.e. the application relates to a floorspace of only 333 sq. metres), it is considered that rather than being a threat to Southwick Green's vitality and viability, the cafe would complement the local centre and effectively act as an 'extension' to it, much in the same way the library has done for many years. As such, it is considered that the proposal would not conflict with the aims and objectives of the NPPF and policy S5 of the UDP in relation to supporting existing centres.

Also relevant to the consideration of the application is policy CF2 of the UDP, which states that where buildings in a 'community use' become surplus to requirements, priority will be given to alternative public/community uses. This

echoes the advice of paragraph 70 of the NPPF, which states that the planning system should guard against the unnecessary loss of valued community facilities and services (e.g. local shops, meeting places, sports venues, cultural buildings, public houses and places of worship).

The building subject to the application is a purpose-built library which was operated as such by the City Council until its closure as part of a City-wide reorganisation of library services in late 2013. As would be anticipated, the closure of a number of libraries generated some opposition and protest from members of the public and other organisations, who were against the loss of what were argued to be highly valuable community facilities.

The Council's Land and Property team has, however, advised that in marketing the building since its closure almost 18 months ago, none of the parties interested in purchasing the premises proposed to retain it as a library or put it to another, similar, 'community' use. In addition, no representations were received in response to the public consultation exercise undertaken in respect of the current planning application and as such, there does not now seem to be any strong local objection to the proposed use of the premises or any individuals or organisations interested in putting forward an alternative 'community' use of the premises.

Consequently, there does not appear to be any obvious realistic likelihood of the longstanding library use being maintained or an alternative 'community' use coming forward in the short term and as such, it is suggested that it is reasonable in this case to consider the merits of another, non-'community' use of the building. The alternative would be that the building, which is of some prominence in Southwick and of local social and heritage importance, will continue to stand empty into the future.

Notwithstanding the above, as noted earlier, the proposed business does involve a 'community' element, insofar as it specifically provides facilities for parents, babies and toddlers, will afford a venue for parties and other organised gatherings and offers a programme of educational and creative events and activities for children and adults to attend.

With reference to the above comments, it is considered that the proposed change of use is acceptable in principle, having regard to the prevailing land uses in the locality, and will not have a negative impact upon the vitality and viability of Southwick Green local centre. In addition, although priority should be given to the building continuing in a public/community use, no alternative such uses have been put forward since the library's closure almost 18 months ago and nor have any representations been received in response to public consultation which object to the building being converted into a cafe. In such circumstances, it is considered reasonable to accept the principle of a non-community/public use of the building.

The proposed change of use is therefore considered to accord with the requirements of policies EN10, S5, S12 and CF2 of the UDP and the relevant core principles and paragraphs of the NPPF.

However, notwithstanding the principle of the use being considered acceptable, in line with the requirements of policies S12 and B2 of the UDP, an assessment of the impact of the proposed use on the amenity of the residential dwellings in

close proximity to the application site and highway and pedestrian safety is necessary in order fully consider the merits of the proposal. Such an assessment is provided below.

## 2. Impact of development on residential amenity

Although the principle of the proposed change of use is considered to be broadly acceptable at this location, policies S12 and B2 of the UDP require the impact of the use on the amenity of nearby residential properties to be considered. In this respect, the nearest dwelling is 1 Beaumont Street, located immediately to the north of the library building.

As noted previously, the building has historically operated as a library, a use which will have undoubtedly generated frequent comings and goings from customers, staff and other visitors throughout the day. It is considered that the proposed use of the building is not inherently noisy and will generate a comparable level of activity to the library which can, through an appropriately-worded condition, be restricted to sociable daytime hours, thus avoiding the periods of the day where occupiers of neighbouring residential dwellings can reasonably expect peace and quiet.

Regard must also be given to the potential for a food-related use to generate odours and smells. In this regard, it is observed that the kitchen area of the coffee shop is to be located at the rear of the building, away from the gable end of 1 Beaumont Street. In addition, as noted earlier, the food to be sold at the premises amounts to cakes, snacks and light meals, rather than full meals to be prepared and consumed at the premises. The preparation and sale of such food will not, it is considered, result in the generation of odours and smells which would be detrimental to the amenity of existing nearby residential dwellings.

With regard to the above comments, it is considered that, subject to the imposition of a condition relating to opening hours, the proposed change of use will not result in the amenity of neighbouring residential properties being unacceptably harmed, in accordance with the requirements of policies S12 and B2 of the UDP.

## 3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires development to be afforded an appropriate level of dedicated parking.

The Council's Network Management team has noted, in response to consultation, that the library building does not benefit from any off-street or other dedicated parking for staff and/or customers. As such, all parking will take place on street, in and around a crossroads junction, in what is an already-busy and partly residential area. It is suggested that in order to relieve the pressure for on-street parking, it may be appropriate to provide a Traffic Regulation Order (TRO) to impose limited waiting times outside the premises.

It is also noted that the City Council is considering introducing a Parking Management Scheme in the area, although this would only relate to Sunderland

AFC matchdays and it is not yet certain whether it would encompass the application site and its immediate surroundings.

The concerns of the Network Management team are noted; however, it must be recognised that the building stands on the very edge of a busy and established local centre, the businesses and services of which combine to generate the existing levels of on-street parking to the streets within the vicinity of Southwick Green. The previous use of the building as a library would have made a significant contribution to the levels of short-term on-street parking in the locality and it is considered that the proposed use of the building will not lead to an unacceptable increase in the level of on-street parking in comparison to the previous use and within the context of a busy, commercial locality.

In addition, it must also be recognised that the premises are highly accessible from public transport, with Southwick Green very well-served by buses from the City Centre, the housing estates close to Southwick and further afield.

With regard to the above comments, whilst the concerns of the Network Management team in respect of on-street parking are acknowledged, it is considered that the implications of the proposed change of use in relation to parking and more general highway and pedestrian safety matters are acceptable given the previous use of the building and its location on the edge of an established local centre. The proposal is therefore considered to accord with the requirements of UDP policies T14 and T22.

## CONCLUSION

With reference to the above, it is considered that the principle of a cafe in the subject unit is acceptable. In addition, for the reasons set out above, and subject the aforementioned suggested condition restricting hours of opening, it is considered that the impact of the proposal on residential amenity will be acceptable. The Council's Network Management team has raised some concerns in relation to the generation of on-street parking, but for the reasons given above, the implications of the change of use in respect of parking and highway and pedestrian safety are considered to be acceptable.

In reaching this view, regard has been given to the fact that the proposal will bring a currently-vacant building of some local social and heritage value back into a viable alternative use, a position which is supported by the core principles of the NPPF.

The proposal is therefore considered to be compliant with the requirements of policies EN10, B2, S5, S12, CF2, T14 and T22 of the UDP and the relevant parts of the NPPF and consequently, it is recommended that Members Grant Consent under Regulation 4 of the Town and Country General Regulations 1992 (as amended), subject to the following conditions:

## **RECOMMENDATION: GRANT PP Under Regulation 4**

### **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:

the existing location plan, site plan, floor plans and elevations received 03/02/2015 (drawing no. 842-01);

the proposed location plan, site plan, floor plans and elevations received 03/02/2015 (drawing no. 842-02).

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 premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Saturday (except Bank Holidays) 08:30 to 19:00;

In order to protect the amenities of the area in accordance with policies S12 and B2 of the UDP.

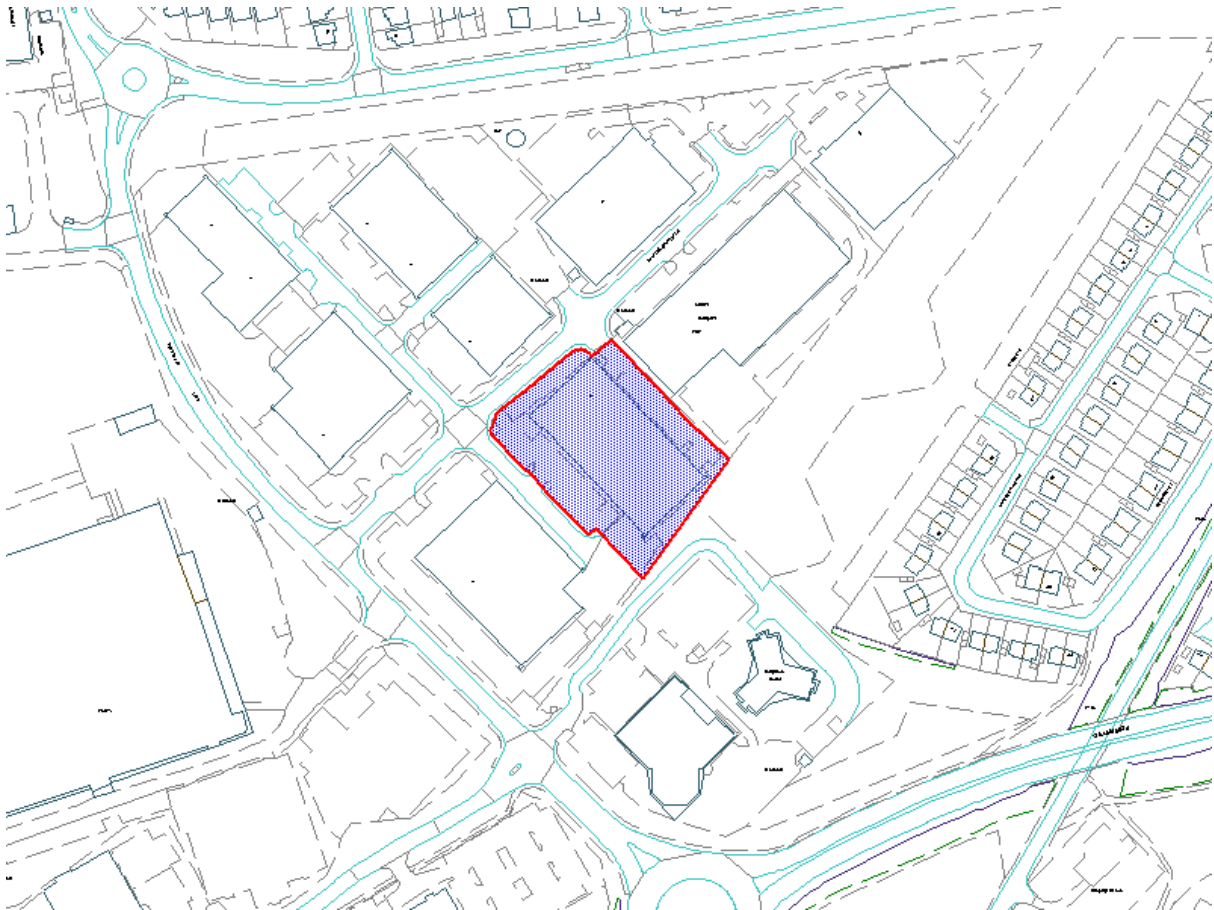
**Reference No.:** 15/00160/FUL Full Application

**Proposal:** **Change of use from children's play centre into a distribution warehouse with ancillary offices and trade counter (Use Class B8).**

**Location:** Unit 2 Sunrise Enterprise Park Sunderland SR5 3RX

**Ward:** Castle  
**Applicant:** ECP Ltd  
**Date Valid:** 4 February 2015  
**Target Date:** 6 May 2015

### Location Plan



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### PROPOSAL:

Planning permission is sought for the change of use of Unit 2 Sunrise Enterprise Park from a children's play centre (Use Class D2) to a distribution warehouse with ancillary offices and trade counter (Use Class B8).

The site lies within Sunrise enterprise Park, wherein a mix of industrial uses is evident. The site is adjoined by other industrial premises, with the nearest residential properties in Laburnum Grove offset by approximately 100 metres to the east. Until recently, the premises operated within Use Class D2 as a children's play centre, trading as Cookie's Funtime, but at the time of a visit to the site on 19 February 2015, the business appeared to have ceased trading from the site, which was vacant. The use of the premises within Use Class D2 was approved in 2007 - application reference 07/03912/FUL. Prior to this, the premises had been vacant since 2005 and was previously used for telemarketing and car sales. The proposed user of the building is a company which is engaged in the distribution of vehicle parts.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Network Management  
Castle - Ward Councillor Consultation  
DC North Chair and Vice Chair Consultation

Final Date for Receipt of Representations: **12.03.2015**

**REPRESENTATIONS:**

Neighbours

No representations have been received.

Consultees

The Network Management Team responded to consultation requesting clarification in respect of the servicing of the unit and in respect of deliveries to and from the premises.

**POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EC\_4\_Retention and improvement of existing business and industrial land  
NA\_1\_Retention and improvement of existing industrial area  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

**COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Amenity Issues.
- iii) Access and highway issues

## Principle of the development

Policies EC4 of the Unitary Development Plan (UDP) states that existing business and industrial land amounting to some 1,215 Hectares will be retained and improved for a range of uses. These are defined on a site specific basis, but in general, acceptable primary uses are offices, research and development, light industry (Use Class B1), general industry (Use Class B2) and warehouses and storage (Use Class B8).

Policy NA1.1 of the UDP expands upon policy EC4 and is site specific to the area in which the application site is located. It identifies the area as an established employment site, in this case Castletown/Ferryboat Lane area, which extends to 12 Hectares. The UDP identifies the primary allocated uses of the estate as being for offices, research, light and general industry, car sales and servicing (Uses falling within Use Classes B1 and B2 of the Town and Country Planning (Use Classes) Order which should be retained and improved. Applications for other uses will be considered on their individual merits.

In considering the acceptability of the development in principle, it is noted that the nature of the proposed use of the building is not one of those which is identified as the primary desired uses on this particular employment site as identified by policy NA1.1, but is one which falls within the scope of those uses identified by policy EC4. Therefore, consideration of the proposal's individual merits is required.

Given that the proposal represents an industrial type use, identified as generally suited to employment sites, it is considered to be a use which better reflects the characteristics of its surroundings than the previously authorised D2 use. The proposal would see the currently vacant premises brought back into an employment use and information provided by the applicant suggests that the operation of the business would see the creation of 45 jobs.

On balance, the proposal is considered to be acceptable in principle in that it would see the premises brought back into use for a purpose which accords with the aims of UDP policy EC4 which relates to employment uses. Whilst not within the list of preferred uses for this particular estate, it is considered that the proposed use is appropriate to its setting, particularly when considering the currently authorised, non-industrial/employment use.

## Amenity Issues

Policy B2 of the Unitary Development Plan which dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

The closet part of the application site is offset by approximately 80 metres from the curtilage of the nearest residential properties, which stand to the south-east in Laburnum Grove, Castletown. A tree belt stands between the application premises and these dwellings and the effect of this is that these properties are well screened from the unit to which the application relates. The separation distance, coupled with the intervening open space and screening is such that it is not considered that residents of the nearest residential properties would be adversely affected as a result of the proposed change of use.

In respect of the visual impact of the proposed development, the application does not suggest that any changes are proposed to the exterior of the building.

The proposal is considered to accord satisfactorily with UDP policy B2 in that it would not impact unacceptably upon visual or residential amenity.

#### Access and highway issues

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

In terms of the operation of the unit, the applicant has advised that 45 staff would be employed by the proposed business. Of these, some would car share, 10 would use company vans to get to work and about 10 would use public transport/bicycles. Staff would work a staggered shift pattern, with some working between 06:00 and 14:00 and others between 10:00 and 18:00. The submitted site plan shows the provision of 50 parking spaces at the unit. In respect of servicing of the unit, the applicant has advised that there would be two large deliveries per day for incoming stock and that distribution from the depot would be by small vans and would account for 70 vehicles per day.

The information provided by the applicant is considered to be acceptable in order that it is not considered that the proposal presents an unacceptable risk of overspill parking on the adjacent highway network so as to warrant a refusal of planning permission on that basis. The proposal is considered to accord satisfactorily with UDP policy T14 as set out above and it is not considered that it would result in detriment to highway safety.

#### Conclusion

In light of the above, the development is considered to be acceptable in terms of its principle, layout and impact on the highway network.

Members are recommended to approve the application subject to the conditions set out below.

#### **RECOMMENDATION: Approve**

#### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 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:

The Existing Floor Layout - Drawing Number GS00/1, received 30 January 2015;

The Proposed Mezzanine Floor Layout - Drawing Number GS00/2, received 30 January 2015;

The Proposed Ground Floor Layout - Drawing Number GS00/3, received 30 January 2015;

The Proposed Site Plan, received 4 February 2015 and

The Location Plan, received 30 January 2015.

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.