DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE

AGENDA

Meeting to be held in Committee Room No. 1 on Tuesday 25th October, 2016 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 October, 2016

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

Item 3

Development Control (South Sunderland) Sub-Committee

25th October 2016

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECOMONY 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. 16/01359/FUL
   City Hospitals Sunderland Children's Centre Durham Road Sunderland SR3 4AG
2. 16/01360/ADV
   City Hospitals Sunderland Children's Centre Durham Road Sunderland SR3 4AG
3. 16/01504/FUL
   35B Pallion Trading Estate Sunderland SR4 6SN
4. 16/01655/FUL
   62 - 66 High Street West City Centre Sunderland SR1 3DP
5. 16/01362/FUL
   Oakwood House 17, Mowbray Road, Sunderland.

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/

Ms. Irene Lucas CBE
Chief Executive

1. South Sunderland

Reference No.: 16/01359/FUL Full Application

Proposal: **Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets. (RETROSPECTIVE).**

Location: City Hospitals Sunderland Childrens Centre Durham Road Sunderland SR3 4AG

Ward: Barnes
Applicant: ParkingEye Ltd
Date Valid: 8 August 2016
Target Date: 7 November 2016

Location Plan



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PROPOSAL:

Planning permission is being sought retrospectively for the erection of two Automatic Number Plate Recognition (ANPR) cameras attached to two galvanised columns, two supporting cabinets and three pay and display machines at City Hospitals, Sunderland Children's Centre, Durham Road, Sunderland.

The proposed development affects the Children's Centre, which occupies a large site to the north of Durham Road, Sunderland. The grounds are bordered to the west by Sunderland College Campus, east by Barnes Park, north by The Goal Centre and directly opposite the residential properties at Humbledon Park.

The site is grade II listed and a separate advertisement consent application has been submitted for consideration (see ref : 16/01360/ADV). The application has not been supported by a Listed Building Consent application.

The site currently provides a car park with 70 parking bays including 2 disabled bays and the current proposal seeks to provide management of the car park.

The proposals comprise:

- 2 No ANPR cameras, one sited in front of the existing entrance to one of centre's units at the entrance to the site, with the second to the side of a further unit and located near the egress from the site. The cameras are supported on a 5 metre high tubular galvanised column.
- 2 No. equipment cabinets, one adjacent each of the ANPR cameras. The cabinets have dimensions of 942mm height x 305mm depth x 735mm width.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **14.09.2016**

REPRESENTATIONS:

No letters of representation have been received.

POLICIES:

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

B_10_Development affecting the setting of listed buildings
B_2_Scale, massing layout and setting of new developments

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

COMMENTS:

Issues to consider.

The National Planning Policy Framework (NPPF) provides the current Government 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 should 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 for all existing and future occupants of land and buildings, alongside conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

These core principles of the NPPF feed into policies EN10, B2, B10 and T14 of the Council's saved adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity and the setting of the listed building;
3. the impact of the 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.

The development for which planning permission is sought is designed to support the management of the Children's Centre existing car parks and so does not give rise to any conflict with the established land use of the site . The proposals therefore accord with the objectives of policy EN10.

2. The impact of the development on visual and residential amenity and the setting of the listed building.

Paragraph 128 of the NPPF states in part that:

"In determining applications , local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting.... As a minimum the relevant historic environment record should have been consulted and heritage assets assessed using appropriate expertise where necessary.

In addition to the above paragraph 132, states in part that:
"As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and visual amenity of the locality in which the site is situated, whilst policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In terms of visual amenity, the proposed development incorporates a number of pieces of apparatus which would typically be expected in public car parks, however in this particular instance the host building is a designated heritage assets and due consideration needs to be given to the impact of the individual pieces of apparatus upon the appearance of the host. With this in mind, it is considered that the siting of the ANPR camera and supporting galvanised column that is located in front of the west wing entrance to the Children's Centre is both harmful to the setting of listed building and uncharacteristic in terms of materials used, introducing an obtrusive form of development to the site.

Whilst it is recognised that the equipment could be accommodated within the site, the current proposal is considered to be both poorly conceived in terms of its appearance and siting, with no regard being given to the listed building in the form of any justification. In addition, the introduction of the vast array of signage and advertisements which are currently being displayed within the site has further added to the inappropriate clutter that has evolved both attached to and surrounding the listed buildings.

Further to consultations with the City Council's Heritage Protection Team, it is noted that a listed building application is needed, however in light that the application is retrospective and such an application has not been submitted it is recommended that the currrent proposal is refused as it is both harmful to the historic fabric of the listed building and the setting of the property.

The proposal is considered to be contrary to Section 12 of the NPPF : Conserving and Enhancing the Historic Environment with particular reference to paragraphs 128 and 132 and policies B2 and B10 of the saved adopted UDP.

3. The impact of the development on highway and pedestrian safety.

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highway team has confirmed that the proposals raise no concerns in relation to highway and pedestrian safety. The development therefore accords with the requirements of UDP policy T14.

Conclusion.

For the reasons set out above, it is considered that the proposed development, has not adequately considered the significance of the listed buildings contained within the site and the proposal by means of siting and design is both harmful to the visual amenity of the area and the setting of the listed building, contrary to policies B2 and B10 of the UDP.

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 subject to the reason below:-

Reasons:

1 The proposals would be detrimental to the visual amenity of the area and harmful to the setting of the listed building by reason of design, appearance and siting and as such would be contrary to policies B2 and B10 of the UDP.

2. South Sunderland

Reference No.: 16/01360/ADV Advert Application

Proposal: **Erection of 15 signs mounted on lighting columns, signage poles or on the wall of the buildings.**

Location: City Hospitals Sunderland Childrens Centre Durham Road Sunderland SR3 4AG

Ward: Barnes
Applicant: Miss Gemma Lang
Date Valid: 8 August 2016
Target Date: 3 October 2016

Location Plan



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PROPOSAL:

Advertisement Consent is sought for the retention of 15 signs mounted on lighting columns, signage poles or on the walls of the buildings at City Hospitals, Sunderland Children's Centre, Durham Road, Sunderland.

The application is accompanied by a separate full planning application (see ref: 16/01359/FUL) for the installation of ANPR camera columns, pay and display machines and associated cabinets.

The signage provides information boards and supports the paraphernalia required for the installation of the Parking Eye Car Parking Management System.

The current proposal seeks the retention of four separate design of signs.

Sign 1 is a pole mounted sign of which there is one, sited near to the entrance to the site and providing information on tariffs. Measuring 60cm in width x 80cm in length, the sign is blue and white and is non illuminated.

Sign 2 is a pole mounted sign of which there are nine, each providing information on parking tariffs and penalties. Measuring 60cm in width x 80cm in length, the signs are yellow and black and are non illuminated.

Sign 3 of which there are two are similar to sign 2 however the pole mounting is smaller.

Sign 4 is a wall mounted sign of which there are four and provides similar instructions to signs 2 and 3. The signs measure 60cm in width x 80cm in length, the signs are yellow and black and are non illuminated. The signs are held in place viaa set of holes drilled into the existing brickwork and then attached with screws.

In addition to the above, the existing buildings also host a variety of signs relating to the use of CCTV cameras, directional signs, no smoking signs, health and safety signs, and warning signs.

TYPE OF PUBLICITY:

Not Applicable

CONSULTEES:

Network Management
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **06.09.2016**

REPRESENTATIONS:

No letters of representation have been received.

POLICIES:

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

B_21_Advertisement & Control

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

COMMENTS:

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

As such, in order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and the associated Development Control Guidelines Supplementary Planning Guidance (SPG). Paragraph 10.28 of the UDP states that the degree to which a development confirms with supplementary design guidance will be a material consideration in the determination of the planning application. As such the SPG should be accorded significant weight under Section 38(6) of the Planning and Compulsory Purchase Act , 2004.

The Council's UDP was adopted in September 1998. In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms argeement of the policies that are to be saved for a further period , pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed "saved" policies was submitted to the SoS - via Government Office for the North East (GONE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, a continual supply of land for development.

Subsequently, Annex 1 : Implementation of the NPPF, particularly paragraph 215, dictates that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

Assessment

Pursuant to the requirements set out by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, as amended, policy B21 of the City Council's adopted UDP states that applications for advertisement consent will be determined on the basis of their impact on amenity and public safety.

This policy is considered to be consistent with paragraph 67 of the NPPF, which states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment... advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject ot the local planning authority's detailed assessment." It also states that advertisements should only be subject to local authority control in the interests of amenity and public safety, taking account of cumulative impacts.

Given the above provisions, the main issues to consider in determining the proposal are:

i) Amenity
ii) Public Safety

These considerations are made against relevant national and local planning policies, including those within the NPPF the Council's UDP and associated supplementary planning guidance to the UDP.

Amenity

UDP policy B21 states that large scale advertisement displays will be subject to particular scrutiny with regard to their effect on amenity.

In considering the amenity issues associated with this application, regard must be had both to the visual amenity of the area and also the impact upon amenities of residents of nearby dwellings.

In considering visual amenity, the proposal relates to 15 signs situated around the hospital site, providing information relating to the Parking Eye Management System. Displayed by a variety of means, the signs are considered to add to the existing number of signs already in situ within the site and detract from the overall visual amenity of the site by increasing the amount of clutter that is visible from Durham Road. Furthermore the siting of the signs, quantum and overall design are all considered to negatively impact upon the setting and appearance of the listed building.

In terms of residential amenity, the proposal is not considered to lead to conditions prejudicial to residential amenity due to the distance between the host property and the nearest residential properties along the south side of Durham Road.

Further to consultations with the Heritage Protection Officer, it is noted that many of the signs have been drilled to walls of the listed building, causing harm. It is also noted that the signs are inappropriate and harmful on the historic fabric of the listed building and the setting of the property. The Heritage Protection Officer requests that the signs are removed so that a more considered solution to the parking issue can be sought.

Public Safety.

UDP policy T14 aims to ensure that developments should not cause traffic problems and should make appropriate provision for safe access s by vehicles and pedestrians.

Further to consultations with the Network Management Section the proposal is not considered to lead to conditions prejudicial to public safety and is considered compliant with policy T14.

Conclusion.

The proposal is considered to be unacceptably detrimental to visual amenity and is considered to have a negative impact on the appearance of the listed building. As such, the proposal is considered to fall contrary to NPPF paragraph 67 and policy B21 of the UDP.

It is therefore recommended that Members should refuse this application for consent to retain the signs associated with the Parking Eye car park management system.

RECOMMENDATION: Refuse subject to the reason below

Reasons:

1 The signage associated with the Parking Eye Car Park Solutions by virtue of their size and position are harmful to the appearance of the street scene and the visual amenity of the locality and the appearance of the listed building in conflict with the requirements of paragraph 67 of the National Planning Policy Framework and policy B21 of the saved adopted Unitary Development Plan.

3. South Sunderland

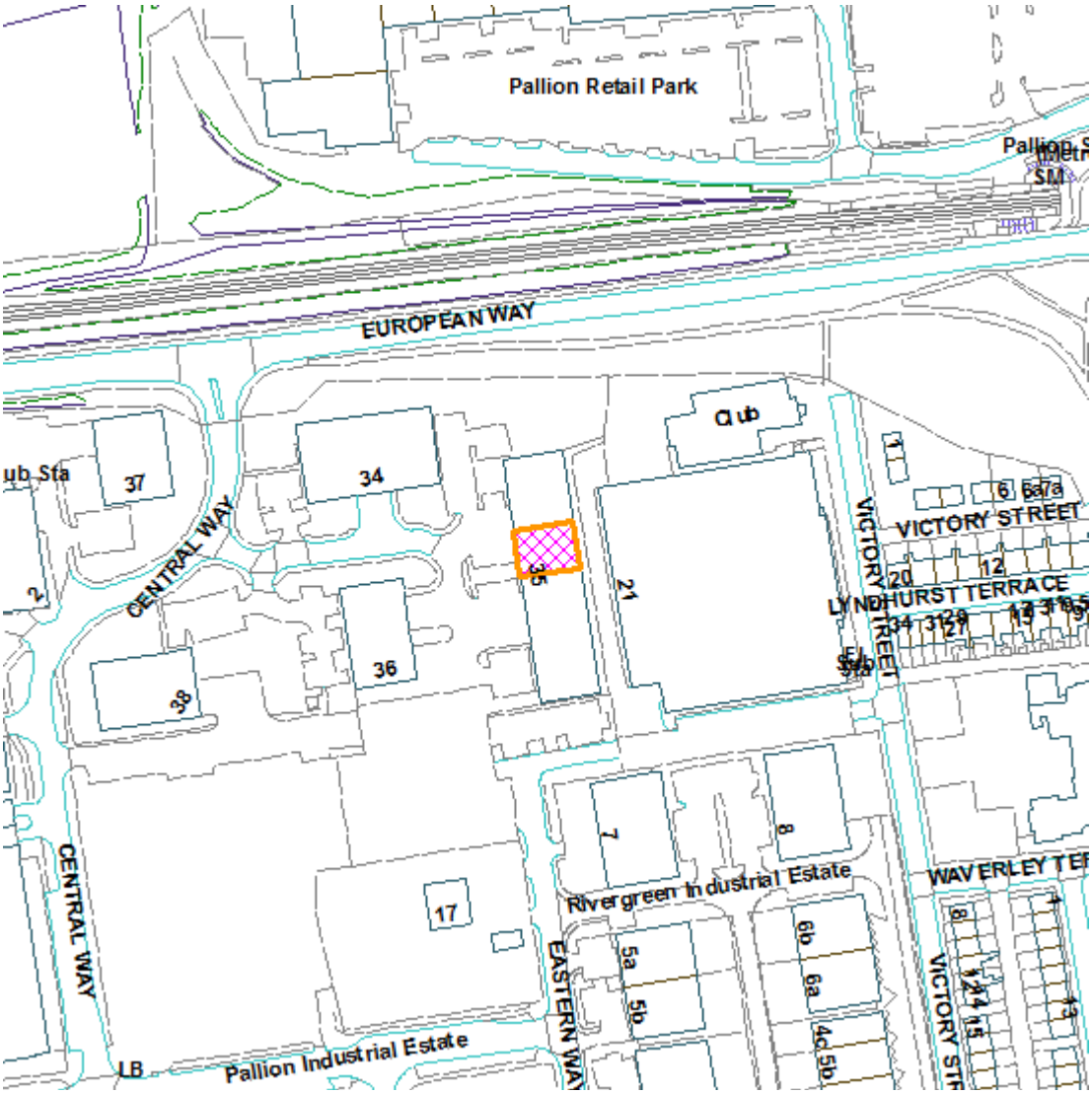
Reference No.: 16/01504/FUL Full Application

Proposal: **Change of use from light industry (Use Class B1) to Gym (Use Class D2).**

Location: 35B Pallion Trading Estate Sunderland SR4 6SN

Ward: Pallion
Applicant: New Level Fitness
Date Valid: 23 September 2016
Target Date: 18 November 2016

Location Plan



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PROPOSAL:

The application site is a small single storey industrial unit of just over 331 square metres situated within the established Pallion Industrial Estate. It is of grey steel portal frame construction with insulated plastisol coated cladding to roofs and elevations. Internally, the unit is one large space with office and welfare facilities housed within a single internal block. It sits within a building housing four units in a small development of similar buildings situated at the end of a cul de sac off Central Way. The unit has been vacant for approximately 7 years.

The proposal is for the change of use of the premises from light industrial (use class B1) to a gym (use class D2). The applicant already runs a business whereby he provides one to one personal training as well as group training sessions using outdoor space or hired training facilities. The proposed development would provide facilities for the indoor training sessions. It is envisaged that, as well as the applicant, two part time staff are likely to be required to operate the business.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Pallion - Ward Councillor Consultation

Final Date for Receipt of Representations: **20.10.2016**

REPRESENTATIONS:

One letter of objection has been received to date.

The objector's main concerns relate to the potential for the development to exacerbate an existing parking problem relating to customer parking for nearby units with trade counters.

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
SA_1_Retention and improvement of existing employment site
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
EC_10_Maximising the potential of the Enterprise Zones

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government 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 is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

In addition to the above, paragraph 22 of the NPPF states that:
"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

The relevant guidance of the NPPF detailed above feeds into policies B2, EC4, SA1.6, T14 and T22 of the City Council's adopted Unitary Development Plan (UDP) (1998), which are consequently considered to be pertinent to the determination of this application. Within the UDP Alteration No. 2 adopted in 2007, the site is subject to policy EC10A.

Reference is also made in this report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and is not anticipated to be formally adopted by the Council until around 2017. As such, the policies referred to can only be given limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next 2-3 years.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the land use allocation of the proposal site;
2. the principle of the proposed change of use;
3. the impact of the proposed use on the existing employment area;
4. the appropriateness of a town centre use in an out-of-centre location;
5. the impact of the proposed development on highway and pedestrian safety;

1. Land use allocation of the proposal site

The subject building is situated within an area allocated for economic development by the proposals map of the City Council's adopted Unitary Development Plan (1998). Policy EC4 of the UDP states that within existing areas, uses falling into use classes B1 (offices and businesses), B2 (industry) and B8 (storage and distribution) are most appropriate. Possible ancillary uses where required to meet the needs of each site are identified as use class A1 (shops up to 50sqm), use class A2 (offices where services are provided for the general public), use class A3 (food and

drink outlets), use class C1 (hotels), use class D1 (community facilities), use class D2 (assembly and leisure) and open space.

Policy SA1.6, meanwhile, identifies the specific sites within Sunderland South to which policy EC4 is applicable. It states that uses falling within classes B1, B2, and B8 are considered to be most appropriate within Pallion Industrial Estate. Within areas subject to policy EC10A of the UDP Alteration No. 2, the Council will seek to resist development that detracts from efforts to encourage regeneration within the area or that has a negative impact upon the vitality and viability of the city.

In accordance with the above, uses falling into class D2 (assembly and leisure) are only normally appropriate where they are to provide an ancillary facility to the primary use(s) of the site.

The Council's UDP was adopted some time ago, but the area in which the subject property stands is continued to be identified as an established `Primary Employment Area' by the aforementioned emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This designation was based upon the most up-to-date employment land assessments available to the Council.

City-wide policy CS3.3 of the draft Core Strategy states that established employment areas will be maintained through the improvement, development and intensification of land and premises for economic development (i.e. B1, B2 and B8 use classes) purposes. In addition to the above, policy DM3.1 is considered to be applicable which identifies alternative ancillary uses in Primary Employment Areas as A1 and A3 use classes whilst other acceptable or appropriate uses are identified as including D1 and D2 uses, subject to compatibility with the established character, function and day-to-day operation of the primary employment area.

2. Principle of the proposed change of use

The proposed use of the premises for a use falling within use class D2 of the Order does not strictly accord with the list of land and property uses considered to be most appropriate within this employment area, as set out by policies EC4 and SA1 of the UDP, and it would appear that the proposed gym would be likely to act as more than an ancillary facility to the employment area. However the proposed D2 use is identified as an acceptable or appropriate use of land as set out within policy DM3.1 of the Core Strategy.

As such, consideration must be given to the merits of the proposed change of use, especially as it is recognised that the building in question appears to have been vacant for some time.

The NPPF provides the most up-to-date planning policy framework for the consideration of proposals involving non-employment uses in locations where employment-related uses are the most appropriate.

In this regard, paragraph 22 of the NPPF recommends the regular review of land use allocations (the most recent of which informed aforementioned policy CS3.3 of the Council's draft Core Strategy) and discourages the long-term protection of employment land where there is no reasonable prospect of it being used for such purposes. In such cases, applications for alternative uses of land or buildings should be treated on their merits.

Policy DM3.1 states that other uses will be considered on their merits and in all cases all new uses must:-

a. be of a type, scale and appearance compatible with the established character and function of the Primary Employment Area.

b. not adversely prejudice the day to day operation of the Primary Employment Area through traffic generation or pedestrian movement;
c. not - with other similar uses - constitute a significant dilution of the business use on the area.

The applicant has submitted supporting information which indicates that application site has been advertised as available to let under at least two agents since 2009 and has prompted no enquiries from prospective companies/tenants. As well as the application site, the adjoining site has also proved difficult to let. Whilst the units within the immediate vicinity of the application site appear to be occupied, the wider area of Pallion Industrial Estate has suffered decline and includes areas of derelict ground.

Consequently, and having regard to the advice of paragraph 22 of the NPPF, it is considered that, given the extended period of time since the building was last occupied, an alternative use of the premises which does not necessarily comply with the primary list of acceptable uses provided by the aforementioned UDP policies and policies of the draft Core Strategy, may be broadly appropriate in this instance.

In order to determine whether the proposed use of the building is acceptable, however, all other relevant material planning considerations must first be satisfactorily addressed.

3. Impact of proposed use on remaining employment area

With regards draft policy DM3.1 and taken each of the points in turn:

a- there are no proposed external alterations to the building. The small scale of the use is in keeping with the scale of the unit and, as such the proposal is compatible with the established character and function of the Primary Employment Area.

b- the peak times for the use of the building is anticipated to be post 6pm, when the working day of the neighbouring units is over. It is anticipated that at any one time only a maximum of about 10 customers will visit the site, parking for whom can be accommodated within the spaces indicated to the front of the premises as well as additional shared spaces to the north of the site.

c- there have been no other similar leisure uses authorised within this area of Pallion Industrial Estate and, as it is one of the smaller units, it is not considered likely to dilute the business use in the area.

As such, it is considered that in this case, the change of use of the building can be undertaken without having any detrimental impact on the integrity, function and operation of the remaining employment area of Pallion Industrial Estate, in accordance with the requirements of draft policy DM3.2 of the emerging Core Strategy.

4. Appropriateness of town centre use in out-of-centre location

The proposal involves the change of use of the premises to a main town centre use, as identified by Annex 2 (the Glossary) to the NPPF. Section 2 of the NPPF seeks to ensure the long-term vitality of town centres (a term which also encompasses city centres, town centres, district centres and local centres); to this end, paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre to determine if any more suitable sites are available. Of greatest preference are 'in centre' sites, followed by 'edge of centre' sites and only where no suitable sites are identified should consideration be given to an 'out of centre' location.

As required by paragraph 24 of the NPPF, the applicant has submitted information relating to the rationale for considering this out of town location over other sites in more appropriate town centre locations. The assessment indicates that the applicant has considered sites within the city centre but found them unsuitable due to their size or layout. A city centre location was also not considered to be an attractive proposition to the clients who prefer to come and go without having to negotiate a busy city centre.

The assessment concludes that there are no preferable sites for the proposed gym than the subject premises, having taken into account the business needs and the convenient location of the site.

The above assessment is considered to have satisfactorily assessed the availability and suitability of other premises and sites within more sequentially preferable locations, i.e. the City Centre, in line with the requirements of paragraph 24 of the NPPF. As such, it is considered appropriate to conclude that there are no more sequentially preferable sites which are, within reason, available and suitable for the proposed use as a gym.

5. Impact of proposed 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 new development to be afforded an appropriate level of dedicated car parking provision.

In response to consultation, the City Council's Network Management team has no objections to the proposal but has requested that clarification of the parking arrangements be sought. The applicant has indicated that the gym will operate on a personal training or sessional basis, with a likely maximum of 10 clients at any one time.

The applicant has indicated that 12 car parking spaces are available to the unit. However, the premises are situated within a court layout of other similar units whereby parking is informal and loosely shared. Six spaces are available directly to the front of the unit and shared parking is available between adjacent units. The parking demand will tend to be short term over the duration of a fitness session and peak demand will be outside of the trading hours of other nearby operations. Given the location of the unit within a cul de sac location, it is not considered that indiscriminate parking will result that are to likely to cause conditions that are prejudicial to highway safety.

CONCLUSION

The proposed use of the premises as a gym (use class D2) is not consistent with the list of most appropriate land uses identified for the Pallion employment site by policies EC4 and SA1.6 of the UDP and draft policy CS3.3 of the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). However, the proposal is listed as an acceptable appropriate use within DM3.1 of the DPD. It is also evident that the subject building has been vacant for some time, despite attempts to find an appropriate, compatible user.

As such, and having had regard to the advice of paragraph 22 of the NPPF and draft policy DM3.1, of the Council's emerging Core Strategy, it is suggested that it is appropriate to consider the merits of an alternative use of the premises in this instance. The proposed use of the building as a gym is not considered to have a detrimental impact on the existing businesses and remaining employment land at Pallion Industrial Estate, whilst the use is compliant with the highway and pedestrian safety requirements of policies T14 and T22 of the UDP.

In addition, the applicant has satisfactorily demonstrated that there are no sequentially preferable sites available within Sunderland City Centre or other centres which could reasonably satisfy the particular business model and operational criteria of the applicant. The proposal is therefore also compliant with the requirements of paragraph 24 of the NPPF.

It is consequently considered that in this case, the change of use of the premises to a non-employment use is acceptable. In reaching this conclusion, regard has been had to the core principles of the NPPF which seek to stimulate sustainable economic development and make full use of previously developed sites. In this sense, it is acknowledged that the proposal will bring a building which has been vacant for some time back into a viable use and create jobs.

The period for the receipt of representations does not expire until 20 October 2016, after the preparation of this report but before the meeting. Any additional representations will be reported to the meeting.

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 draft conditions set out below

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:

- location plan received 16/8/16,
- site plan and car parking layout received 16/8/16,
- floor plans as existing received 25/8/16,
- floor plans as proposed received 25/8/16,
- isometric indicative internal layout plans received 16/8/16,

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.

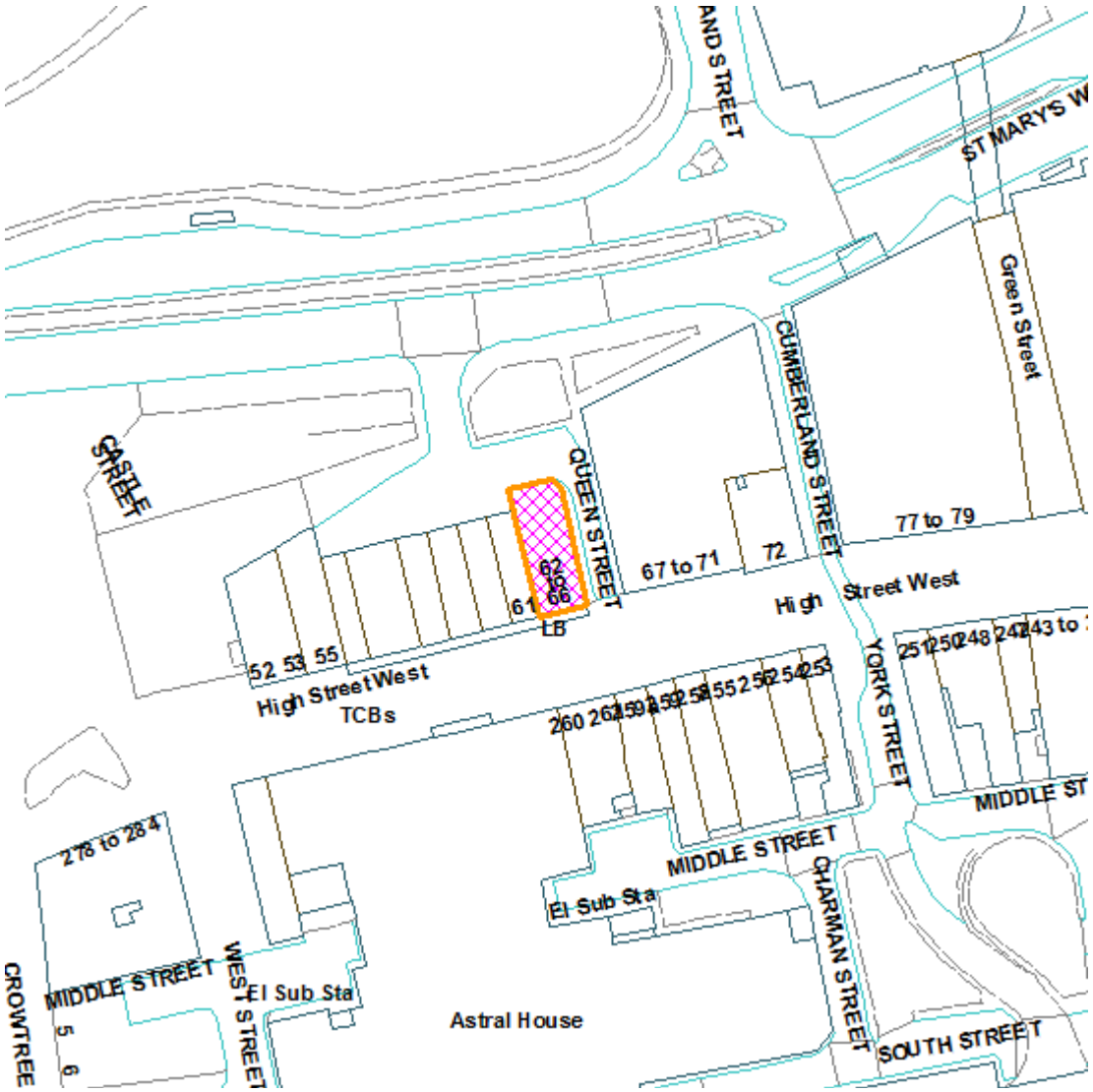
Reference No.: 16/01655/FUL Full Application

Proposal: **Change of use of premises from A1 (Retail) to A3 (Food and Drink) and/or A5 (Hot Food Takeaway).**

Location: 62 - 66 High Street West City Centre Sunderland SR1 3DP

Ward: Millfield
Applicant: West Wicklow Property Two Limited
Date Valid: 19 September 2016
Target Date: 14 November 2016

Location Plan



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PROPOSAL:

The application site is a three storey property situated on the corner of Queen Street and High Street West. It is located within a building constructed in the early 1960s on a cleared WWII bomb site. Retails units occupy the ground floor whilst the first and second floors are in uses such as office/storage space, a beauty salon and fitness centre. The application site is currently vacant but has previously been used as a furniture store. There are a number of other vacant shop units within the vicinity.

The host property is located within High Street West, a main route through the City centre that links existing shopping and leisure facilities as well as the University of Sunderland city centre campus. The area is currently undergoing environmental improvements works to deliver upgrades to High Street West and link it to the recently completed Keel Square, to secure wider investment and regeneration in the city.

The proposal relates to the change of use of the site from retail A1 to use class A3 (food and drink) and/or A5 (hot food takeaway). The proposal is speculative as no end user has been identified within the application. No external alterations are proposed at this stage.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Millfied - Ward Councillor Consultation
Network Management
Environmental Health
Business Investment
Southern Area Command - Police

Final Date for Receipt of Representations: **19.10.2016**

REPRESENTATIONS:

No third party representations have been received.

The Network Management Team has no objections to the proposal.

The Public Protection Team has indicated that there are no objections to the proposal, but have requested that standard conditions are included realting to refuse storage, suitable extraction system, and opening hours.

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_1_Improvement of the environment
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

EC_10_Maximising the potential of the Enterprise Zones
S_2_Encouraging proposals which will enhance / regenerate defined existing centres.
S_11_Restriction of non retail uses in parts of the city centre and Washington town centre
S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres
EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

ISSUES-

The main issues to consider in assessing the application are:

- the principle of the proposed change of use;
- the impact of the proposal on amenity; and
- any highway implications.

Principle of Use

Given that the application site lies within the Retail Core Boundary of Sunderland City Centre, it is within the area to which the Unitary Development Plan (UDP) alteration No.2 (Central Sunderland) is applicable. Therein, policy EC10A relates to the regeneration of Central Sunderland and states that the Council will support the regeneration of Central Sunderland through seeking to maximise investment in employment, housing, leisure, tourism and education.

Policy S2A of UDP Alteration No. 2 deals with retail development and other town centre uses. Explanatory paragraph 6.23 of policy S2A states 'a broad range of uses already contribute significantly to the character of the City Centre, including shops, financial and professional services, restaurants, business and leisure and cultural uses'. These uses are identified to remain prominent. This approach is consistent with section 2 of the National Planning Policy Framework (NPPF), which encourages planning policies and decisions to promote competitive town centre environments and requires town centre uses to, first and foremost, be located within town centres.

Also of relevance are policies S11 and S12 of the UDP which relate to non-retail provision. Non retail uses are required to be considered on their own merits through policy S11 whilst A3 and A5 uses are also subject to policy S12. Policy S12, states that café, restaurant and hot food takeaway uses are acceptable in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.

The host property is also subject to the Sunderland Central Area Urban Design Strategy (CAUDS) Supplementary Planning Document 2008 and is located within the Central District. The applicable objectives within the Central District is to 'enhance the mix of uses on offer, including above ground level, by strengthening retail provision, new restaurants, cafes and bars, leisure uses, and opportunities for people to live in the city centre thereby extending the times during which the Central District is busy, active and safe'.

As detailed within the CAUDS, the key objective for High Street West is 'diversifying the mix of uses to ensure that the street is busy outside shopping hours'. In this respect it is noted A1 uses must continue to be predominant but other uses including A3 cafes and restaurants should be encouraged while maintaining active frontages along the entire length of the street.

The adopted Sunderland City Centre Evening Economy SPD 2008 identifies the aims for High Street West of introducing a strictly limited number of restaurants and cafés / café bars which would be open throughout the day as well as in the evening. The introduction of a number of A3 uses is suggested as a means to stimulate more interest from A1 retailers. The provision of more than just retail frontages which typically lose their interest in the evening will also help provide natural surveillance to the underused area of the city centre at night. A5 uses, however, are not to be permitted.

In this instance, whilst the A3 use conforms to the list of acceptable uses as identified above within the applicable policy guidance, an A5 use would not. However, since publication of the Evening Economy SPD and the CAUDS, there have been changes in retail habits with the advent of internet shopping and there is an increased need for city centres to diversify.

Over the years the Council has had limited success in resisting non -retail uses within the prime shopping area. In light of the above it is considered that the proposal would not be harmful to the viability or vitality of the retail function of the City Centre.

As such, the proposal is not considered to compromise the vitality and viability of the retail provision in the prime shopping area and would bring a vacant unit back into use. Notwithstanding any impact on amenity or public/highway safety as discussed below, the proposal is considered to be acceptable, in principle.

Amenity

In addition to UDP policy S12, as set out above, regard must be had to policy B2 of the UDP which requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality. Furthermore, policy EN5 of the UDP states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures. This requirement is reinforced by policy GEN6 of the Evening Economy SPD.

In the interest of residential amenity, policy HSW3 of the Evening Economy SPD aims to protect the amenity of the city centre flats and, as such, recommends that premises be closed by no later than 23:30 on Mondays to Thursdays, midnight on Fridays and Saturdays and 23:00 on Sundays (or midnight on Sundays preceding Bank Holidays). An A3 use or a mixed A3/A5 use are not considered likely to generate an excessive level of noise, however a degree of disturbance could be caused late at night and, as such, it is recommended that a condition be imposed requiring adherence to the closing times set out above. An A5 use over three floors, however is considered likely to create an excessive amount of noise and disturbance and it is considered appropriate to limit the floorspace that can be occupied by the A5 use in order to minimise the impact of the development.

Consideration has also been given to any potential odorous emissions which could have an impact on the amenity of local residents as well as the local environment. Whilst no extraction or ventilation details have been provided, it is considered that the host building is likely to be able to reasonably accommodate an appropriate system. As such, it is recommended that a condition be imposed requiring the submission of details and installation of the appropriate equipment prior to the commencement of the proposed use(s).

Highway Implications

Policies T14 and T22 specify 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.

Given the location of the site within the City Centre, it is likely that the premises predominantly caters for customers arriving on foot and a previous commercial use would be replaced, so the provision of additional dedicated car parking is not considered to be necessary.

The Network Management Team has commented that suitable provision for the storage of refuse within the curtilage of the building should be provided, in order to prevent obstruction of the highway. As such, it is recommended that a condition be imposed requiring the submission of details and the provision of appropriate faclities prior to the commencement of the proposed use(s).

Conclusion

For the reasons given above, the principle of the proposed change of use is considered acceptable and it is not considered that the proposal would compromise amenity, highway safety or the free passage of traffic. The proposal therefore accords with the requirements of policies B2, EN1, S11, S12, T14 and T22 of the adopted UDP, policy S2A of the UDP Alteration No. 2 and the relevant sections of the NPPF as identified above.

The period for the receipt of representations does not expire until 19 October 2016, after the preparation of this report but before the meeting. Any representations received will be reported to the meeting.

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 draft conditions set out below

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:

- location plan received 14/10/16,
- floorplans as existing received 8/9/16,
- floorplans as proposed received 8/9/16,

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 the submitted details, the A5 part of the use shall be limited to the ground floor only as ancillary to the remaining use of the premises as A3, in order to protect the amenities of the area and to comply with policies S12 and B2 of the UDP.

4 The premises shall not be operated for the purposes hereby approved outside the following hours:
Monday to Thursday (except Bank Holidays) 06:00 to 23:30;

Friday and Saturday (except Bank Holidays) 06:00 to midnight;
Sunday and Bank Holidays 06:00 to 22:00,
in order to protect the amenities of the area in accordance with policies S12 and B2 of the UDP.

5 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy S12 of the UDP.

5. South Sunderland

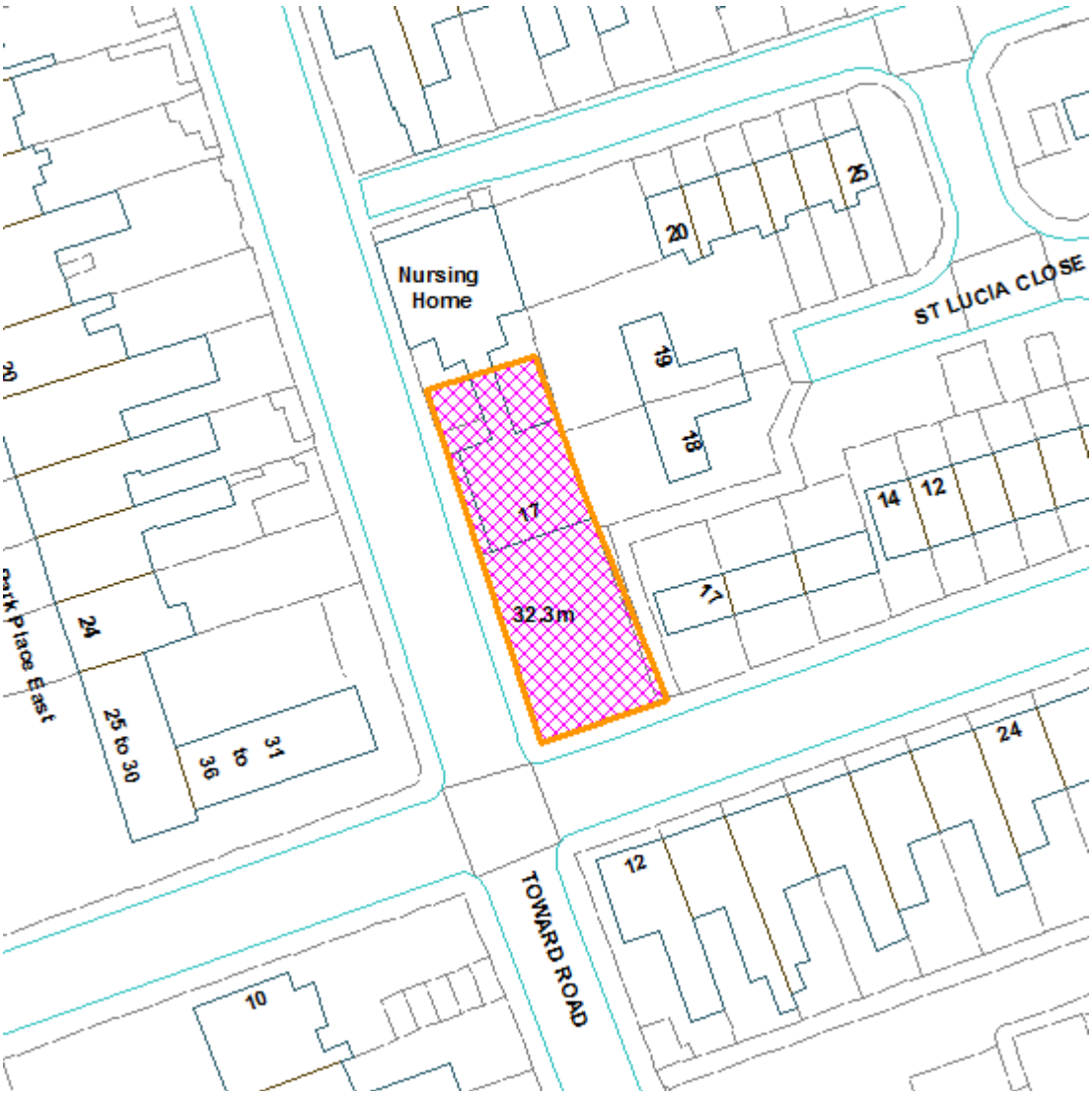
Reference No.: 16/01362/FUL Full Application

Proposal: **Change of use from HMO to supported accommodation facility.**

Location: Oakwood House 17 Mowbray Road Sunderland

Ward: Hendon
Applicant: Forevercare
Date Valid: 27 July 2016
Target Date: 21 September 2016

Location Plan



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PROPOSAL:

The proposal relates to a change of use from HMO (house in multiple occupation) to a supported accommodation facility at 17 Mowbray Road, Hendon, Sunderland, SR2 8EW.

The proposal affects a three-storey (with additional rooms in the roof space) detached property occupying a large (approximately 815 sq. metres) plot at the junction of Mowbray Road and Toward Road, which flanks its western side. The main building is set behind a large walled front garden and is a relatively attractive property of some age, but to its rear is a fairly modern, substantial two-storey annexe, which is attached to the main building via a connecting enclosed hallway. The area surrounding the subject building is predominantly residential in nature, with residential terraces to the south, on the opposite side of Mowbray Road, to the west (The Oaks) and to the north (St. Vincent Street). To the east are the relatively modern two-storey dwellings of the cul-de-sac St. Lucia Close.

Before describing the details of the current proposal, it is considered useful to give an overview of the planning history of the subject building. It would appear that the property was historically a vicarage for the nearby St. Ignatius Church, but planning permission was granted in 1982 for a change of use of the building to a nursing home (ref. 82/0652). Subsequent applications proposing extensions to the nursing home (i.e. the aforementioned annexe) were then approved in 1985, 1994 and 1996.

In 1998, planning permission was granted to change the use of the building to a house in multiple occupation (HMO) to provide student accommodation (application ref. 98/00677/FUL). A condition of this approval (condition no. 5) stipulated that: 'the accommodation shall only be occupied by students in full-time education, in order that the Local Planning Authority may retain control over the development'.

In 2007, as Members may recall, planning permission was granted to temporarily change the use of the property to supported residential accommodation for homeless youths, a facility to be operated by the charity Centrepoint (application ref. 07/05332/FUL). This was granted for a temporary period of 2 years, although the approval of two subsequent applications to renew this permission (refs. 09/04607/REN and 11/01635/REN) resulted in the use being authorised until March 2012.

Centrepoint's use of the building has ceased and the building's current authorised use is as an HMO (front part) for up to 15 no. residents and for supported living accommodation for up to 8 no. children in need of full time care in the rear annexe. Members may recall that permission was granted to use the annexe for this purpose at the Development Control (South) Area Sub-Committee on 27.05.2014 (planning application ref. 14/00089/FUL), whilst at the same meeting, it was resolved to approve the removal of the condition (no. 5) which restricting the occupancy of the front part of the building to students only (application ref. 14/00380/VAR).

The building (both front and rear parts) are now in the ownership of Forevercare, who submitted the two most recent planning applications and currently operate the supported accommodation to the rear annexe. The company is involved in the delivery of services involving residential care and support for vulnerable young people.

The current application only relates to the front (older) part of the building and it proposes a change of use from an HMO to a supported accommodation facility for vulnerable young mothers and their young children. The statement submitted in support of the application advises that the facility is intended to provide accommodation for up to 5 no. young mothers (plus their young children) from the Sunderland area and it would be operated by Forevercare.

Members should note that a second application proposing to change the use of the rear annexe from a supported accommodation facility for children to a more general supported accommodation facility (application ref. 16/01363/FUL) was recently withdrawn (by email dated 12.10.2016) - the facility proposed by the current application would therefore co-exist with the existing accommodation for young persons in the rear annexe.

The current application does not involve any physical alterations to the building. The floorplans submitted with the application show the provision of up to 8 no. bedrooms (four of which are en-suite), although as noted previously, the applicant has set out an intention to only accommodate 5 no. young mothers and their young children. The submitted internal layout also shows the provision of a laundry and shared shower facilities to the ground floor; an office, lounge/kitchen, sensory room and shared bathroom to the first floor, another sensory room and shared bathroom to the second floor and further shared shower/bathroom facilities to the third floor (within the roof space). The first floor of the corridor connecting the front part of the building to the rear annexe provides an office with doors leading into both parts of the building. Otherwise, access into the building is via the existing front entrance.

The supporting statement goes on to advise that on-site support will be provided by a team of trained staff. There will be a designated manager, with at least two staff on-site during the working day, one of which will be a senior staff member. During the night, there will be staff on duty at all times and also on-call staff to provide support if required.

All visitors to the young mothers will either be professionals or cleared by individual social workers and security will be provided by CCTV cameras and a buzzer system to external doors which will be monitored by duty staff. In addition, risk assessments of occupiers of the accommodation will be completed by staff and social services.

The applicant has suggested that in order for the new use of the main building to co-exist satisfactorily with the existing supported accommodation facility in the rear annexe, the property's secure gated entrance could be moved from the west boundary to the southern boundary, which would ensure there is no conflict between users of the northern and southern entrances.

The application sets out that parking is available in a hard-surfaced area to the north-east corner of the annexe, which is owned by the applicant and is argued to be capable of accommodating up to 6 no. vehicles (although these would have to be parked in 'tandem' arrangement, i.e. one behind the other).

An application of this nature would normally be determined under the Council's Delegation scheme, but it has been referred to the Committee at the request of Ward Councillor McClennan (via email dated 22/08/2016).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Southern Area Command - Police

Final Date for Receipt of Representations: **12.09.2016**

REPRESENTATIONS:

Public consultation - a total of 10 no. representations have been submitted in respect of the application, with the majority also wishing for their comments to apply to the second (withdrawn) application relating to the use of the rear annexe (i.e. app. ref. 16/01363/FUL). Representations have been received from the occupiers of 4, 5, 6, 7, 15, 17 19, 20, 22 and 23 St. Lucia Close and the following points have been raised in relation to this specific application:

- the Council shouldn't even consider applications of this nature at this building;
- the existing use of the property is resulting in noise, disturbance and anti-social behaviour, including drug abuse, outdoor drinking, lighting of fires and verbal abuse towards residents;
- there have been people sleeping outside the premises;
- rubbish is being dumped in the parking area at the rear of the property;
- nothing is being done by the Police, the Council's anti-social behaviour team or Forevercare to control anti-social behaviour;
- residents in the area cannot sell their homes and residents pay Council tax without getting anything in return;
- problems are not new and have been occurring for years and residents are 'heartily sick' of Council decisions in relation to Oakwood House;
- residents want a peaceful life and oppose any application to be granted to the present owners;
- question of whether level of support being provided will ensure no impact on residents;
- poor maintenance of building and grounds, including overhanging trees;

Northumbria Police - consulted on the application, but 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
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_17_Nursing and rest homes to respect amenity / established local character
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

RELEVANT POLICY BACKGROUND

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 and should encourage the effective re-use of land and property.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H17 and T14 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy H17, meanwhile, states that the provision of nursing homes and other residential accommodation for people in need of care will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety.

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

1. the principle of the proposal;
2. the impact of the proposal on the amenity of the locality;
3. the implications of the proposal in respect of highway and pedestrian safety.

1. Principle of proposal

The proposed use of the premises is, ultimately, residential in nature and the building is located within an area which is primarily residential in character. Broadly speaking, the proposal does not, therefore, conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with policy EN10's requirements in this regard.

2. Impact of use on amenity of locality

As noted above, policy H17 of the Council's adopted Unitary Development Plan (1998) states that the provision of nursing homes and other residential accommodation for people in need of care and support will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met. In addition, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.

The objections submitted in respect of the application consistently raise concern in relation to on-going anti-social behaviour issues purported to be arising from the current use of the building. In particular, issues have been cited in respect of crime, anti-social behaviour and noise and disturbance and the representations explain that the amenity of residents living in proximity to the application site is being harmed by the existing use.

With regard to this matter, it must firstly be noted that as a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.

It would not be reasonable, therefore, to presume that the proposed use will give rise to the same amenity and anti-social behaviour issues identified by residents in relation to the existing use of the building. In order to assess the impact of the proposed use of the front of the building on the amenity of the locality, it is necessary to consider the particular nature and likely characteristics of the use in detail.

To this end, the application sets out that the facility would only accommodate 5 no. young mothers (plus their children), who would be spread over the building's four floors. The proposed use is therefore of a low intensity and is considered unlikely to lead to significant numbers of comings and goings, especially in comparison to the existing authorised use of the front part of the building as an HMO able to accommodate up to 15 no. residents. In addition, there is not considered to be sound reason to conclude that the occupancy of the front of the building by mothers and their young children would be inherently noisy or disruptive in relation to the amenity of the locality.

In addition to the above, the applicant has set out proposed management and supervision measures (e.g. staffing, visitor and security arrangements) which, if properly applied, should serve to ensure the facility is able to be managed in a way which minimises any impact on the amenity of the area and living conditions of nearby residents.

The issues experienced by local residents regarding anti-social behaviour in relation to the current and previous uses of the building are acknowledged and not disputed. The applicant's proposed management and staffing arrangements are, however, considered to demonstrate a recognition of their responsibilities in relation to the behaviour of prospective residents of the proposed facility, whilst given the low-intensity and nature of the proposed use, there is not considered to be reason to conclude that inherent noise and anti-social behaviour issues will arise. In the event there are instances of noise and disturbance or anti-social behaviour, these matters can be addressed by the management team of the premises, environmental health legislation (in relation to noise nuisance) and, in the case of anti-social behaviour issues, via police action.

In addition to the above, it must also be recognised that the subject premises is detached from surrounding residential properties, an arrangement which would assist in limiting the effect any noise emanating from the premises would have on the living conditions of nearby dwellings.

In terms of the amenity afforded to prospective residents of the facility, as noted earlier, the proposed use is of a low intensity and residents would be afforded good-sized rooms and spacious shared facilities. In addition, mothers and young children will be able to utilise the substantial front garden area for recreational purposes, whilst Mowbray Park and the shops, services and facilities of the City Centre are also within walking distance.

With regard to the above comments, whilst the fears of residents in respect of noise, disturbance and anti-social behaviour are acknowledged, these concerns do not necessarily have a solid or reasoned evidential basis which could be upheld by a refusal of planning permission. Indeed, given the low-intensity of the proposed use of the front part of the building and provided the facility

is effectively managed by the applicant, there is not considered to be reason to conclude that the facility cannot co-exist satisfactorily with the existing residential properties in its vicinity.

As such, the proposal accords with the requirements of policies H17 and B2 of the UDP and the core principles of the NPPF in respect of the amenity implications of the development.

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 proposals to be afforded an appropriate level of dedicated vehicular parking.

As noted in the main report, the applicant has identified a car parking area at the rear of the property which, it is suggested, can accommodated up to 6 no. vehicles. The Council's Highways team has advised that, in reality, the parking area can only accommodate 3 no. vehicles if the cars are parked 'nose to tail'. Nevertheless, and especially as the proposals are to see a reduction in the intensity of the use of the building as a whole, the level of parking available is considered to be acceptable for the number of staff and visitors anticipated to be at the premises at any one time (in relation to both the existing use of the annexe and the proposed facility to the front of the building), in accordance with policy T22's requirements.

One of the objectors to the application has noted that the area shown as being available for parking is currently being used for the storage of waste and other items. Given that the applicant is reliant on this area to provide an appropriate level of off-street parking, it is suggested that in the event Members are minded to approve the application, a condition is imposed which requires the parking area to be made available for the parking of vehicles prior to the use commencing, and for it to continue to be available for this purpose for the lifetime of the development.

It is therefore considered that, subject to the imposition of the aforementioned condition, the proposed use of the premises is unlikely to lead to any significant increase in on-street parking in the vicinity of the site or highway and pedestrian safety concerns, in accordance with the requirements of policies T14 and T22 of the UDP.

IMPLICATIONS OF COMBINED USE OF BUILDING

As Members are aware, the proposed supported accommodation facility for young mothers in the front part of the building would, as things stand, co-exist with the existing accommodation for children to the rear annexe.

Whilst the two uses would affect the same building, they would occupy distinct parts of it and the only connection between the two is through the staff office to the first floor of the connecting corridor. The two parts of the building would also be accessed independently, with the proposed accommodation to the front accessed via the south elevation and the annexe accessed from the northern end of the site. In addition, the plot occupied by the building and annexe is unusually large and consequently, the premises and its plot appear broadly capable of accommodating both uses together. With regard to the amenity of the locality, it is considered, for the reasons set out above, that the proposed use of the front part of the building will not result in any unacceptable harm to the amenity of nearby residents and, subject to effective management of both areas of accommodation, occupiers will be able to reside alongside the established use of the remainder of the building as accommodation for children.

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the front area of 17 Mowbray Road as supported living accommodation for young mothers and their young children is acceptable in principle. In addition, the Council's Network Management team has advised that the proposed use raises no significant concerns in respect of highway and pedestrian safety.

The impact of the proposed use in respect of the amenity of neighbouring existing residential properties has been carefully assessed, but, as outlined above, it is considered that it would not be reasonable to presume that the use would inevitably result in an increase in noise, disturbance, crime and anti-social behaviour, especially given its existing authorised use as an HMO capable of accommodating up to 15 residents.

Furthermore, whilst the proposed staffing arrangements and management initiatives have been important considerations in assessing the implications of the proposal in respect of the amenity of the locality, it is considered that a condition attached to any grant of planning permission which attempts to ensure strict accordance with the stated intentions would be unreasonable and unenforceable. Nevertheless, in order to affirm the importance of the staffing and management arrangements, it is suggested that in the event Members are minded to grant planning permission, the Planning Statement submitted with the application (in which the arrangements are set out) is included in the list of approved plans and documents.

In this instance, it is considered that, having had regard to relevant material planning considerations, the proposed use of the front part of the building as supported accommodation for young mothers and their children is acceptable and to comply with the requirements of the aforementioned policies EN10, H17, B2, T14 and T22 of the adopted UDP and the core principles of the NPPF. The application is consequently recommended for approval.

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:

the location plan received 27/07/2016, the site plan received 27/07/2016, the floorplans received 27/07/2016, the Planning Application Supporting Statement received 27/07/2016;

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 car parking area to the north-east of the rear annexe shall be made available for the parking of vehicles prior to the approved use of the building being commenced and shall continue to be made available for the use of vehicle parking thereafter for the lifetime of the approved development, in order to provide an appropriate area of off-street parking and comply with the requirements of policies T14 and T22 of the UDP.

4 The front section of 17 Mowbray Road shall be used as supported accommodation for mothers and their children and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as

amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)), in order to ensure the continued appropriate use of the premises and to accord with the objectives of policy B2 of the UDP.

5 The supported living accommodation to the front part of 17 Mowbray Road hereby approved shall be occupied by no more than 6 no. persons (excluding any children dependant on any person occupying the approved accommodation) at any given time, in order to ensure an appropriate intensity of the use of the premises and to accord with the requirements of policies B2 and T22 of the UDP.

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
16/01588/VAR **Barnes**	Lidl UK GmbH LiDLDurham RoadSunderlandSR3 4DF	Variation of Conditions 3 (number of deliveries) and 5 (hours of operation) and removal of Condition 4 (delivery hours) of planning permission 14/00398/VAR.	05/09/2016	05/12/2016
16/01515/FUL **Hendon**	Mr Sean Thompson 18A Norfolk StreetSunderlandSR1 1EA	Change of use from dental laboratory (use class B1) to 5no bedroomed flat (use class C3).	31/08/2016	26/10/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/00748/FU4 **Hendon**	Mr Andrew Anderson 42 - 45 Nile StreetSunderlandSR1 1ES	Erection of new six storey building comprising 54 studio, 1,2 and 3 bed apartments with commercial units on the ground floor (A1, B1 or D1 Use Class). (amended plans received on 21.9.16)	29/06/2016	28/09/2016
15/01038/FU4 **Hendon**	Mr John Cambell Site Of 40/41Lawrence StreetSunderland	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
16/01556/FUL **Hendon**	Mr Anthony Conlon 18/19 Murton StreetSunderlandSR1 2QY	Conversion of existing bedsits (Use Class Sui Generis) into 14 self-contained apartments (Use Class C3).	02/09/2016	02/12/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01640/VAR **Millfield**	Fawcett Space Development Ltd Upper Floors Cassaton House43 - 49 Fawcett StreetSunderlandSR1 1RR	Variation of condition 2 of planning approval 15/01267/FU4: (Change of use from offices (Class B1(a) to 111no. studio apartments (Class C3) for the student letting market. External alterations to form new window openings at high level, part new glazing and external decorations.) Reduce studio apartments from 110no to 105no and internal alterations to existin layouts.	05/09/2016	05/12/2016
16/01711/FUL **Millfield**	ParkingEye Ltd Sunderland Royal Hospital Chester RoadSunderlandSR4 7TP	Erection of ANPR (automated number-plate recognition) cameras, pay and display machines and associated cabinets (RETROSPECTIVE)	30/09/2016	30/12/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01524/HYB **Ryhope**	Barratt Homes North East Ltd Land At Former Cherry Knowle HospitalBurdon Lane/Stockton RoadRyhopeSunderland	Hybrid planning application comprising: Outline planning permission for up to 496no dwelling houses (use class C3). To include: Care village (up to 80no bed spaces) and/or up to 700 sqm of community facilities (use class A1 and/or A2 and/or A3 and/or A5 and/or A5). Landscaping works to mill hill and trig hill (All Matters Reserved Except Access). Full planning permission for: Demolition of existing buildings and erection of 304no dwelling houses (use class C3).	26/08/2016	25/11/2016
16/01569/VAR **Ryhope**	Lidl UK Gmbh LiDLRyhope RoadSunderlandSR2 9TB	Variation of condition 2 of planning approval 15/01588/FUL to vary open roof terrace area, 3no. roof vents, glazed parapet to loading bay roof and caged access ladder, omission of customer WC to rear elevation and inclusion of CCTV room under stairs.	30/09/2016	30/12/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01502/OU4 **Ryhope**	The Church Comissioners For England Land South Of RyhopeSouthern Radial RouteSunderland	Outline planning application with means of vehicular access and emergency vehicular access from A1018 (Saint Nazaire Way) to be determined (all other matters reserved for subsequent approval), for the erection of upto 500 dwellings (Class C3); local centre including upto 500 square metres of floorspace (Class A1, A2, A3, A4, A5, C3, D1, D2 or Sui Generis); earthworks to facilitate surface and foul water drainage; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.	17/08/2016	16/11/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01050/FU4 **St Annes**	Ms Frances Barlow Land AtNooksideSunderland	Erection of 77no. dwellings for sale and affordable rent comprising 12no. 2-bedroom bungalows for sale, 8no. 2-bedroom dwellings for sale, 15no. 5-bedroom dwellings for sale, 34no. 2-bedroom apartments for affordable rent and 8no. 1-bedroom suites for people with learning difficulties in partnership with Grindon Mews and associated access and landscaping	27/07/2016	26/10/2016
15/02345/OUT **Silksworth**	Mr Phillip Jefferies The Hunters LodgeSilksworth LaneSunderlandSR3 1AQ	Outline application for demolition of existing public house, 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).	04/08/2016	29/09/2016

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/01055/FUL **Silksworth**	3 Sixty Property Developments Former Northumbria PoliceSub Division HeadquartersPrimate RoadSunderlandSR3 1TQ	Demolition of existing building and erection of a two storey mixed use building to provide an A1 (Retail) /A2 (Financial and Professional Services) unit and D2 (Assembly and Leisure) unit with amended car parking and associated works.	28/09/2016	28/12/2016