

## **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/](http://www.sunderland.gov.uk/online-applications/)

Ms. Irene Lucas CBE  
Chief Executive

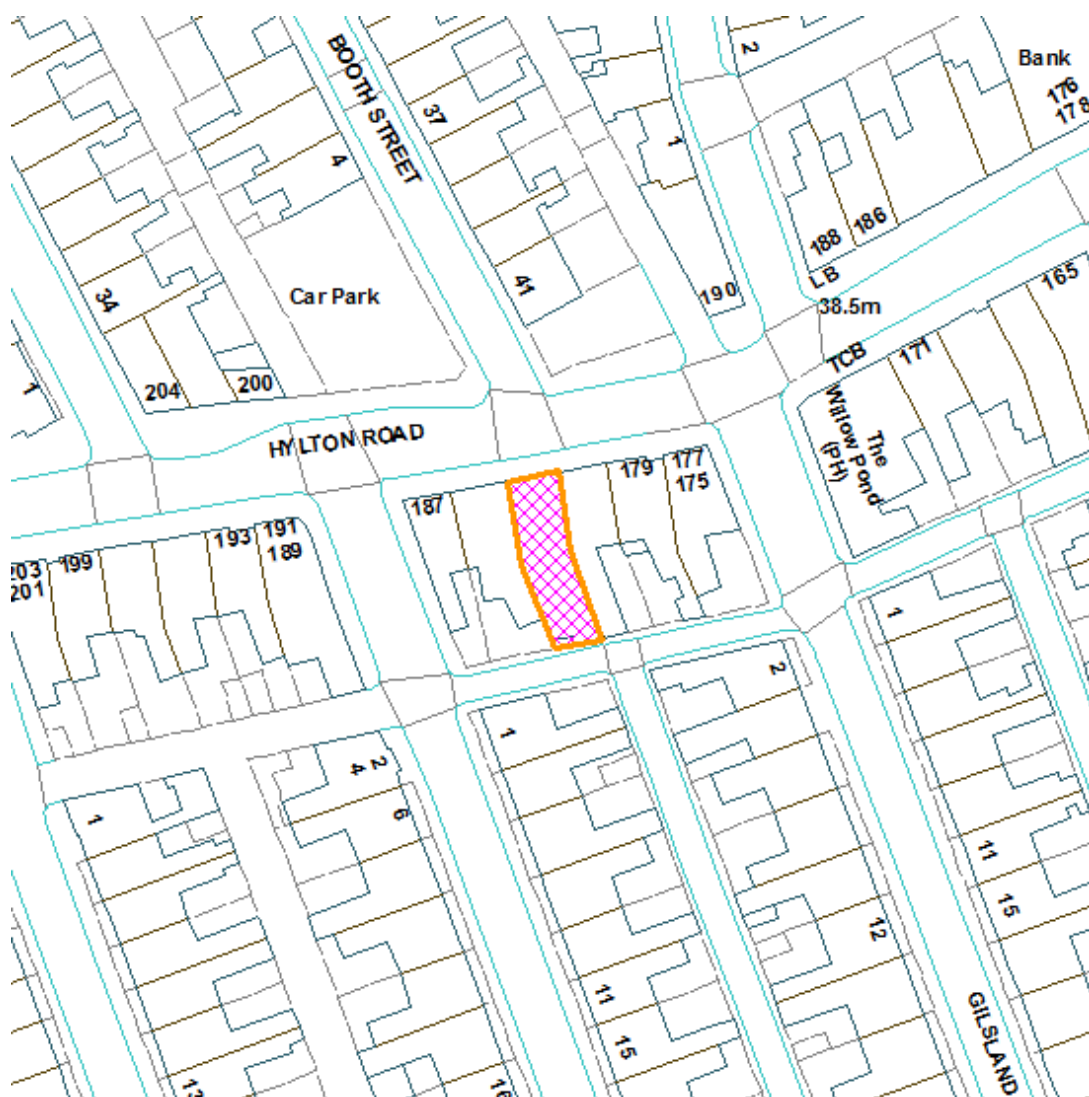
**Reference No.:** 17/00444/VAR Variation of Condition

**Proposal:** Variation of Condition 2 (plans), 3 (opening hours) and 4 (colour of flue) attached to planning application 16/00203/FUL (Change of use from retail A1 to hot food takeaway A5) substitution of plans, extend opening hours from 09.00-20.00 to 09.00 - 00.00 and removal of condition 4.

**Location:** 183 Hylton Road Sunderland SR4 7YE

**Ward:** Millfield  
**Applicant:** Papa John's GB Ltd  
**Date Valid:** 9 March 2017  
**Target Date:** 4 May 2017

### Location Plan



## **PROPOSAL:**

The application site comprises the ground floor of a mid-terraced two storey property which has a flat on the first floor including dormer rooms in the roof space. The property has been subject to extensive additions to the rear with most of the rear curtilage taken up by a two storey flat roofed offshoot structure with a single storey element which provides a wc. The first floor flat and the retail unit are accessed independently from the rear lane. The current use of the site is retail although this has been vacant for some months with the owner, who lives in the above flat, struggling to let or sell it for retail purposes.

An application for the change of use of the premises from retail to a hot food take away was approved in April 2016 (ref16/00203/FUL). No external alterations were proposed although details of the proposed extraction flue were shown which will exit vertically from the flat roof of the single storey structure and will terminate above the eaves level of the two storey structure. The proposed operating hours were 9am to 8pm, 7 days a week.

The application was approved subject to condition 2 which required the development to be carried out in full accordance with the approved plans, condition 3 which restricted the opening hours to those proposed, condition 4 which required the flue to be painted a colour to be agreed, and condition 5 which required the facilities for the servicing of the premises from the rear to be retained and remain unobstructed at all time. The current application seeks to vary conditions 2 and 3 and remove condition 4.

In relation to condition 2, plans for a new shop front have been submitted to show alterations to the fenestration, with the windows to extend down to floor level. An alternative extractor flue is proposed in the same location as that previously proposed, a condenser unit is proposed to be installed on the flat roof, and two grilles are proposed in the rear wall for the fresh air intake and the wc extractor. The extractor flue is proposed to be painted black, consequently condition 4 is proposed to be removed. In respect of condition 3, new opening hours are proposed; 9am to midnight, 7 days a week including bank holidays.

This type of proposal would normally be determined under the powers delegated to the Chief Executive, however, the application has been referred for determination by the Development Control Sub-Committee at the request of a Councillor.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Millfield - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **04.05.2017**

## **REPRESENTATIONS:**

### Publicity

No representations have been received.

### Consultations

The Network management Team have no observation or recommendations.

The Public Protection and Regulatory Services have concerns regarding the impact of noise generated by the use late at night upon the amenities of nearby residential properties.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

S\_12\_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

## **COMMENTS:**

In assessing the proposal the main issues to consider are the impact of the development upon the host property and the character of the area, and the residential amenities of the neighbouring properties.

Policy S12 of the Unitary Development Plan (UDP) provides that proposals for hot food take-aways will normally be acceptable in existing town and local centres and other appropriately accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety. Section 9 of the Development Control Guidelines SPG expands on this by setting out circumstances where proposals for hot food take-aways will not normally be permitted, including where they are likely to lead to car parking on nearby residential roads and which would be likely to cause nuisance to nearby residents.

The application site is situated within an area recognised as a local shopping centre, Hylton Road, and occupies a central position amongst a block of six commercial properties. Other hot food take-aways exist two doors along on either side of the property. The proposed use was therefore originally considered not to be out of keeping with the character of the area.

There are residential flats above the row of shops, with the applicant living above the property at the time, and residential properties along nearby side streets off Hylton Road. The existing take-aways appear to be longstanding uses and operate until late into the evening outside of the control of the Local Planning Authority. Residents are therefore already subject to a level of activity in the vicinity of the site after normal daytime trading hours. As the proposed use was to cease trading at 8pm, it was not considered likely to result in significantly increased levels of noise and disturbance to nearby residents late of an evening. The proposed use was therefore considered to be acceptable subject to the stated opening hours.

Previously, details of an extraction / ventilation system were submitted, with the extraction system terminating in a suitable position above eaves level. The Public Protection and Regulatory Services team raised no concerns in this regard at the time, however, given the proposed extended opening hours there are concerns regarding the potential of both the apparatus and the comings and goings associated with the use to cause noise nuisance to nearby residents late at

night. A Noise Assessment was requested and submitted in an attempt to address this issue. Despite discussions between the agent and the Public Protection and Regulatory Services team and the submission of further information, it would appear that this is still insufficient to adequately overcome those concerns.

During daytime hours the character of the area is one of a busy main street with through-traffic and comings and goings to other nearby commercial premises as well as potentially to the application site. After daytime trading hours, the level of activity is reduced and residents can reasonably expect a higher level of residential amenity with lower levels of noise and disturbance, particularly late at night when traffic levels are reduced.

The continued use of the premises outside of daytime trading hours is considered likely to attract a number of comings and goings to the premises, with associated noise from conversations, vehicular movements and doors opening/closing. The properties front directly onto the footway and the car park is immediately over the road. It is considered that the operation of the hot food takeaway as late as midnight is likely to significantly increase levels of noise and disturbance to nearby residents to an unacceptable degree.

A similar case relating to a variation of condition to increase the opening hours of a café with ancillary take-away further along Hylton Road was dismissed at appeal in April 2016 (15 Whitehall Terrace, ref 16/0001/CONDS). This was a similar terraced property on a commercial street with flats above, a house to the side, and terraces of Sunderland Cottages to the rear across a back lane. The Inspector found that customers leaving the café and vehicles arriving and leaving the site would cause disturbance during late and quieter hours. The Inspector stated "Although the takeaway use can only be ancillary to the main café use, I am not persuaded that even this limited level of use would be acceptable so late at night I find that closing at midnight would be entirely unacceptable". It would result in activity at a time that would harm the amenities of the adjacent residents and those opposite.'

The proposed end user is Papa Johns, a pizza outlet which operates as a take away as well as providing a delivery service. Whilst the agent has submitted a proposed business model based mainly on deliveries, it must be remembered that the permission will allow any form of hot food take-away. If the application were to be granted, it would be difficult, and unreasonable, to try to control the delivery/take-away ratio. Delivery orders serviced from the rear of the premises are likely to disturb the occupiers of the Sunderland Cottages across the rear lane, whilst deliveries operating from the front would increase the level of disturbance to the occupiers of the flats above the host site and neighbouring premises.

For the reasons given above, it is considered that the current proposal would have a detrimental impact upon the amenities of nearby residential properties contrary to policies S12 and B2 of the UDP. The proposal is unacceptable in this respect.

In terms of the physical alterations proposed, the external extraction flue will be located away from any residential windows in a rear lane location. However, the proposed flue is larger than that previously approved and is proposed to be painted black. It is acknowledged that the rainwater goods are painted black, but due to the positioning and scale of the flue, when viewed against the brick wall, it is considered that the flue will be a conspicuous element in the streetscene to the detriment of the visual amenities of the area and contrary to policy B2 of the UDP. If the flue were to be painted a red brick colour to match the brickwork, it would not be as visible when viewed against the mass of brickwork in this rear lane position. The proposed removal of condition 4 is therefore unacceptable.

The two grilles to be inserted into the face of the rear wall should not protrude significantly from the wall and could be installed fairly unobtrusively. A new condenser unit is also proposed to be sited on the flat roof to the rear. This would introduce another conspicuous element within the rear lane location resulting in the commercial presence encroaching into the nearby residential area. In order to avoid an impression of clutter from the cumulative impact of all these installations, it is considered appropriate to require the condenser unit to be screened from view by an appropriate housing unit. If the proposal were found to be acceptable, this could be dealt with by an appropriate condition requiring the submission of details of an adequate screening structure.

The proposed new shop front shows minor alterations to the fenestration. The resulting scheme will introduce an element of balance to the window proportions and is considered to be acceptable in design terms and in accordance with policy B2. The proposal is acceptable in this respect.

## **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:-

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

## **Conclusion**

The proposed variation of condition 2, to substitute the approved plans for the new ones submitted, is considered to be acceptable subject to a condition relating to the submission of an acceptable scheme to screen the condenser unit, and accords with policy B2 of the UDP.

The proposed variation of condition 3, to extend the opening hours to midnight 7 nights per week including bank holidays, is considered to be unacceptable for reasons relating to the likely detrimental impact upon nearby residential occupiers through noise and disturbance, and contrary to policies S12 and B2.

The proposed removal of condition 4 requiring the flue to be painted in a colour to be agreed with the LPA is unacceptable as the proposed colour black is not considered to be appropriate, contrary to policy B2 of the UDP.

It is consequently recommended that the application is refused planning permission.

**RECOMMENDATION:** Members are recommended to **REFUSE** subject to the reasons stated below.

## **Reasons:**

1 The proposed extended opening hours would have a detrimental effect on the amenities of nearby residents by reason of noise and disturbance in the vicinity of the site, particularly late at night, and as such is contrary to policies S12 and B2 of the UDP and in conflict with the core requirements of the NPPF.

2 The painting of the flue black will introduce an obtrusive element into the streetscene to the detriment of the visual amenities of the area and contrary to policy B2 of the UDP and in conflict with the core requirements of the NPPF.

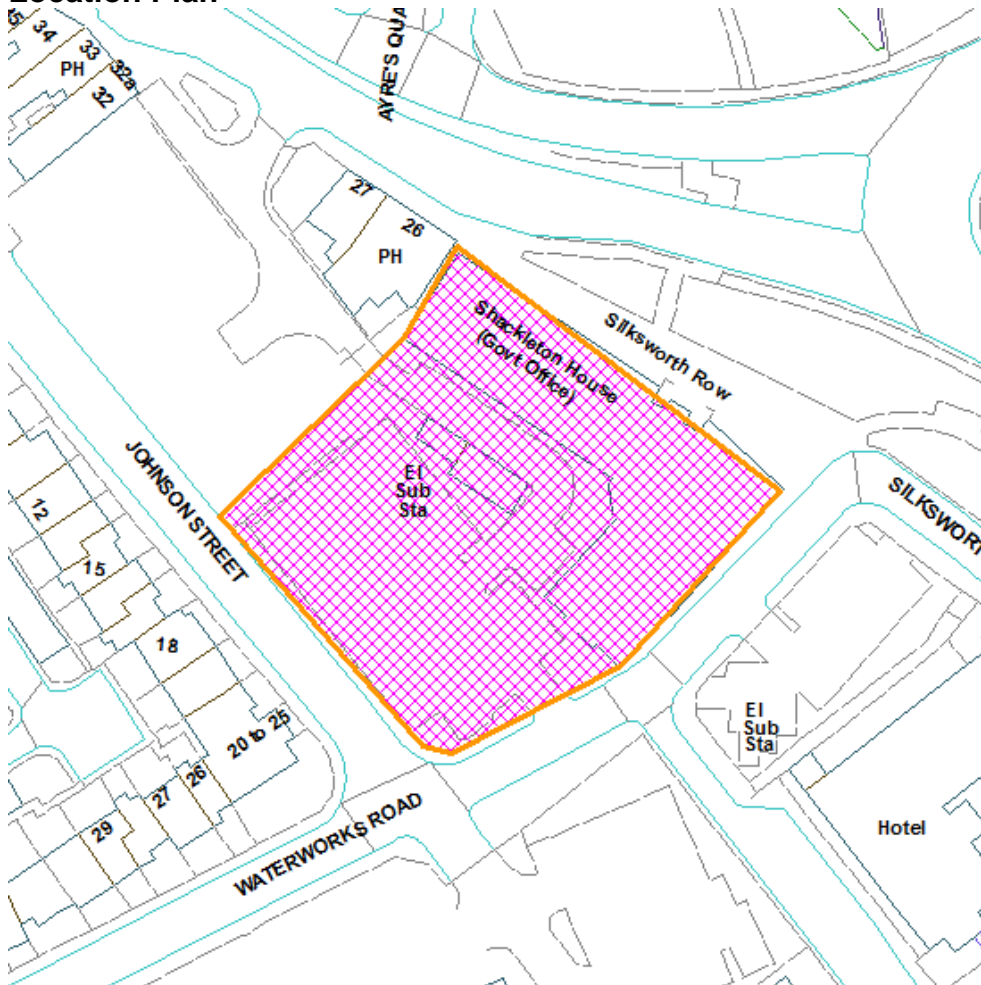
Reference No.: 17/00635/FUL Full Application

**Proposal:** Change of use from office space (Class B1) to higher education and ancillary prayer facility (Class D1), to include internal reconfiguration and refurbishment and replacement of existing entrance lobby to South West elevation with new lobby and canopy. Installation of ventilation louvres and condensing units to South West and North West elevations, and new lift overrun to central core. Demolition of garages to form an ambulance turning and parking area. Reconfiguration of car parking to form pedestrian footpath (AMENDED DESCRIPTION 21.06.2017).

**Location:** Shackleton House Silksworth Row Sunderland SR1 3QJ

**Ward:** Millfield  
**Applicant:** University Of Sunderland  
**Date Valid:** 5 May 2017  
**Target Date:** 4 August 2017

#### Location Plan





## **PROPOSAL:**

The proposals comprise of a change of use of the building from B2 (Office Space) to D1 (Higher Education facility) and associated external alterations. The application has come forward as a result of an approval in January 2017 from the Nursery and Midwifery Council to allow the University of Sunderland to expand its successful nurse teaching provision. In order to accommodate this expansion, the University has acquired the host premises, Shackleton House, a 1990s purpose built government office building, located on the northern edge of the City Campus, a short walk from their existing nurse teaching facilities. The site is in a prominent location on the St Michaels Way roundabout in the city centre, just outside of the Bishopwearmouth Conservation Area.

In terms of physical changes, these mainly comprise of refurbishment works to the rear of the L-shaped building, where its main entrance and car park is situated. In brief, these works include:-

- o Removal of existing garage units
- o Removal of palisade fencing
- o Removal and replacement of existing entrance canopy
- o The introduction of new signage around the entrances to the building
- o Changes to the car parking arrangements, in order to facilitate an ambulance drop-off area.

In addition to delivering the above, the University's Psychology Department will relocate here from the St Peters Campus. A prayer facility will also be provided, within the building on the ground floor.

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

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Millfied - Ward Councillor Consultation  
Network Management  
Flood And Coastal Group Engineer  
Environmental Health  
Southern Area Command - Police  
NE Ambulance Service NHS Trust  
Nexus  
Fire Prevention Officer

Final Date for Receipt of Representations: **06.06.2017**

## **REPRESENTATIONS:**

Consultees

Nexus

No comments to make.

Tyne and Wear Fire and Rescue

No Objections.

Neighbours

No neighbour notifications 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

CF\_7\_Promotion of development related to the University of Sunderland

CF\_8\_Encouraging the wider community use of land and buildings used for education

SA\_55\_"City Opportunity Site"on land at Livingstone Road/ Beach Street

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The key planning issues to consider in relation to the application are:-

- o The Principle of the use / policy considerations
- o Design and Layout
- o Highways considerations
- o Environmental Considerations

The Principle of the use/ policy considerations

National Policy

The National Planning Policy Framework (NPPF) represents Central Government's latest policy guidance and was issued in March 2012. The NPPF establishes the presumption in favour of sustainable development, balancing the economic, social and environmental aspects of development proposals. The NPPF calls for planning to be "a creative exercise in finding ways to enhance and improve the places in which we live our lives".

The NPPF requires proposals to be of good inclusive design for all types of development, responding to the local character and history of the area, whilst not prejudicing appropriate innovation.

The proposal is considered to deliver such, by enabling the university to provide an increased offer than at present, thus improving the opportunities available for its students. The location is sustainable too, by virtue of its location which neatly adjoins the existing city centre campus, which is easily accessible.

## Local Policies

With regards Local Policies, these are given due consideration in the sections below:

Policies CF7 and CF8 relate to Sunderland University. CF7 states that the Council will assist the university to secure the consolidation of its activities into its two campuses and CF8 encourages educational facilities to provide facilities for the wider community. Clearly, the location of the premises accords with CF7 and the prayer facility is to be made available to the wider community, thus according with CF8. In terms of use, the prayer facility also falls into the D1 (Non-residential institution) Use Class and as such is considered to be compatible with main proposed use as an educational facility.

## Design and Layout

Policy B2 of the UDP requires that new developments and alterations to buildings should respect and enhance the best qualities of their locality and retain acceptable levels of privacy. Externally, the proposals only bring out minimal change such as the new entrance canopy and a more legible route into the building for users; particularly when arriving from elsewhere on the University campus. These changes are considered to enhance the building and as such are in accordance with Policy B2.

## Highways considerations

Policy T14 of the UDP covers proposals for new developments, requiring that these are readily accessible and do not give rise to traffic congestion. From a highways perspective, the proposals are not considered to give rise to any such issues. As explained earlier, the proposals include a number of changes to the existing car park layout, including improved pedestrian access as well as new cycle storage provision and additional accessible parking spaces. As such, the proposals are considered as being acceptable from a highways perspective.

## Environmental Considerations

With regards any environmental effects resulting from the proposals, these are considered to be minimal, as the majority of the works relate to the interior of an existing building, other than the new proposed entrance canopy. As such, any penetrative groundworks will be minimal, thereby there is a reduced risk of encountering any ground contamination, similarly it is assumed that no additional drainage will be discharged to the existing drainage network.

## 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;

- o race;
- o religion or belief;
- o sex;
- o 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 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.

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.

## CONCLUSION

Having assessed the application against the relevant policies, it is considered for the reasons set out above that the proposed change of use of the premises is acceptable, as it brings back into use a large vacant property on the edge of the city centre which has been vacant for some time. Furthermore, it assists the University with their continual plans for development. As such, the application should be approved accordingly.

**RECOMMENDATION:** Members **APPROVE** the application subject to the following conditions:

### Conditions:

- 1 The development hereby approved must commence no 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:-

3392-FBA-00-ZZ-DR-A-05\_00-900 Rev P1  
C000 Rev A  
3392-FBA-00-XX-VS-A-00\_10-VS1 Rev P1  
3392-FBA-00-00-DR-A-05\_10-025 Rev P2  
3392-FBA-00-00-DR-A-05\_10-026 Rev P3  
3392-FBA-00-01-DR-A-00\_10-100 Rev P1  
3392-FBA-00-00-DR-A-00\_10-000 Rev P1  
3392-FBA-00-02-DR-A-00\_10-200 Rev P1  
3392-FBA-00-03-DR-A-00\_10-300 Rev P1  
3392\_FBA-00-04-DR-A-00\_10-400 Rev P1  
3392-FBA-00-00-DR-A-00\_00-000 Rev P3  
3392-FBA-00-01-DR-A-00\_00100 Rev P11  
3392-FBA-00-02-DR-A-00\_00-200 Rev P10  
3392-FBA-00-03-DR-A-00\_00-300 Rev P4  
3392-FBA-00-030DR-A-00\_00-400 Rev P1  
3392-FBA-00-XX-DR-A-00\_10-51 Rev P1  
3392-FBA-00-XX-DR-A-00\_10-52 Rev P  
3392-FBA-00-XX-DR-A-00\_00-51 Rev C3  
3392-FBA-00-XX-DR-A-00\_00-52 Rev C2

In order to ensure that the completed development accords with the scheme approved and to comply with policies B2, B4, B10, T13 and T14 of the Unitary Development Plan and Policy SA55.2 of UDP Alteration no. 2.

3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- (i) access to the site for construction traffic and routes to and from the site for construction traffic, including the parking of vehicles of site operatives and visitors
- (ii) siting and organisation of the construction compound and site cabins, including the loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) access arrangements to existing public rights of way on the site
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vi) wheel washing facilities
- (vii) measures to control the emission of dust, dirt, vibration and other effects
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

In the interests of the proper planning of the development and to protect the amenity and access rights of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.

4 If, during development, contamination not previously identified is found to be present at the site then no further works (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reasons:

Unsuspected contamination may exist at the site which may pose a risk to controlled waters. In the interests of proper planning and the amenities of the surrounding area and to comply with policy EN14 of the Unitary Development Plan.

5 Within six calendar months of the commencement of development, final details of the full scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this information shall include details of the precise location of all tree planting, including those in fixed planters. Once written approval has been issued, those items agreed shall be planted in the subsequent first available planting season, in the interests of visual amenity and to comply with policies B2, B4, and B10 of the Unitary Development Plan.

6 Should any of the planting, seeding and soft landscaping comprised in the approved details of condition no. 4 die, or be removed or become seriously damaged or diseased within a period of 5 years from the completion of the development, then these shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy CN16 of the Unitary Development Plan.

7 The construction works required for the development hereby approved (including all deliveries) shall only be carried out between the hours of 07:00 and 19:00 Monday to Friday and between the hours of 07:00 and 15:00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise varied and agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

**Reference No.:** 17/00702/FU4 Full Application (Reg 4)

**Proposal:** **Change of Use from Highway to Semi-Permanent Non Fixed Street Cafe**

**Location:** Land To The Front Of The Point Holmeside And Port Of Call 1 - 3 Park Lane Sunderland SR1 3NX

**Ward:** St Michaels

**Applicant:** Tony Griffiths And John Dickman

**Date Valid:** 11 May 2017

**Target Date:** 6 July 2017

### Location Plan



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## **PROPOSAL:**

### **APPLICATION SITE AND SURROUNDINGS**

The land to which the application relates forms part of the highway outside the The Point and the Port of Call on the north east side of Park Lane. The site lies within the City Centre and is pedestrianized at this point. A variety of commercial uses are in evidence in the vicinity, including a travel agent, bookmakers, restaurants and public houses. To the rear is a yard, enclosed by the rear of the application property and adjacent units in the Park Lane Market.

## **PROPOSAL**

Planning permission is sought for the permanent retention of the outdoor seating area as a street cafe. This involves a change of use of the highway for which a license is also required from the highway authority. This would be dealt with separately, should planning permission be forthcoming. The application represents a joint application by both the owners of the The Point and the Port of Call. The seating area has been in operation for several years without the need for planning permission on the basis that it was considered to be a temporary operation whereby the tables and chairs would be removed at night. This application would allow the street cafe to be left in situ on a 24 hour basis. The change of use has been the subject of pre application discussions with officers of the planning and highway sections when it was indicated that the use was acceptable, in principle.

The pedestrianised area to be used is approximately 50 m in length and runs from the junction of Holmeside then southwards along Park Lane across the frontage of The Point and the Port of Call. The seating area would be separated from the pedestrianised area by a series of 16 planters that are 1.2 m high. New fixed tables would be attached to each planter as well as several parasols that are to be anchored within flagstones.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **05.06.2017**

## **REPRESENTATIONS:**

Neighbours

No representations have been received as a result of the consultation and publicity process.



## Network Management

Comment that details of surface materials to be used should be submitted for approval prior to works commencing to ensure that they are appropriate within the highway, should planning permission be forthcoming. Also state that a cafe street license will need to be applied for.

## **POLICIES:**

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

EC\_5\_Sites for mixed uses

B\_2\_Scale, massing layout and setting of new developments

SA\_55\_ "City Opportunity Site" on land at Livingstone Road/ Beach Street

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

### PRINCIPLE OF THE DEVELOPMENT

Through Policy EC5A the City Council has identified certain sites as Comprehensive Development Sites, as defined on the UDP alteration No.2 proposals map. On such sites, the Council will seek to ensure that redevelopment proposals will deliver a mix of land uses. Included therein are uses falling within Use Class A4 - Drinking Establishments.

Policy SA55A.1 of the UDP alteration No.2 expands upon policy EC5A and states that the Council will support a mixed use development on the Holmeside Triangle Site and that one of the required uses is A4 - Drinking Establishments.

Insofar as the proposal represents an application to enhance an existing drinking establishment in an area which is allocated for potential comprehensive redevelopment, it is considered to be acceptable. There are presently no applications lodged with the City Council for planning permission for the comprehensive redevelopment of the wider area and as such, this proposal to enhance the existing public house is considered to be appropriate. Even if sites come forward for comprehensive redevelopment the site has been identified as being appropriate for drinking establishment uses. For these reasons, the proposal is considered to accord satisfactorily with the requirements and land use allocations of UDP alteration No.2.

In addition to the above, policy GEN5 of the adopted Sunderland City Centre Evening Economy Supplementary Planning Document (SPD) which relates to outdoor seating areas is relevant and states that: Street cafes (Outdoor seating areas) on the public highway will be encouraged within appropriate locations in the city centre, with a requirement for the area to be cleared/closed off by 22.00 each night. Terraces/outdoor areas within the curtilage of properties will also be encouraged but will be required to close by 22.00 each night. No music will be permitted within the outdoor areas. The SPD provides further guidance in stipulating that the Park Lane area already offers this experience and seems very popular during summer months and further proposals shall be encouraged.

### DESIGN AND AMENITY ISSUES

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

Following an assessment of the proposal on site, it is evident that the existing street cafe is an attractive addition to the City Centre that helps to create an attractive and vibrant place to visit along with other outdoor seating areas and terraces in the vicinity. The new development would be formalised with planters and parasols that are visually attractive and a condition may be imposed for further details of the materials to be used at surface level to ensure that the appearance of the street is not unduly affected, should planning permission be forthcoming.

In respect of the amenity of adjoining occupiers, the proposal is situated in a predominantly commercial area where there are a number of eating and drinking establishments and it is not considered that their amenity would be adversely affected. In this regard, although the Evening Economy SPG, above, normally requires outdoor seating areas to be closed to the public after 22:00 it is considered that this is unnecessary on this occasion given that the street cafe has been operating for several years without restriction, and there are limited residential uses in the immediate area. Further, a license will be required for the operation of the street cafe which could deal with any future problems arising from noise and/or disturbance, should this become necessary. It would, however, be pertinent, through the imposition of a condition to any planning permission granted to prevent the playing of any music in street cafe to accord satisfactorily with the SPD.

For the reasons set out above, the design and associated amenity considerations associated with the development are considered to be acceptable.

## **HIGHWAY ISSUES**

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

The Network Management Team has advised that there is no objection to the change of use of the highway as a street cafe in respect of potential danger to other highway users travelling along Park Lane and as such, the proposal is considered to be acceptable with due regard to UDP policy T14.

## **CONCLUSION**

For the reasons set out above, 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:-

- o age;
- o disability;
- o gender reassignment;

- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:**

It is recommended that Members should be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions 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:

Existing layout 01, Proposed pavement cafes 02, Planter box details PL/001/06, Proposed elevation 06, Site location plan 05, Proposed site plan 004 all received 24 April 2017.

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including floor, street furniture planters has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 No live or recorded music shall be played within the area of the street cafe hereby approved, in order to protect the amenities of the area in accordance with policy B2A of the UDP Alteration No.2 and Policy GEN5 of the Sunderland City Centre Evening Economy Supplementary Planning Document.

**Reference No.:** 17/00731/LB3 Listed Building Consent (Reg3)

**Proposal:** **Replacement central heating system to school, including removal of 61no. cast iron radiators.**

**Location:** Barnes Junior School Mount Road Sunderland SR4 7QF

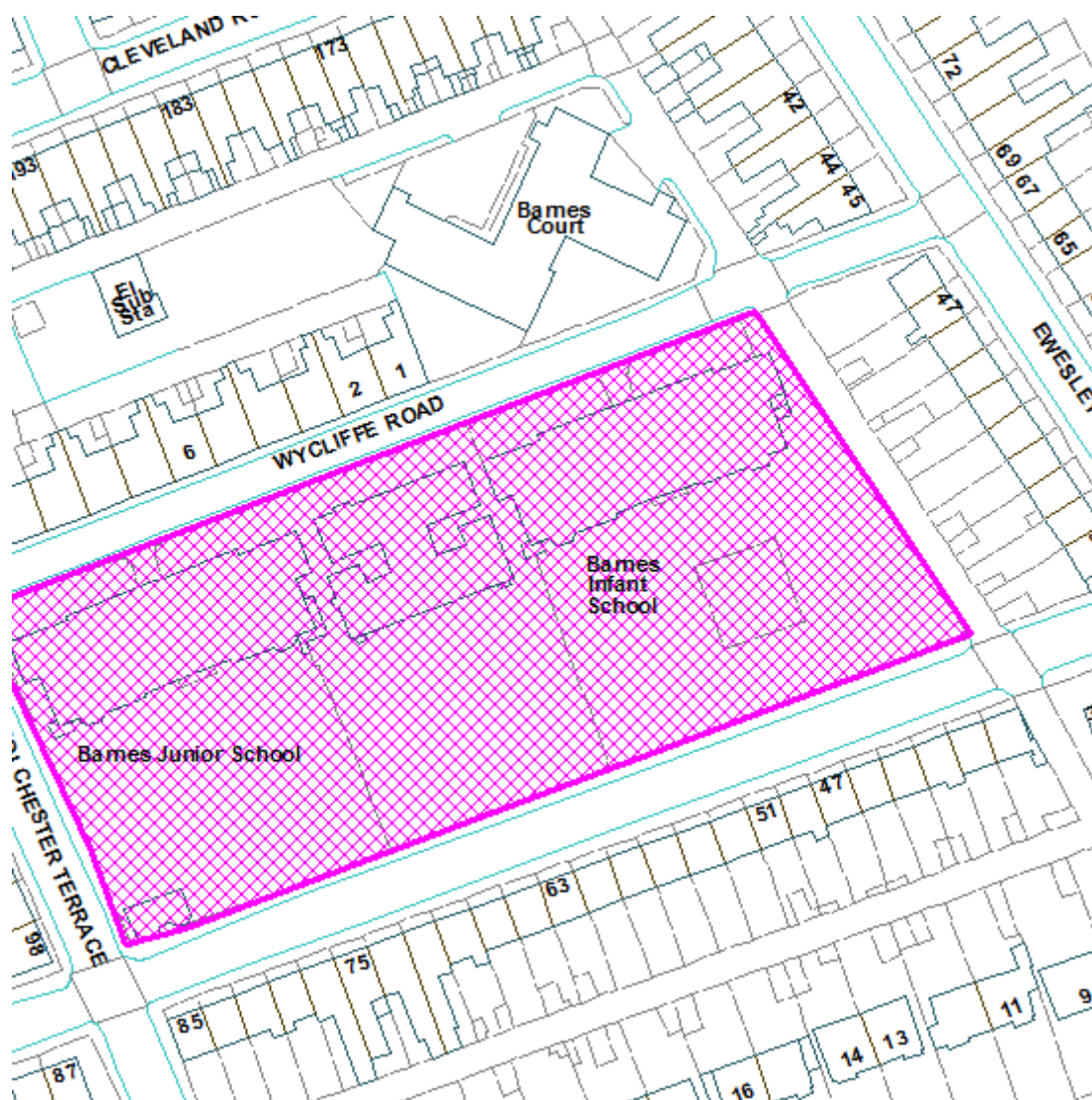
**Ward:** Barnes

**Applicant:** Director Of Childrens Services

**Date Valid:** 1 May 2017

**Target Date:** 26 June 2017

## Location Plan



## **PROPOSAL:**

Listed Building Consent is sought to carry out internal works to the interior of the host school building, namely the replacement of the existing central heating system. The reason that the works are required is due to health and safety concerns with regards the existing system, which comprises cast iron radiators and pipework. There is no way of restricting surface temperature with a heating system of this type, which can prove hazardous if touched, particularly if by young children. As such, a replacement circulating pipework system serving modern low surface temperature radiators and fan convectors is proposed, which will achieve the desired lower surface temperatures and improve the thermal comfort for all users. In order to maintain the historic aesthetics of the Listed Building, 23 no. of the existing cast iron radiators are to be retained in situ, following decommissioning.

The host property is the westernmost of three main buildings which form the Barnes School complex which is bounded by Mount Road to the south, Wycliffe Road to the north, Colchester Terrace to the west and the rear lane of Ewesley Road to the east. All buildings are set back towards the Wycliffe Road boundary, but face southwards across the school yards and car park towards Mount Road. The attractive and impressive Victorian Infant and Junior school buildings were built circa 1900 and are Grade II Listed. The surrounding area is residential comprising predominantly of terraced houses.

In accordance with section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applications made by a local authority for Listed Building consent previously had to be referred to the Secretary of State should the local authority be minded to grant consent. However, as of 15 April 2015, the provisions of the Arrangements for Handling Heritage Applications - Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 allow Local Planning Authorities to determine certain listed building consent applications. The current proposal is considered to constitute 'excluded works' and, as such, section 13 of the Act does not apply in this instance and the Local Planning Authority may therefore determine the application without notifying the Secretary of State.

The application has been advertised accordingly, with the posting of site and press notices.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

## **CONSULTEES:**

Barnes - Ward Councillor Consultation  
Head Of Community Services

Final Date for Receipt of Representations: **06.06.2017**

## **REPRESENTATIONS:**

Other than the Council's Built Heritage team, no representations have been received as a result of the consultation exercise.

## **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

B\_8\_Demolition of listed buildings

## **COMMENTS:**

The main issue to consider in assessing this application is the impact of the proposal on the historic character and fabric of the designated heritage asset, namely the Grade II listed building.

### National Planning Policy

At the heart of the National Planning Policy framework is the presumption in favour of sustainable development. Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'core planning principles' that underpin the planning system. Section 12 of the NPPF, (paragraphs 126-141), expand upon this and seeks to conserve and enhance the historic environment. The following paragraphs are of particular relevance:-

- o Paragraph 128 states that in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected.
- o Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
- o Paragraph 141 states that LPAs should require developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

### Local Planning Policy

The site is not allocated for any specific purpose within the Unitary Development Plan (UDP), but as the building is Grade II Listed, due regard has been given to relevant built heritage policies.

Policy EN10 deals with unallocated sites and dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood. In this regard, no changes are being proposed to the use of the land; the proposed works are required for health and safety purposes to enable the building to continue to function as a junior school and as such, the proposal is considered to be acceptable.

### Built Heritage

Upon consultation with the Council's Built Heritage section, whilst it would have been preferable to retain all of the original radiators, it is recognised that for health and safety reasons, the future use and operation of the school, and the long term sustainability of the Listed Building, that a modern heating system is warranted. The retention of 23 no. of the original radiators as features will provide evidence of the historic heating system and help to mitigate the impact of the loss of

the other radiators on the significance of the listed building, which on balance is considered to be relatively low.

To conclude, the proposal supports the requirements of the NPPF by helping to retain the Listed Building in its intended use as a school and is such, is consistent with conservation principals. The proposal is therefore acceptable and strongly supported.

## 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:-

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



## **Conclusion**

As set out above, it is not considered that the proposed works would pose any significant harm to the historic character and fabric of the Listed Building and it is recommended that Members be minded to Grant Consent, subject to the conditions set out below.

## **RECOMMENDATION:**

Minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), 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 drawings:-

- o 0516019/MECH/001 Rev P1 Proposed Mechanical Services Layout
- o 0516019/MECH/002 Rev P1 Location Plan
- o 0516019/MECH/003 Rev P1 Existing Plan

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

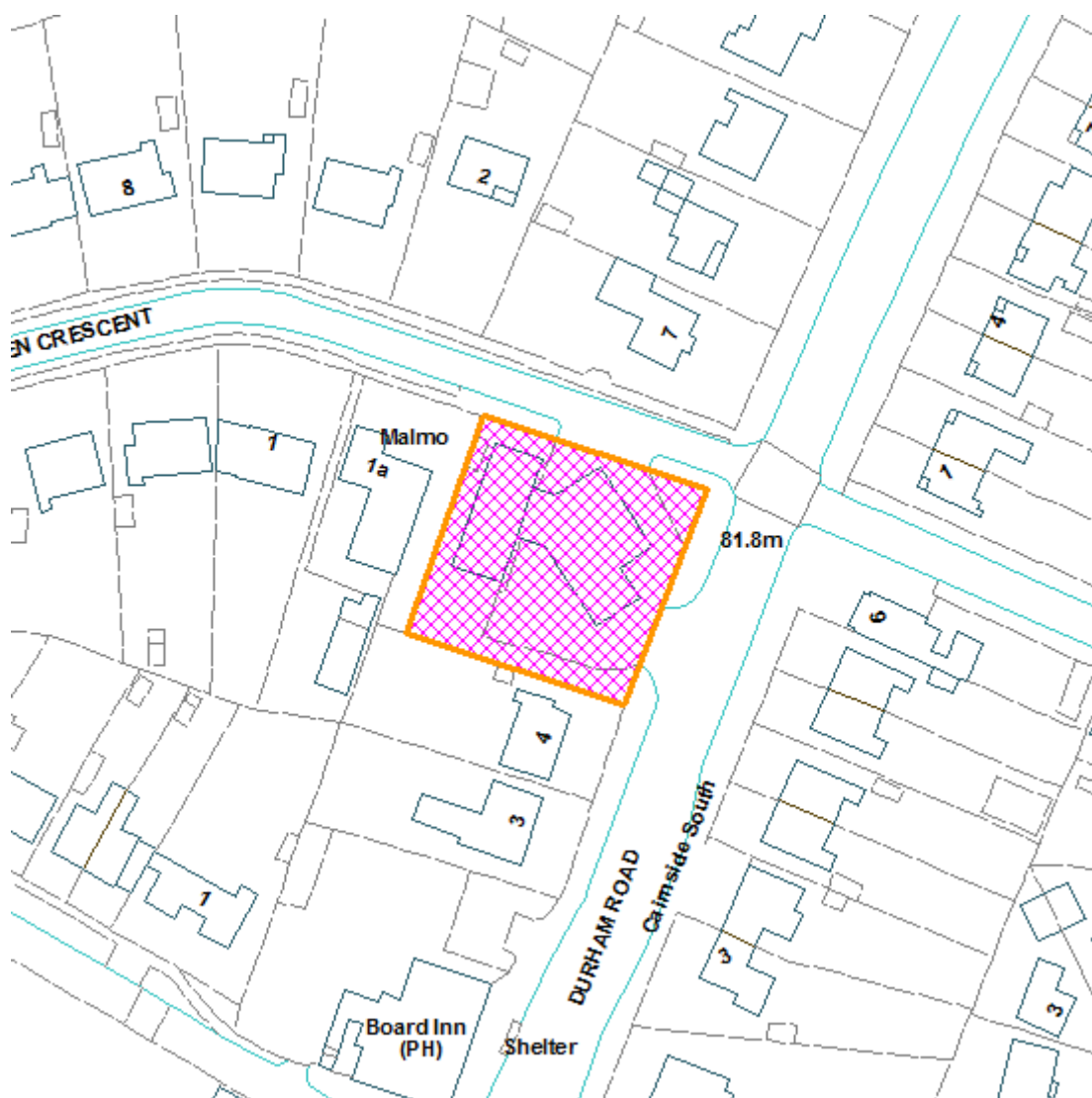
**Reference No.:** 17/00857/FUL Full Application

**Proposal:** **Retrospective change of use from a petrol filling station (Sui Generis) to a change use to petrol filling station with modular self-service launderette facilities (Sui Generis)**

**Location:** Fox Cover Filling Station Durham Road Sunderland SR3 3NS

**Ward:** St Chads  
**Applicant:** Photo-Me International Plc  
**Date Valid:** 12 May 2017  
**Target Date:** 7 July 2017

### Location Plan



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## **PROPOSAL:**

### Site Description

The application site exists as a petrol filling station (PFS) and is situated on the west side of Durham Road on the corner with Careen Crescent. The local area is predominantly residential in character and includes other commercial uses along Durham Road including the Board Inn Public House and a hairdressing salon. The site abuts residential properties to its south and west, that to the south being a detached bungalow with an offshoot and high boundary wall along its northern boundary.

The application site has an area of 1159sq.m and contains covered fuel pumps, an ancillary shop and air and cleaning facilities for customer cars. Access and egress is afforded from Durham Road and Careen Crescent and informal car parking is afforded within the site.

### Proposal

Planning permission is sought in retrospect for the provision of a detached modular self-serve laundrette facility, which is considered to represent a change of use of the site from a petrol filling station (Sui Generis) to petrol filling station with modular self-service launderette facilities (Sui Generis).

The facility occupies a footprint of 4m by 2.4m, has a height of approximately 2.3m and has been sited approximately 1m from the southern boundary and 23m from the eastern front boundary of the site. The unit is flat roofed and finished with predominantly grey coloured cladding and has been designed to be movable, although further consent would be required to relocate the unit within the site. Daily operating hours of 06:00 to 22:00 are proposed, in line with the current opening times of the existing shop.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Environment Agency  
Environmental Health  
Network Management  
St Chads - Ward Councillor Consultation  
Network Management  
St Chads - Ward Councillor Consultation

Final Date for Receipt of Representations: **30.06.2017**

## **REPRESENTATIONS:**

One representation has been received from a neighbouring resident, submitted by the occupant of no. 4 Durham Road which abuts the site to the south, wherein the following concerns are raised:

1. The proposal poses a security risk given that trespassers could climb upon the unit to gain access to the gardens of properties in Careen Crescent and Crow Lane
2. The laundrette is an eyesore which lowers the tone of the area
3. The laundrette facility includes a tumble dryer which poses a fire risk, being situated near to petrol tank vent pipes

The applicant has offered the following response to such concerns:

1. Razor wire exists to the top of the boundary wall of no. 4 Durham Road adjacent to the filling station and the rear boundary of this neighbouring property proves more of a security risk as it would be easier to ascend this than the launderette. However, the applicant is willing to provide anti-climb strips fitted to the boundary wall of no. 4 Durham Road or the edge of the launderette facility
2. The site is situated within a functional retail and fuel filling area that sits along the mixed residential and retail road, the addition of the launderette unit is in keeping with the functional and retail use of the site and apparatus that has been provided there, the launderette is not in an overly prominent position, being located to the rear of the site adjacent to the car washing facility, car vacuum cleaner and tyre air compressor, and there are a number of commercial offers in the vicinity of the demise located within the same road as the residents
3. The tumble dryer fitted has a heat recovery system installed that limits the venting of hot air, which allow the unit to stay energy efficient, and the warm air is re-used to warm the cooler air and therefore is not vented as hot air as in a conventional domestic unit. The unit also draws a lot less power than a domestic tumble dryer. The tumble dryer will heat on demand only and has full thermostatic isolation control, there is an RCD circuit breaker to the launderette and each machine has its own over-current protection and fused supplies which will reduce the risk of fire associated with its operation. In regards to the fuel vent pipes, they appear to be taller than the ridge line of the garage of no. 4 Durham Road which, the applicant considers, is sufficiently high dissipate any quantities of flammable gases.

It is considered that the applicant's response addresses points 1 and 3, subject to the imposition of an appropriate condition requiring the provision of anti-climb tape, whilst the second point will be addressed subsequently in this report.

The Council's Environmental Health section has confirmed that it has not received any complaints in relation to the operation of the laundrette, however there is potential for the equipment and its users to generate noise. In the absence of a site-specific noise assessment which quantifies any associated impact, Environmental Health recommends that the operation of the equipment is restricted at night to prevent the potential for unreasonable disturbance.

The Council's Network Management section has confirmed that no observations or recommendations are offered in this instance.

## **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\_5\_Protecting sensitive areas from new noise/vibration generating developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

### **ISSUES**

The main issues to consider in assessing the proposal are as follows:

- o Residential Amenity
- o Visual Amenity
- o Parking and Highway/ Pedestrian Safety

#### **Residential Amenity**

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, UDP policy EN5 requires the submission of a noise assessment, incorporating any necessary mitigation measures, where a proposal is likely to generate significant noise; where excessive noise cannot be mitigated, planning permission should normally be refused.

It is noted that the site is bordered by residential properties on two sides, however an offshoot and high boundary wall exists along the northern boundary of no. 4 Durham Road to the south and high screening separates the site from no. 1a Careen Crescent to the west. As such, the laundrette is not prominently visible from the curtilage of either of these neighbouring dwelling.

In respect of noise, a report relating to the same facility on a different site has been provided to give an indication of noise levels which the laundrette facility typically generates. In accordance with the recommendations of the Council's Environmental Health section, it is accepted that ambient noise levels are particularly high during daytime hours at this site, most notably in relation to passing traffic along Durham Road. It is also noted that no complaints have been received since the laundrette has been operational and no objections relating to noise have been received. As such, it is not considered that the proposal would pose any significant impact on daytime noise levels from neighbouring dwellings.

The proposed operating hours of 06:00 to 22:00 accord with the existing operating hours of the existing shop on the site, so would not extend the time within which customers would arrive to, and depart from, the site. Such operating hours are therefore considered to be acceptable.

#### **Visual Amenity**

In addition to paragraphs 17, 56 and 57, paragraphs 64 of the NPPF is relevant to this consideration, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

UDP policy B2 is also relevant to this consideration, as set out above.

The laundrette structure is considered to be of limited design merit. However, it is accepted that its design is functional and the unit is situated within an established commercial site containing apparatus of a similar nature. In addition, the laundrette is set some 23m from the front boundary and does not protrude beyond the front building line of the existing shop. Therefore, it is not considered that the laundrette unit appears prominent within the street and its visual impact is acceptable within its context.

In order to ensure that the affected part of the site is appropriately treated at such time that the laundrette unit is removed, it is recommended that a condition be imposed requiring this part of the site to be returned to its former state at such time.

### **Parking and Highway/Pedestrian Safety**

Paragraph 32 of the NPPF states that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' whilst paragraph 75 states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

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

The subject laundrette does not occupy any former car parking spaces and, whilst it is likely to generate additional visitors, given that it contains only two washing machines and one dryer it is not considered that this would represent a significant intensification in the number of visitors to the site.

### **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.

## **Conclusion**

For the reasons set out above, the proposal is considered to be acceptable in terms of residential and visual amenity and it is not considered that it would be detrimental to highway safety or the free passage of traffic. The proposal is therefore considered to comply with the provisions of the UDP.

However, the statutory period for the receipt of representations expires on 30.06.2017, prior to the meeting of the Sub-Committee but subsequent to the preparation of the report. It is therefore recommended that Members be minded to grant planning permission subject to the conditions set out above and subject to no further objections being received which raise any matter which is not already addressed by this report. Should any further representations be received, they will be considered and reported to the Sub-Committee.

## **RECOMMENDATION:**

Members be minded to grant planning permission subject to the conditions set out above and subject to no further objections being received that raise any matter which is not already addressed in this report.

## **Conditions:**

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

2 The development hereby granted permission shall be carried out in full accordance with drawing number 1942.17P001: Location and Block Plan and 1942.17P002: Proposed Elevations, in order to ensure that the development accords with the scheme as approved.

3 The laundrette facilities hereby approved shall not be operated outside the hours of 06:00 to 22:00 on any day, in order to protect the amenity of local residents and to comply with policies B2 and S12 of the adopted Unitary Development Plan.

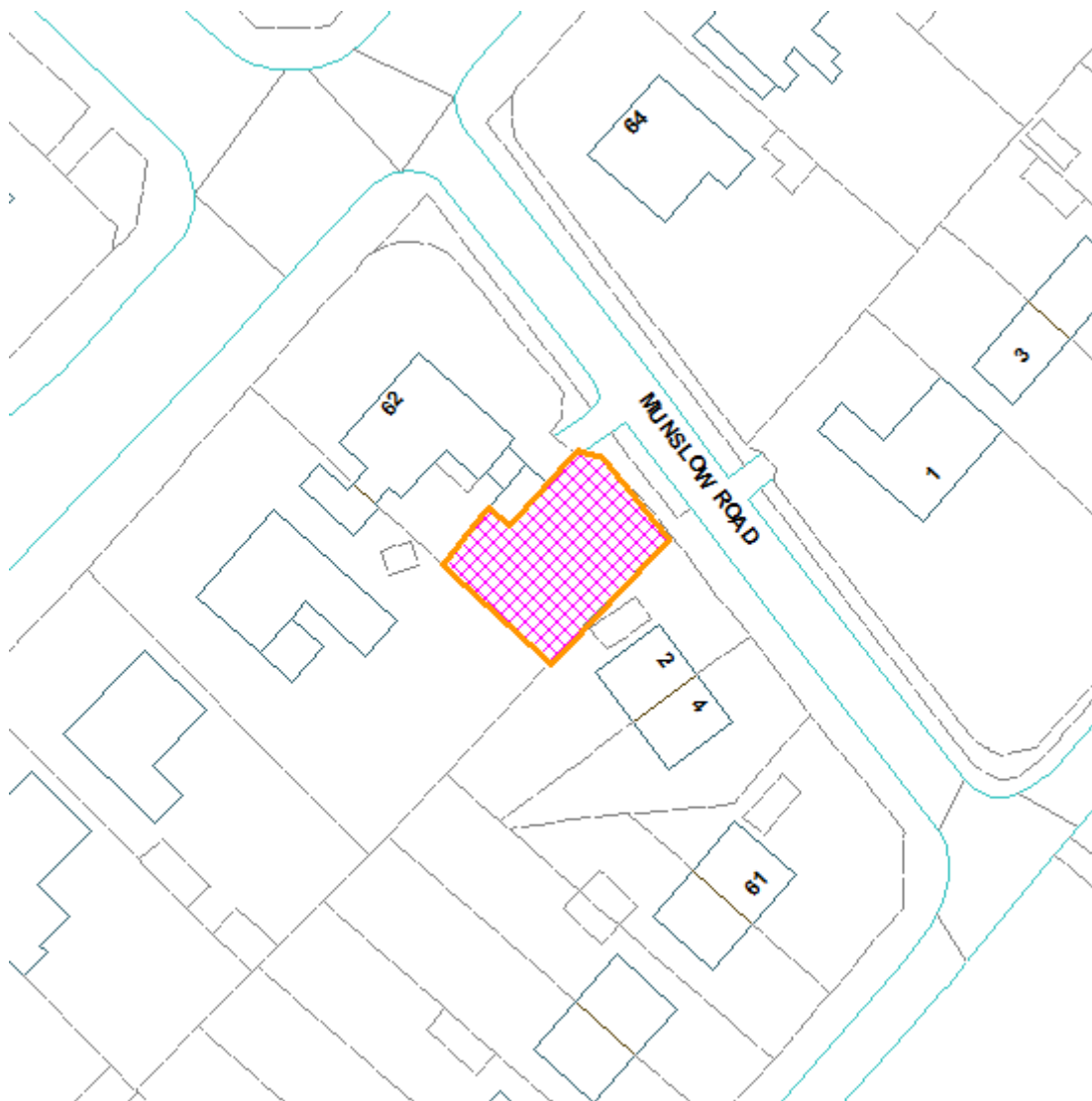
4 Should the laundrette facilities become surplus to requirements or their use discontinued, they shall be removed in their entirety and the site shall be returned to the state in which it existed immediately prior to when the laundrette was installed within one calendar month, in the interest of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.



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**Reference No.:** 17/00927/SUB Resubmission**Proposal:** Erection of detached dwelling (Resubmission)**Location:** Plot of Land Rear of 62 Durham Road Munslow Road Sunderland**Ward:** St Chads  
**Applicant:** Mr Paul Teasdale  
**Date Valid:** 17 May 2017  
**Target Date:** 12 July 2017

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**Location Plan**

## **PROPOSAL:**

The proposal relates to the erection of a detached dwelling with associated access and hard and soft landscaping on land to the rear of 62 Durham Road, East Herrington, Sunderland.

## **SITE DESCRIPTION**

The subject site is a plot of land to the rear of a detached bungalow fronting the A690 Durham Road. This property is located at the junction of Durham Road and Munslow Road, which is set on an incline downhill of the bungalow. The land in question appears to have once formed part of the rear garden of no. 62 and has a width of 11m and a depth of 17m. It has been cleared of vegetation and is enclosed by a palisade fence along the boundary with Munslow Road. To the south-west (rear) of the plot is the rear garden of 60 Durham Road, whilst to the south-east, the plot is bounded by the side garden of 2 Munslow Road, which forms one of the only pairs of semi-detached dwellings fronting this section of the street. On the opposite side of Munslow Road there are two further dwellings, one fronting Durham Road and one fronting Munslow Road. There is a garage in the side space between the subject site and no. 62 Munslow Road.

## **PLANNING HISTORY**

During 2011 planning permission was given for the erection of a dwelling (ref: 11/03288/FUL) on the plot. The dwelling had a footprint of 7.9 metres x 8.1 metres, with its front elevation set back 6 metres from the Munslow Road boundary, in line with the front wall of the adjacent 2 Munslow Road. A distance of between 2.5 and 4.2 metres would have been maintained to the rear boundary with 60 Durham Road. In design terms the dwelling was shown to be two-storeys to the front, but single-storey to the rear, with a shallow, raking rear roof slope to accommodate the drop in height. Along the rear elevation a series of roof lights in the rear roof slope would provide the only source of natural light to the third bedroom. Vehicular access to the plot was to be taken from Munslow Road, with fairly small, garden areas provided to both sides and the rear.

This permission has not been implemented and has now lapsed.

Subsequently a fresh application was submitted earlier this year (ref: 17/00137/FUL) that was withdrawn by the applicant due to concerns raised about the impact of the proposal on adjoining residential occupiers and the visual amenity of the street scene. This was partly due to the fact that the design involved a two storey property without a raking roof as well as a third level of accommodation within the roof space. The size of the dwelling had therefore increased in comparison to the originally approved scheme.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Environmental Health  
Northumbrian Water  
St Chads - Ward Councillor Consultation

## **REPRESENTATIONS:**

### Public consultation

Three letters of objection have been received from No.1 Munslow Road, 60 & 64 Durham Road, in response to the consultation and publicity process. In summary, the objections relate to the following:

1. Loss of Privacy
2. Overlooking

### **Northumbrian Water**

Northumbrian Water has advised that a public sewer crosses the site and that it will not be permitted to build over or close to its apparatus. It is, however, possible to divert or relocate the sewer at the applicant's cost. Northumbrian water will contact the applicant direct to establish the exact location of their assets prior to any commencement of the development. The presence of assets may, however, impact upon the layout of the submitted scheme.

### **Public Protection and Regulatory Services**

Public Protection and Regulatory Services has considered the submitted documentation and considers that the development is acceptable subject to appropriate conditions;

### Land contamination

A Phase 1 investigation has been provided from Intersoil dated 20 February 2017 has been provided for redevelopment of the site as a residential property has been assessed and it does not appear that contamination is a significant constraint to the development. On this basis it is recommended that conditions for a Phase II, Remedial Strategy/Verification Plan, Verification Report and a Condition for dealing with unexpected contamination should be include on any granted consent.

### Construction Management

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

## **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

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## COMMENTS:

### ISSUES TO CONSIDER

The main issues to consider in the assessment of this application are:

1. the principle of the proposed development;
2. the impact of the proposed development on visual amenity and the character of the area;
3. the impact of the proposed development on residential amenity;
4. the impact of the proposed development on highway and pedestrian safety;

#### 1. Principle of proposed development

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood. Policy H8 of the UDP, meanwhile, specifically relates to new residential developments on unallocated sites, such as this one. This policy dictates that it must be ensured that the proposal does not conflict with any other UDP policies, in which case consideration would be given to the specific benefits provided by each individual proposal.

Given that the vicinity of the development site is wholly residential in character, the proposed residential development is considered to comply with the requirements of policies EN10 and H8 and, in principle, is therefore broadly acceptable.

Also of relevance is policy H22 of the UDP, which refers specifically to development within rear gardens. It states that development will only be acceptable if it is not detrimental to general amenity and to the established character of the locality. 'Tandem' development, where the new dwelling is situated behind the parent property and access and servicing arrangements are shared, is not normally acceptable.

In terms of national planning policy, Paragraph 53 of the National Planning Policy Framework (NPPF) states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Further, Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

With regard to the above, it is considered that the development of the site for residential purposes is acceptable in principle as it is situated within a predominantly residential area and is capable of being developed with its own access. However, whether or not the principle of development is acceptable is also subject to the proposed development not being harmful to the established pattern of built development within the locality. The relationship between the proposed development and the character of the surrounding area is considered further in this report.

## 2. Impact of development on visual amenity/character of area

Policy B2 of the UDP requires that the scale, massing and layout of new development should respect and enhance the best qualities of the locality whilst, as noted earlier in the report, policy H22 of the UDP requires development within garden areas to respect the established character of the locality.

Several of the dwellings around the application site feature side or rear gardens that may be large enough to accommodate an additional residential property. However, the majority of these gardens could not be developed without the access and servicing arrangements of the host dwelling being shared, an arrangement which does not comply with the requirements of policy H22, whereas the proposal site is capable of being accessed from Munslow Road, which ensures the proposed dwelling can be occupied without interfering with the access and servicing arrangements of 62 Durham Road.

In this regard it is acknowledged that the proposal would follow the general pattern of development fronting Munslow Road. The immediate vicinity is characterised by a mixture of detached and semi-detached two storey dwellings and bungalows. As such, it is not considered that the dwelling would appear incongruous within the street scene as it would follow the general pattern of development fronting Munslow Road. The immediate vicinity is also characterised by a mixture of detached and semi-detached two storey dwellings and bungalows, therefore the principle of erecting a two storey building alongside no's 2 and 4 Munslow Road appears visually acceptable

However, whilst the scale and form of the dwelling is considered to be generally compatible with the surrounding built form given that the dwelling will act as a continuation of the row started by the two-storey 2 and 4 Munslow Road, the size of the dwelling, which is large, in relation to the overall size of the plot, does give rise to serious concerns (See Section 3 below).

With reference to the above, it is considered that in principle the impact of the proposed development on the character and visual amenity of the locality is broadly acceptable in accordance with the requirements of policies B2 and H22 of the UDP.

## 3. Impact of development on residential amenity

Policy B2 of the UDP also requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

Whilst the level difference between the host site and No.2 Munslow are noted, it is not considered that the proposed dwelling would give rise to any significant concerns regarding the amenity of 2 given that it will stand adjacent to its gable wall, which only contains what appears to be a secondary window.

The impact of the development on the amenity of the 60 Durham Road to the rear is considered to be unacceptable. The two storey design of the dwelling will create significant levels of overlooking and loss of privacy to the rear rooms and garden of that property. A condition removing the right to add dormer windows to the rear roof slope was imposed on the previous planning approval, which also helped limit the bulk of the building so as not to have an overbearing effect when viewed from

the garden. Whilst the orientation of the proposed dwelling to the garden to the south-west would restrict loss of sunlight early in the morning only, the proximity and bulk of the proposal would create an overbearing and dominating effect. Further, there would be some loss of light to the garden and direct overlooking of the rear rooms and garden area from the upper floor windows of the proposed dwelling.

Regard must also be had to the impact of the proposed development on 62 Durham Road, which acts as the 'parent' property to the development site. The side wall of the proposed dwelling stands approx. 6.2 metres from the end wall of the offshoot to the rear of no. 62, but the outlook from this window is already compromised by the detached garage standing adjacent to the boundary with the application site.

The main rear wall of no. 62 is approximately 9 metres from the rear corner of the proposed property, a greater distance but still below the 14 metres recommended by the SPD. However, the position of the proposed dwelling will ensure the window in this elevation will still benefit from an outlook past its rear corner, which, coupled with the 9 metres separation distance and the slightly elevated plot of no. 62, should ensure the outlook from the window is not unduly impinged upon. The privacy of no. 62 will be largely maintained due to the fact that only one small window, which serves the en-suite and as such would ordinarily obscurely glazed, is proposed within the gable elevation.

New residential development must also provide prospective occupiers with a satisfactory standard of amenity; main living rooms should be of an adequate size and benefit from middle- to long-distance views and dwellings should be afforded a reasonable level of external garden areas. In this case, the footprint of the dwelling is comparable to that of 2 and 4 Munslow Road and as such room sizes are generally good and main living areas benefit from satisfactory outlook to the front or rear (the lounge and kitchen/ diner is open plan, giving the room outlook to the front and rear).

New residential development must also provide prospective occupiers with a satisfactory standard of amenity; main living rooms should be of an adequate size and benefit from middle- to long-distance views and dwellings should be afforded a reasonable level of external garden areas. In this case, the footprint of the dwelling is comparable to that of 2 and 4 Munslow Road and as such room sizes are generally good and main living areas benefit from satisfactory outlook to the front or rear (the lounge and kitchen/ diner is open plan, giving the room outlook to the front and rear). A first floor bedroom (bedroom 3) will only be afforded a roof light for light and outlook, but this arrangement is considered acceptable and common in, for example, loft conversions. The garden areas of the dwelling are rather small, especially in comparison to the large gardens surrounding the site, but a reasonable level of external amenity space is still provided.

No.62 Durham Road may have the capacity to overlook the rear garden of the proposed dwelling to a degree, but this matter can be managed by the provision of an appropriate form of boundary between the two properties and/ or the implementation of a planting scheme to screen the site coupled with careful consideration of slab levels.

No's 64 Durham Road and 1 Munslow Road have raised concerns regarding the opportunity for the upper floor windows of the proposed dwelling to overlook both bedroom windows and garden areas. In this case, whilst it is considered that an acceptable distance will be created between the proposed dwelling and No.64 Durham Road and 1 Munslow Road, it is accepted that there will be some potential for the proposed dwelling to overlook the respective garden areas of these properties which is considered to be unacceptable.

With regard to the above comments, it is considered that the impact of the proposed development on the amenity of surrounding existing dwellings is unacceptable by virtue of loss of privacy and overlooking. The proposal does not therefore comply with the requirements of policy B2 of the UDP and the 'Residential Design Guide' Supplementary Planning Document to the UDP in relation to residential amenity. For this reason a refusal of planning permission is warranted.

#### 4. Impact of development on highway safety

Policy T14 of the UDP requires new development to respect highway and pedestrian safety, whilst policy T22 states that proposals must be afforded an appropriate level of dedicated parking. Network management has, in response to consultation, offered no objections to the scheme, subject to the footway crossing being no wider than 4.8 m and being undertaken by the Council at the applicant's expense, should planning permission be forthcoming.

Subject to the above, the proposed development is not considered to raise any concerns regarding highway and pedestrian safety or parking, in compliance with the requirements of policies T14 and T22 of the UDP.

#### Conclusion

With regard to the above comments, it is considered that the proposed development is an appropriate use of the land, in accordance with the requirements of policies EN10 and H8 of the UDP. The impact of the development on the character and appearance of the area is also acceptable, in accordance with UDP policies B2 and H22. In addition, the scheme will not detrimentally impact upon highway and pedestrian safety, in accordance with UDP policies T14 and T22, subject to a narrower footway crossing.

Notwithstanding the above, the proposal raises significant concerns in relation to residential amenity in relation to the light, outlook and privacy of neighbouring dwellings and this warrants a refusal of permission for the reason given below.

As such, it is recommended that Members refuse the application on the grounds of residential amenity.

#### 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;

- o 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:** It is recommended that Members **REFUSE** the application subject to the reason given below.

**Reasons:**

1 The proposal would be detrimental to the amenities of the neighbouring residential dwellings by reason of loss of privacy, overshadowing and domination of outlook and, as such, would be contrary to policy B2 of the UDP and the 'Residential Design Guide' Supplementary Planning Document to the UDP.