

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.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 22/00192/FUL Full Application

Proposal: **Conversion of restaurant (Use Class E(b)) to provide student accommodation with 15no. studios and 1no. accessible studio, and 1no shopping unit (Use Class E(a)), with external alterations to the elevations.**

Location: **Former Louis Café Park Lane City Centre Sunderland SR1 3NX**

Ward: St Michaels

Applicant: MTA Land Investments Ltd

Date Valid: 1 March 2022

Target Date: 15 July 2022

PROPOSAL:

INTRODUCTION

Planning permission is sought for the conversion of a restaurant (Use Class E(b)) to provide student accommodation with 15 no. studios and 1 no. accessible studio, and 1 no shopping unit (Use Class E(a)), with external alterations to the elevations, at the former Louis Café, Park Lane in Sunderland City Centre.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises a two-storey flat-roofed building positioned along Park Lane, which is attached at the end of a terrace of properties positioned along Olive Street. The premises have operated as a café and restaurant since 1975 over both floors. However, the building has been vacant since 2018. The main entrance into the building faces onto Park Lane and the servicing area opens onto the narrow rear lane between Olive Street and Derwent Street.

THE PROPOSED DEVELOPMENT

The proposed development as described above would provide a commercial unit at ground floor (144.6m² in area), with the basement used for storage purposes. The proposed student accommodation would provide three studios at ground floor (one of which would be accessible), a communal area, a study room, cycle storage and a refuse storage area, as well as corridors, a lobby and a store room. At first floor the proposed development would provide thirteen studios. The applicant's agent has confirmed in writing that the communal area would be multi-functional - providing space to study, lounge and eat.

Planning permission was granted in 2021 (see below) to convert the building to a retail unit and to provide student accommodation in the form of cluster flats with shared communal lounges and kitchen facilities. This included creating two additional floors. Application details state that the need to re-visit the scheme has arisen due to the impact of the Covid 19 pandemic upon the project. The previously approved scheme is now not viable.

Application details state that the proposed development would primarily be to target the overseas student market.

As part of the proposed development the external appearance of the building would be refreshed. The building would be re-rendered in white, with some grey rendering, and with brickwork (to match existing brickwork) to infill existing openings. Cladding would include Oak Cedar weatherboard, and windows would be of UPVC (dark grey RAL 7012 in colour).

The application has been supported by the following documents:

- Design, Access and Planning Statement by Tyne and Wear Planning (dated January 2022) received 03/02/2022
- Noise Impact Assessment by Apex Acoustics (dated 17th December 2020) received 03/02/2022
- Flood Risk and Drainage Assessment (dated February 2022) received 01/03/2022
- Habitat Regulations Assessment (dated February 2022) received 01/03/2022
- Student Accommodation Management Plan received 17/06/2022

PLANNING HISTORY

2021 - Planning permission Ref: 20/02005/FUL granted at the application site for the change of use of the existing restaurant to an A1 unit and 2 no. studio apartments (student accommodation) on ground floor, with associated refuse and cycle storage facilities and new entrance to front. Erection of two additional storeys to provide 6 no. student accommodation cluster apartments (with 2 accessible rooms) on the upper floors, with communal amenity facilities within the basement. This development would have provided accommodation for thirty-five students.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Michaels - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health
Planning Policy
Northern Electric
Northern Gas Networks
Northumbria Police
Nexus
NE Ambulance Service NHS Trust
Fire Prevention Officer

St Michaels - Ward Councillor Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health
Planning Policy
Northern Electric
Northern Gas Networks
Northumbria Police
Nexus
NE Ambulance Service NHS Trust
Fire Prevention Officer

Final Date for Receipt of Representations: **05.04.2022**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, two site notices being posted, and a notice being posted in the local press.

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Nexus
- Northumbria Ambulance Service
- Chief Fire Officer
- North Gas Networks
- Northern Powergrid
- Northumbria Police
- Natural Heritage
- Three Ward Councillors

Press notice expiry date: 05/04/2022

Site notice expiry date: 31/03/2022

Neighbour notifications expiry date: 30/03/2022

Consultation expiry dates: 30/03/2022

Neighbour Notification Responses

Owner / occupier of a flat at 25 Stockton Road, Sunderland

Inappropriate use - There is already too much student accommodation in the city, to the point that the precinct is being sold off and a lot is standing half empty elsewhere. It is also an area where there are several late-night venues, so it is not suitable for residential use.

Internal consultee responses

Environmental Health

No objections subject to the following condition relating to the submission of a noise mitigation scheme being attached to any planning permission:

"Prior to the completion of the proposed development a scheme of noise mitigation shall be submitted for the approval of the LPA. The scheme shall meet the requirements of Table 1 of the submitted noise assessment reference 8776.1 dated 17 December 2020, in so far as it recommends minimum specifications for glazing and ventilation systems to be provided to individual habitable areas. The agreed scheme shall be implemented prior to occupation of the development."

Flood and Coastal Team (the Lead Local Flood Authority)

In the case of the conversion of an existing building within the existing footprint and building shell, and where there is no further upward extension of the roof, it is current practise to suggest that the application could be approved without submission of further detailed assessment.

Transportation Development (the Local Highway Authority)

No observations

External Consultee responses

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Nexus

No response received

Northumbria Ambulance Service

No response received

Tyne and Wear Fire Authority

No objections subject to the proposed development according with Building Regulations (B5: Access and Facilities for the Fire Service). An advisory to applicant is recommended in relation to the installation of sprinkler systems / other types of automatic suppression systems.

Northumbria Police

First representation

- o Northumbria Police recognise the need for student accommodation and welcome the re-purposing of commercial space in this matter.
- o The Design and Access Statement (DAS) commits to providing communal kitchen/dining/lounge facilities yet the plans offer just a lounge (20sqm) and a very small study area (8sqm) to the ground floor.
- o The studios satisfy the spatial requirements of national standards for HMO's, but we note that some offer very limited relaxation space, with a bed and desk very close to the cooking area, but very little else. We accept that being student accommodation, the resident can always utilise campus facilities but the DAS promised more than the plans deliver.
- o The DAS commits to Inclusive Access with internal and external spaces that can all be used safely, easily and with dignity by everyone, regardless of disability or impairment. However, whilst one lobby on the second floor, leading to Studios 13-14, is marked as suitable for disability access, the premises does not have a lift.
- o The planning authority's interim policy for Student accommodation requires that properties accommodating 15 or more students provide arrangements for postal delivery, laundry and drying facilities, building security plans, fire evacuation plan and weekend arrivals procedures.

Matters of quality and space are not a direct concern to Northumbria Police but the likelihood for conflict is, and the less space that residents have the more likely it is that it can result in dispute and conflict. Having a premises within the Urban Core also dictates that security needs to be a material consideration.

Second representation

The proposal remains overly ambitious and does not provide adequate communal space. In terms of physical security, the provision of a proximity fob access control is inadequate for a City Centre student block. Our experience with student crime often involves ill-advised social choices regarding guests being given access - we would strongly recommend that each individual room has PAS 24 doors to ensure that individual residents have autonomy over their private spaces.

Case Officer Comments: The applicant's agent responded by stating that they will now not be using a proximity fob. Instead, entry would be via a proper Door Entry System to the front, utilising a four digit keypad number system, so that visitors can dial the flat number to enter if the tenant allows entry. Such measures would be more secure. Each individual unit would have its own specific unique key and all communal areas would have CCTV. All internal doors would be to PAS 24 for added security.

Case Officer Comments: In relation to communal space, the applicant's agent has stated that the space provided would be greater than the student communal guidance recommendations per student. The proposal would strike an effective balance between providing individual facilities whilst also still providing a communal offer.

Third representation

The decision regarding access control is acceptable. Provided that the proposed development is just for student accommodation and not going to be a mix of students and others, then the response about space is acceptable given that students have the option to use campus facilities.

Natural Heritage

The submitted Habitats Regulations assessment (HRA) eliminates (screens out) all Likely Significant Effects (LSE) associated with the application. The screening out of a range of effects is completed using the location of the proposed development and distance between the proposed development and designated sites. The report also concludes that while the proposal results in an increase in residential occupancy, that recreational effects will not occur and can be screened out. It is considered that this cannot be concluded and that increases in residential pressure whether via students or otherwise cannot be screened out - this is in accordance with the strategic HRA assessment completed by Sunderland City Council for all residential sites within 7.2km of the coast and associated designated sites.

The report also suggests that potential recreational pressure would be reduced as a result of students being absent during the summer period. Conversely the summer is the period of lowest risk to the migratory and overwintering features for which the Northumbria Coast Special Protection Area (SPA) and Ramsar site are designated, and so this potential gap in occupancy would not reduce risk to the designated site features which occur along the Sunderland coast-line.

The report however does highlight that the accommodation occupied would be pet (including dog) and car free and on that basis it can be concluded that the risks associated with increased recreational pressure would be lower than that for standard recreational increases.

It is not considered possible to rule out an increase in recreational pressure based on the information provided within the HRA document. The risks of recreational pressure are however arguably more limited than for standard residential sites.

The Sunderland Coast Recreation Mitigation Strategy requires a per dwelling contribution of £557.14 for residential development within the 7.2km zone of influence. It is considered that a lower rate of financial contribution to the recreation mitigation strategy is therefore considered appropriate. A proportionate contribution to Sunderland City Councils Recreation Mitigation Strategy should be agreed to avoid adverse effects on Coastal designated sites

POLICIES:

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

SA_55_ "City Opportunity Site" on land at Livingstone Road/ Beach Street

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998, the 'saved' policies within the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;
5. Impact on ecology;
6. Impact on flooding and drainage;
7. Greenspace and
8. Planning obligations.

1. Principle of Development

Strategic Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will create sustainable mixed communities which are supported by adequate infrastructure with the emphasis being the need to develop in sustainable locations in the Existing Urban Area in close proximity to transport hubs.

Policy SP2 'Urban core' of the adopted CSDP states that the Urban Core will be

regenerated and transformed into a vibrant and distinct area, including by 2) concentrating retail development in the Primary Shopping Areas; 4) promoting mixed use development in the Areas of Change including iv. Holmeside - civic and commercial led mixed use; and 6) diversifying the residential offer to create sustainable mixed communities.

Supporting text Paragraph 4.37 to Policy SP2 states that it is important that the Urban Core is not purely focussed on employment uses, but also accommodates a wide range of good quality residential provision. This will help to support the vibrancy of the Urban Core and in particular support the evening economy. Developments will need to provide flexible and adaptable accommodation, meeting a range of needs, including those of students and families.

The proposed development would provide a retail unit within the Primary Shopping Area of the Urban Core, within a building which is currently vacant. This would contribute to regenerating and transforming the Urban Core into a vibrant and district area. The proposed student accommodation would contribute to diversifying the residential offer within the Urban Core to create sustainable mixed communities, in a very sustainable location in close proximity to public transport hubs. It is therefore considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP2 of the adopted CSDP.

Town Centre Policies

Policy VC1 'Main town centre uses and retail hierarchy' states that the vitality and viability of centres within the network and hierarchy will be maintained and enhanced. It states that the city centre and town centres will be the principal locations for major retail, leisure, entertainment, cultural facilities and services.

Policy VC3 'Primary shopping areas and frontages' states that Primary Shopping Areas should be the focus of new retail development where possible. It states that a more diverse range of uses will be supported within Secondary Frontages including retail and residential uses.

Saved Policy SA55B.2 'City Centre West' of the adopted Unitary Development Plan (UDP) Alteration No. 2 (Central Sunderland) designates the site as a strategic area of change and sets out additional criteria on the acceptability of uses. It encourages the development of A1 alongside other acceptable uses.

The retail part of the proposed development is a 'Main Town Centre Use' as defined by the National Planning Policy Framework (NPPF) July 2021. The proposed development would bring a vacant unit into use within the Primary Shopping Area, and provide a retail unit that would contribute to the vitality and viability of the City Centre. Park Lane and Olive Street are both Secondary Frontages within the Primary Shopping Area, where a diverse range of uses are considered to be acceptable including retail and residential. It is therefore considered that the proposed development would have a positive impact within this City Centre location, and so it would accord with Policy VC1 and Policy VC3 of the adopted CSDP, and saved Policy SA55B.2 of the adopted UDP Alteration No. 2 (Central Sunderland).

Student Housing Policies

Policy SP8 'Housing supply and delivery' of the adopted CSDP states that new

homes to meet Sunderland's need will be achieved in several ways by the conversion and change of use of properties.

Policy H1 'Housing mix' states that residential development should create mixed and sustainable communities by, amongst other measures, providing a mix of house types, tenures and sizes.

Policy H3 'Student accommodation' of the adopted CSDP states that the development of student accommodation should be located within the Urban Core and must demonstrate:

1. There is a need for additional student accommodation;
2. It is of a scale and appearance appropriate to its surroundings;
3. It is located within close proximity to local facilities and is accessible to the University by foot, cycle and by public transport;
4. It provides high quality living accommodation in terms of design, layout, and facilities provided within the development, in accordance with the Student Accommodation SPD; and
5. The layout of the accommodation is designed in such a way that it is capable of being re-configured through internal alterations to meet general needs housing in the future.

Supporting text Paragraph 6.28 to Policy H3 states that to assist in the regeneration of the Urban Core and the creation of a 'University City', the Council will support proposals for the conversion of existing buildings for student accommodation within the Urban Core.

Application details state that Sunderland only has purpose-built student accommodation to house less than 20% of its students (one of the lowest levels in the country). Application details refer to the Council's 'Student Housing Need Addendum to Main Report' December 2020 - an addendum to the Sunderland Strategic Housing Market Assessment 2020. This is an evidence-based document which identifies a current gap in the supply of purpose-built student accommodation of approximately 900 units. The local agent Hackett Property have also advised that there would no issues in letting the studios to students. No student schemes have been implemented since December 2020, and so it is considered that there currently remains a gap in the supply of purpose-built student accommodation as set out above.

It is therefore considered that the proposed development for 16 studios would contribute to meeting a shortfall of purpose-built student accommodation. The University have raised no objections to this issue and Hackett Property have verified the statement made in application details. It is therefore considered that adequate information has been submitted to demonstrate a need for the additional student accommodation. This has already been previously established under the previous planning permission at the site which would in fact have accommodated more students than the current proposed development.

Concerns raised by an objector are noted in relation to there being too much student accommodation in the City of Sunderland. However, for the reasons stated above, it is considered that there is a current gap in the supply of purpose-built student accommodation of approximately 900 units.

The scale of the existing building would not materially change in relation to the

existing built form, however the appearance of the building would be modernised and so enhanced as a result of the refurbishment works. The proposed development would be within the Sunderland City Centre and Urban Core and so within close proximity to local facilities. It would be highly accessible for the University by foot or cycle, and would be in a very sustainable location with excellent access to public transport hubs.

In terms of the quality of the living accommodation, the applicant has referred to Council's Interim Student Accommodation Policy (June 2015). There is currently no Student Accommodation Supplementary Planning Document (SPD) as referred to within Policy H3 of the adopted CSDP. The Interim Student Accommodation Policy (June 2015) is not part of the Council's adopted development plan, but still provides useful guidance and a source of reference in relation to the quality of student living accommodation. Based on this reference source, the proposed studios would be of an acceptable size, with each studio having en-suites, their own dining space and windows facing directly outwards. A communal area would also be provided within the building which would be of an acceptable size. It is therefore considered that the proposed development would provide high quality living accommodation in terms of design, layout and facilities, and so would be fit for purpose.

Finally, the layout of the accommodation is designed in such a way which could quite easily be converted to meet general needs in the future, through internal alterations.

It is considered that based upon the information submitted to support the planning application, the agent has sufficiently demonstrated that there is a need for the proposed development, that the scale and appearance of the proposed development would be appropriate, that the property is in close proximity to local facilities and is accessible, that the proposed development would provide high quality living accommodation in terms of design, layout and facilities, and that the layout has been designed to be re-configured in the future to meet general housing needs should this be necessary.

It is recommended that conditions be attached to any planning permission to control that the residential accommodation within the building can only be used for student accommodation, and that an annually updated register of students occupying the accommodation be maintained at all times for inspection by the Local Planning Authority. This is to ensure that the studios cannot be converted to meet general needs housing. These conditions are considered to be necessary as general needs housing scheme would need to provide affordable units which would need to be controlled by way of a Section 106 legal agreement in order to comply with Policy H2 'Affordable housing' of the adopted CSDP, as well as a higher Habitat Regulations Contribution (see Ecology section below).

It is considered that the proposed development would provide a form of accommodation to meet Sunderland's need with the conversion and change of use of a building. It would contribute to creating mixed and sustainable communities within the Urban Core, and that it would provide an acceptable form of student accommodation. It is therefore considered that the proposed development would accord with Policy SP8, Policy H1 and Policy H3 of the adopted CSDP.

Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should maximise opportunities to create mixed-use developments which support the function and vitality of the area in which they are located; be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; promote natural surveillance; and create visually attractive and legible environments.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

The immediate vicinity of the application site is mixed in character, ranging from the nearby two-storey terraced properties, the three-storey public house opposite the site, to the larger contemporary buildings of the University and the Transport Interchange. The proposed development would comprise relatively minor works to the façade of the existing building, which would seek to improve its visual appearance.

There is a mixture of external building materials within the immediate vicinity of the application site, and it is considered that the proposed development would refresh and enhance the visual appearance of the existing building. It is recommended that a condition be attached to any planning permission to control that external building materials of the proposed development be as specified in the planning application.

With regard to sustainability, the applicant's agent has advised that materials used for construction within the existing envelope would be from sustainable sources. Other sustainable construction methods would include utilising the existing floor structures with LED energy saving lighting and water reducing taps.

Northumbria Police have raised no objections to the proposed development in relation to designing out crime (see their comments above).

Subject to the compliance with the recommended condition, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 and Policy BH2, of the adopted CSDP, and guidance within the NPPF (July 2021).

3. Impact on residential amenity

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that

development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

The proposed accommodation would provide each student with a double bed with built in storage space, as well as a wardrobe. Lounge areas would include a desk and a coffee table and chair. A fully fitted kitchen would also be provided in each room, complete with integrated microwave oven, fridge freezer and hob. The bathroom would include a WC and shower. Each room would have free Wi-fi (which would be available through the proposed development including in the communal areas).

It is considered that the proposed studios would be of a reasonable size for student accommodation, which would be afforded reasonable levels of outlook and daylight. Whilst two bedrooms at first floor would have a more limited outlook onto the opposite two storey building to the north, the windows should still offer a sufficient level of natural light.

The accessible rooms would be positioned at ground floor along with the communal area, study room and laundry facility. All occupants would therefore have equal access to all facilities. It is therefore considered that the proposed development would provide prospective occupiers with a good standard of amenity, subject to controls limiting the occupation to students. The proposed development would have no unacceptable impacts on occupiers of any neighbouring properties in relation to privacy, outlook and over dominance or overshadowing / a loss of daylight.

The concerns raised by an objector are noted in relation to the area not being suitable for residential accommodation due to the location of several late-night venues. However, a scheme for student accommodation at the application site was recently considered to be acceptable under planning permission Ref: 20/02005/FUL (see planning history above). In addition, the Council's Environmental Health Officer has raised no objections to the proposed development, subject to a condition in relation to the submission of a noise mitigation scheme - relating to a glazing and ventilation system for individual habitable areas.

Given the comments from the Council's Environmental Health, subject to the discharge of and compliance with the recommended noise mitigation condition, it is considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore recommended that such a condition be attached to any planning permission. It is also considered that the proposed development would have no unacceptable

impacts on the amenity of the occupiers of existing residential properties in the vicinity of the application site including during the conversion works.

It is considered that the proposed development would accord with Policy BH1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

The proposed development would not provide any parking for staff, residents or visitors. However, the application site has excellent links to public transport, with Park Lane Interchange and Sunderland rail station being within close walking proximity. On this basis the Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development.

The scheme has been amended to ensure that the proposed refuse storage area would be easily accessible from the public highway to the north (doors have been added to the north facing elevation). The applicant has advised that waste would be collected as per the Council's Schedule, and that four 1100 litre bins would be provided. This is considered to be acceptable provision for the retail and student accommodation uses.

The proposed cycle store within the building would be able to accommodate the storage of six cycles. This is considered to be sufficient for the proposed number of occupants.

It is recommended that a condition be attached to any planning permission to require the cycle and refuse storage areas be provided, made available for use and retained henceforth for their designated purpose (prior to the development being brought into use).

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out within the Sunderland Recreation Mitigation Strategy - to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. The Sunderland Recreation Mitigation Strategy states that developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling tariff of £557.14.

The application site is positioned within 7.2km of European designated sites. However, the proposed development would not provide standard residential accommodation, and instead would be for student accommodation. The students would not own pets (such as dogs) and would not own their own vehicles.

The applicant's HRA has eliminated (screened out) all likely significant effects associated with the proposed development. However, the Council's Ecology advisor has stated that it is not possible to rule out an increase in recreational pressure based on the details provided, although the risks of recreational pressure would be less than for a standard residential scheme.

Whilst the Sunderland Recreation Mitigation Strategy (published in December 2020) focuses on general needs housing (with a per dwelling contribution rate of £557.14) there is a mention of other types of residential development, including student accommodation, and the potential for a different contribution rate to be applied according to the characteristics of the residential use. It considered that the proposed student accommodation would have likely significant effects on the European sites, which would require mitigation to prevent an adverse effect on the integrity. This would be due to recreational impacts associated with future occupiers visiting the coast. However, in recognition of likely negligible ownership of cars and dogs, both of which are considered contributing factors in recreational pressures, and the limit of a single individual occupying each unit, a reduced per unit rate for student accommodation would be required - calculated as follows:

The per dwelling contribution rate of £557.14 for general needs housing can be reduced to £486.83 by removing the proportion of the contribution specifically for measures addressing the effects of dog walking and car use. This can be further reduced by dividing by the current average occupancy rate of general needs

housing (2.24 is the average household size for the North East given on the ONS website for 2021), which gives a contribution rate of £217.33 per bedspace. On this basis, it is considered that a financial contribution of £3,477.28 would be required (£217.33 per bedspace). Natural England has agreed in writing to this methodology and mitigation.

Given the above, the financial contribution of £3,477.28 to mitigate recreational impacts generated by the proposed development would need to be secured by way of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended). The applicant has agreed to this.

Subject to the completion of this Section 106 legal agreement, it is considered that the proposed development would be acceptable in relation to ecology so it would accord with Policy NE2 of the adopted CSDP.

6. Impact on flooding/ drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development is at low or very low risk of flooding from all sources. The proposed development would maintain the existing foul drainage connection and network, discharging into the Northumbrian Water public foul sewer.

The Council's Lead Local Flood Authority have raised no objections to the proposed development. It is therefore considered that it would have no unacceptable impacts in relation to flood risk / foul and surface water drainage, and so it would accord with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted CSDP.

7 Greenspace

Policy NE4 'Greenspace' of the adopted CSDP seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report by requiring all major residential development to provide:

- o a minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- o a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

The Council's Planning Obligations Supplementary Planning Document further states that the above should apply:

"For all major residential developments of 10 dwellings or more and developments for student accommodation of 10 units or floorspace of 0.1ha or more".

It is therefore considered that a financial contribution is required in relation to maintaining / upgrading of neighbouring existing greenspace within the ward. This would be £1,091.52 (based on £68.22 per bedspace - with each studio being occupied by one person and providing one bed space). This would need to be secured by way of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) - see further information below.

Subject to the compliance with this Section 106 legal agreement, it is considered that the proposed development would accord with Policy NE4 of the adopted CSDP.

8. Planning Obligations

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document.

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP.

Paragraph 55 of the NPPF (July 2021) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010)):

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

As set out elsewhere in this report a financial contribution to the value of £1,091.52 is required for improvements to alternative open space provision within the ward. A financial contribution of £3,477.28 is also required towards the Sunderland Recreation Mitigation Strategy - to mitigate recreational impacts generated by the proposed development on the coastal European designated sites. These financial contributions are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related in scale and kind to the development.

The applicant has agreed to the financial contributions, and so they will be secured via an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application the Section 106 legal agreement will be completed upon approval of the application under consideration.

Conclusions

The proposed development would contribute to diversifying the residential offer and the creation of mixed and sustainable communities within the Urban Core, and that it would provide an acceptable form of student accommodation within the City. It would also provide a retail unit within the Primary Shopping Area of the Urban Core, within a building which is currently vacant. This would contribute to regenerating and transforming the Urban Core into a vibrant and district area, in a very sustainable location in close proximity to public transport hubs. Subject to conditions being attached to any planning permission to control that the building can only be used for student accommodation, and that an annually updated register of students occupying the accommodation is maintained at all time for inspection by the Local Planning Authority (for reasons explained above), it is considered that the proposed development would be acceptable in principle.

The proposed development would refresh and enhance the visual appearance of the existing building, and it would be constructed sustainably. Subject to the compliance with a condition to control that external building materials be as specified in the planning application it is considered that the proposed development would be acceptable in relation to design and visual impact.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to a noise mitigation condition relating to a glazing and ventilation system for individual habitable areas. Subject to the discharge of and compliance with this condition, it is considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. The proposed development would also have no unacceptable impacts on the amenity of the occupiers of existing residential properties in the vicinity of the application site including during the conversion works.

As stated, the application site is located in a very sustainable location, and the Council's Transportation Development (the Local Highway Authority) have raised no objections. Subject to the compliance with a condition to require the cycle and refuse stores to be provided and retained, it is considered that the proposed development would be acceptable in relation to sustainable travel and highway safety.

In terms of other technical matters, the proposed development would have no unacceptable impacts in relation to flood risk or foul and surface water drainage, and subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended), it would have no unacceptable impacts in relation to ecology or greenspace. The Section 106 legal agreement is required to secure a financial contribution towards the Sunderland Recreation Mitigation Strategy (Habitat Regulation Assessment mitigation) to preserve the integrity European designated ecology sites at the coast, and to secure a financial contribution to upgrade neighbouring existing greenspace within the St Michael's ward.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document and the National Planning Policy Framework (July 2021). It is therefore considered to be an acceptable form of development, subject to the discharge of and compliance with the recommended conditions and subject to the completion of the Section 106 legal agreement.

Recommendations

It is recommended that Planning Committee grant planning permission, subject to the recommended draft schedule of conditions and the completion of a Section 106 legal agreement.

RECOMMENDATION: Approve subject to the draft schedule of conditions below and the completion of the Section 106 legal agreement

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. 00001 (Site Location Plan) received 03/02/2022
 - Drawing No. 00002 (Proposed Site Plan) received 03/02/2022
 - Drawing No. 10100 (Existing Basement Plan) received 03/02/2022
 - Drawing No. 10101 (Existing Ground Floor Plan) received 03/02/2022
 - Drawing No. 10102 (Existing First Floor Plan) received 03/02/2022
 - Drawing No. 10400 (Existing North and South Elevations) received 03/02/2022
 - Drawing No. 10401 (Existing East and West Elevations) received 03/02/2022
 - Drawing No. 20500 (Proposed Basement Plan) received 03/02/2022
 - Drawing No. 20501 Rev P01 (Proposed Ground Floor Plan) received 25/03/2022
 - Drawing No. 20502 (Proposed First Floor Plan) received 03/02/2022
 - Drawing No. 20510 (Proposed North & South Elevations) received 25/03/2022
 - Drawing No. 20511 (Proposed East & West Elevations) received 25/03/2022
- In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.
- 3 The external building materials of the development hereby permitted shall be as specified at Paragraph 2.3.3 of Section 2.3 'Other Matters' of the Design, Access & Planning Statement (Ref: 2021/02/00) by Tyne & Wear Planning dated Jan 2022 (received 03/02/2022). Unless the Local Planning Authority first agrees any variation in writing.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the residential accommodation within the building shall not be used for any other purpose than student accommodation. For the avoidance of doubt, a student shall be defined as any person enrolled onto a course of higher education.

To ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation in relation to affordable housing and sensitive ecological sites, in accordance with Policy H2 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 5 An annually updated register of students occupying the accommodation hereby approved shall be maintained at all times for the inspection of the Local Planning Authority. The register shall include details of the higher education course and institution (inclusive of offer letter from the institution and subsequent letter from the student accepting the offer);

To ensure compliance with the submitted details and to ensure that consideration can be given to any subsequent impacts arising from unrestricted occupancy of the accommodation in relation to affordable housing and sensitive ecological sites, in accordance with Policy H2 and Policy NE2 of the adopted Core Strategy and Development Plan.

- 6 Prior to the occupation of the studios hereby permitted, a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise mitigation shall meet the requirements of Table 1 of the submitted Noise Impact Assessment (Ref: 8776.1) Rev A by Apex Acoustics (dated 17th December 2020) received 03/02/2022, in so far as it recommends minimum specifications for glazing and ventilation systems to be provided to individual habitable areas. The agreed scheme of noise mitigation shall be implemented prior to occupation of the development, and then maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of future occupiers of the proposed studios in relation to noise impacts, and to comply with Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

- 7 Prior to the first occupation of the development hereby permitted, the refuse storage areas (with four 1100 litre bins), as shown on Drawing No. 20501 Rev P01 (Proposed Ground Floor Plan) received 25/03/2022, shall be completed on-site and made available for use. The refuse storage areas shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of development, in the interest of highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the first occupation of the development hereby permitted, the cycle storage areas, as shown on Drawing No. 20501 Rev P01 (Proposed Ground Floor Plan) received 25/03/2022 and in cycle parking details received 25/04/2022, shall be completed on-site and made available for use. The cycle storage areas shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

Reference No.: 22/00529/SUB Resubmission

Proposal: **Erection of a single storey extension with access stairs to rear and creation of smokers area (resubmission).**

Location: **Mamas Kitchen Houghton Road Newbottle Houghton-Le-Spring DH4 4EF**

Ward: Houghton
Applicant: Mrs Helen Cooper
Date Valid: 17 March 2022
Target Date: 11 July 2022

PROPOSAL:

APPLICATION SITE

The application site is Mama's bar/grill/pizzeria restaurant situated on the light-controlled junction of Coaley Lane and the A182 Houghton Road in the village of Newbottle. The restaurant is a two-storey building plus a cellar, with a single storey extension to the side, and a car park to the front and side. A compound sits to the rear of the building that provides staff parking and outdoor storage. There are two accesses to the car park, one from Coaley Lane and one from Houghton Road. The land rises up steeply to the east and north so that the car park sits on sloping ground and the host property sits at a much higher ground level than the residential properties to its rear.

The application site is partially included within the Newbottle Conservation Area (car park and extension), the original building itself is outside the boundary.

PROPOSAL

The proposal relates to the erection of a two-storey extension to the rear of the property to provide a staff room and store, with a kitchen extension and smokers' terrace above. Due to the ground levels, the staff and storeroom will be at basement level whilst the kitchen and outdoor terrace will adjoin the existing property at ground floor level. The extension will span across slightly less than half of the rear elevation of the original building and across the rear of the existing side extension and will occupy approximately half of the outdoor storage compound.

The proposal represents a resubmission of a similar application (ref 21/02840/FUL) that Members may recall was refused on 9 February 2022. The reasons for refusal related to the impact of the development upon the nearby residential properties in terms of visual intrusion, overlooking and consequent loss of privacy, and the adverse visual impact of the development by reason of its size, design and elevated position. The difference between the two submissions is that the previously refused scheme proposed a lean-to roof whereas the current scheme proposes a flat roof with two roof lantern lights.

The application is being presented to Committee again after Members resolved at the Committee held on 13 June to visit the site prior to making a decision.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **15.04.2022**

REPRESENTATIONS:

Public Consultation

Fifty letters of objection have been received, 1 petition against the development with 72 signatures, and 29 letters of support.

The objectors' main concerns are;

- o The development will result in increased on street parking and traffic to and from the site which causes disruptions to nearby residents and can be hazardous due to the proximity of the site to the light controlled junction;
- o The development will overlook the adjacent residential properties leading to a loss of privacy;
- o Noise from patrons using the terrace is likely to cause disturbance to nearby residents;
- o The development will lead to increased litter which will attract vermin;
- o Cooking smells and cigarette smoke will cause a nuisance to nearby residents;
- o The development will result in a detriment to the visual amenities of the conservation area.

The main reasons for support are;

- o The development will relocate smokers away from the front of the building;
- o The improvements to the kitchen will improve service;
- o The development will support a local business and jobs;
- o The development will support a business that caters for specific dietary requirements.

Consultees

Council's Environmental Health team

Environmental Health has considered the application and have no objections to the proposed development, subject to consideration of the inclusion of a condition requiring, prior to the use of the development, a scheme of odour control to be submitted for the approval of the LPA together with an odour risk assessment.

Council's Conservation team

The Conservation Team have no objections as the proposal will have no impact on the character and significance of Newbottle Conservation Area.

Council's Transportation Development team

The Transportation Team have commented that, without the provision of acceptable replacement staff parking, a servicing area and bin storage, parking will be displaced onto the highway within the vicinity of the site and the busy junction, to the detriment of pedestrian and highway safety.

COMMENTS:

ISSUES TO CONSIDER

In assessing the proposal, the main issues to consider are;

- visual amenity
- residential amenity
- highway safety

Visual Amenity

Policy BH1 of the CSDP states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Policy BH8 of the CSDP states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate. To preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development within and adjacent to conservation areas should be of high design quality, to respect and enhance the established historic townscape and built form, street plan and settings of conservation areas and important views and vistas into, within and out of the areas.

The application site is partially included within the Newbottle Conservation area. The positioning of the site is identified as being a key gateway into the Conservation Area. The Council's Conservation Team have commented that the building is currently in use as a restaurant and has the associated commercial extraction, bin store and signage. These do not interfere with views into or out of the Conservation Area and the proposed extension and terrace will not harm the significance or setting of Newbottle. Providing all materials match the existing, the Conservation Team has no objections to the proposal in terms of its impact upon the conservation area.

The application site occupies a prominent position on a busy junction. The elevated position of the building as the land climbs steeply up Coaley Lane means that its rear elevation is highly visible. The proposed extension will span across nearly half of the width of the rear elevation below the level of the first-

floor windows, whereas the smoking terrace will cover the rear of the single-storey extension. The development will be visible from the approach from the west up Coaley Lane. The design and scale of the previously refused scheme, with a pitched lean-to roof, was not considered likely to result in the introduction of an obtrusive element within the streetscene from the public point of view. However, the currently proposed scheme, with a flat roof and a slightly higher ridge line, is not considered to be in keeping with the character of the host property to the detriment of the visual amenities of the area.

Residential Amenity

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

In order to achieve and retain acceptable levels of space, light and privacy, the Development Management Supplementary Planning Document (SPD) sets out recommended standards for spacing between dwellings (which can also be used to assess the impact of non-residential development upon residential properties) as follows:

- o main facing windows, 1 or 2 storeys - minimum of 21m from any point of facing window;
- o 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey;
- o main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window;
- o 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey, e.g. 3 storeys 19m.

For every 1m in difference of ground levels add 2m to the horizontal difference. e.g. if the difference in plot level is 1m then the minimum distance between the main facing window and the side or end elevation should be 16m.

Notwithstanding the visual impact of the development upon the wider street scene, from the viewpoint of the residential properties to the rear of the application site the proposed extension will be highly visible due to its closer proximity and elevated position. The development also includes a ventilation duct which will impact upon the outlook from these properties.

No sectional drawings have been submitted with the application, but it is estimated that the host property sits approximately one and a half storeys above the properties to the rear. The separation distance of approximately 15.5m is way below the estimated minimum of 20m to the blank wall and 27m to the terrace required by the standards within the SPD given above.

Although the amended scheme currently under consideration will reduce the overall height by the omission of the pitched roof, this sloped away from the residential properties. Viewed from the much lower ground levels of residential properties at an oblique angle, its loss would not be particularly noticeable. Instead, the eaves height will be increased slightly which will increase the mass of the blank wall facing the houses. The design, height and positioning of the development is therefore considered likely to render it highly obtrusive

dominating the outlook from the neighbouring properties to the detriment of their visual amenities.

The proposed balcony will also offer an elevated view of the rear windows and gardens of the properties to the rear. This will result in overlooking and a loss of privacy for the occupiers of those properties to the detriment of their residential amenities.

Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including odour and emissions.

The Council's Environmental Health team have commented that an extraction duct is indicated on the drawings that extends to above eaves level. This appears to be an improvement on existing provision and is acceptable (indeed is a normal requirement for commercial kitchen extraction) but a restrictive end cap is also indicated. This end cap should not be incorporated as it provides an obstruction to free flow of exhausted gases and any remaining odour. If the proposal were to be considered favourably, a condition is recommended to require, prior to the use of the development a scheme of odour control to be submitted for the approval of the LPA together with an odour risk assessment. The approved scheme should be implemented and maintained for the life of the proposed development.

Policy HS2 of the CSDP states that development which would result in noise impacts (including vibration) will be controlled by implementing the following measures... In areas of existing low levels of noise, proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

A noise assessment was not submitted with the application, however, the Environmental Health team have commented that the glazed screen around the proposed smoking area will minimise the potential for impact upon the neighbouring properties provided that there is not amplified music and that it is not used after 11pm. However, there is potential for the area to be used as an outdoor drinking area, which could lead to noise from raised voices causing a nuisance to the residential occupiers enjoying their garden during the evenings. Whilst this may not be a significant detriment to residential amenity to merit a refusal in isolation, it will be an additional deterioration of the quality of living for the residents as a result of the development.

Given the above, it is considered that the development will result in a serious detriment to the residential amenities of neighbouring properties particularly by reason of loss of outlook, overlooking and loss of privacy. The proposal is contrary to policy BH1 of the CSDP and is unacceptable in this respect.

Highway safety

Policy ST2 of the CSDP sets out the requirement for proposals to ensure that development has no unacceptable adverse impact on the Local Road Network.

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way

which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

The proposed development would remove the service yard/staff parking and the bulk of the outdoor storage within the existing rear compound. The area around the site already suffers from overflow parking which obstructs the highway and footpaths creating a hazard to pedestrian and highway safety. The development would also preclude the storage of the commercial refuse bins within the outdoor compound. (It is noted that a bin store has been erected on land adjacent to the entrance to the site from Coaley Lane to the west which appears to encroach on land outside of the site boundary. This is being investigated as a separate matter.) Without the provision of acceptable replacement staff parking, a servicing area and bin storage, parking will be displaced onto the highway within the vicinity of the site and the busy junction, to the detriment of pedestrian and highway safety and contrary to policies ST2 and ST3 of the CSDP.

CONCLUSION

The development has been found to be likely to result in harm to the living conditions of the occupiers of the neighbouring residential properties by reason of overlooking, loss of privacy and outlook, and is likely to lead to conditions detrimental to highway safety. For the reasons given above the development is contrary to policies BH1, ST2 and ST3 of the CSDP.

The proposal is considered to be unacceptable and Members are therefore recommended to refuse planning permission for the reasons set out below.

RECOMMENDATION: Refuse for the reasons given below:

Reasons:

- 1 The proposal would be detrimental to the visual amenities of the host property, the streetscene, and adjacent residents in particular, by reason of its size, design and elevated position and as such would be contrary to policy BH1 of the CSDP.
- 2 The proposals would be detrimental to the amenities of adjacent residential properties by reason of visual intrusion, overlooking and consequent loss of privacy and as such would be contrary to policy BH1 of the CSDP.
3. The proposed development would remove existing staff car parking, servicing and bin storage from the site and without adequate replacement provision would lead to on street parking and the creation of conditions prejudicial to road safety and as such is contrary to policies ST2 and ST3 of the CSDP.