

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.: 21/01825/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing building and erection of 18no bungalows for supported living and 1no bungalow for accommodation of up to three members of staff (including overnight accommodation); including felling of trees and modifications to the access onto Hylton Road**

Location: Princess Of Wales Centre, Hylton Road, Sunderland, SR4 8AE

Ward: St Annes

Applicant: McCoy - MCC Homes Ltd.

Date Valid: 18 August 2021

Target Date: 17 November 2021

Proposal

Members may recall that the above Application was determined at a recent meeting of the Planning & Highways (East) Committee (11 April 2022). The description of the development, at that point in time, will be repeated below:

“Demolition of existing building and erection of 19no bungalows for the over 55's”

The decision, as shown in the Minutes, will be repeated below:

“Upon being put to the Committee the amendment was approved, and accordingly it was:-

3. RESOLVED that the Committee was minded to grant consent in accordance with Regulation 4 of the Town and Country Planning Regulations 1992 (as amended), subject to the completion of a planning obligation for the provision of mitigation for the protected coastline, three affordable houses on site; the improvement of local green spaces as required by policy NE4 of the Core Strategy and the draft conditions as listed in the report.”

The Applicant, around a week after the decision, asked Planning Officers if the description could be amended from occupation for the “over 55s” to “supported living” (including one bungalow for staff accommodation). Planning Officers advised, given the material difference between the two descriptions, that a re-notification exercise would need to be undertaken (including Ward Councillors and neighbours) and the Application referred back to the Planning & Highways Committee. The re-notification exercise has now been undertaken and the Application accordingly brought back for re-determination to the Planning & Highways Committee.

Planning Officers have repeated the original committee report below; with any additions shown as **bold** and deletions as ~~striketrough~~

The above Application for Planning Permission proposes

~~Demolition of existing building and erection of 19no bungalows for the over 55's.~~

Demolition of existing building and erection of 18no bungalows for supported living and 1no bungalow for accommodation of up to three members of staff (including overnight accommodation); including felling of trees and modifications to the access onto Hylton Road

at

Princess of Wales Centre, Hylton Road, Sunderland

The amended Design & Access Statement says that the “description has been amended to best reflect the client needs for the proposed development.”

The Statement continues by saying that:

“The bungalows will offer supported living offering a range of services and community living arrangements designed for individuals with disabilities and their families to support disabled citizens to attain or retain their independence or interdependence in their local communities.

The bungalow used for staff would; operate on a light touch approach offering care and support when needed. It is envisaged that staff would be present throughout the day and may be present at night depending on the level of support that is needed.”

Planning Officers consider that the proposed use, as a mix of 18 bungalows for “supported living” and one bungalow for “accommodation of up to three members of staff (including overnight accommodation)”, falls within the category of sui generis. The use of the development for any other purpose would require a further grant of planning permission (such as the occupation of the bungalows on an unrestricted basis).

The site lies to the west of the city centre, between High Barnes and Pennywell. The surrounding land uses include dwelling houses and a shopping parade to the north west. The site itself has a rectangular plan form, covering around 4,570 square metres. The site contains a redbrick one-two storey detached building recently occupied by the Alzheimer's Society. The existing access arrangements are from Hylton Road; bounded on either side by a metal railing fence.

The proposed development involves demolishing the existing building and constructing 19 one and two bedroom bungalows; each with a gross internal area of around 50-66 square metres. The proposed construction materials are indicated as being red bricks, upvc windows and concrete roof tiles. The existing access would be widened to around 5.5 metres; including a 1.8 metre footpath.

Publicity

Neighbour notifications were sent to 40 nearby properties (sent 19 August 21 and 6 July 22).

Press notice (Major development): 2 September 2021.

Site notice (Major development): 10 September 2021.

Consultees

Ward Cllrs for St Annes (sent 18 August 21 and 6 July 22)

Council consultants / officers: Archaeology (Tyne & Wear), ecology (Eco North), Environmental Health, land contamination (Watermans), Lead Local Flood Authority, Local Highway Authority and planning policy.

Regional: Ambulance Trust, Fire & Rescue, Police Architectural Liaison and Northumbrian Water.

National: Highways England and Natural England.

Representations

There have been two representations received which are given consideration in the report.

Policies

Core Strategy and Development Plan (2015-2033)

Supplementary Planning Document: Development Management

Principle of the Development

The Core Strategy, at policy SP1 (Development Strategy), includes wording which says that "growth and sustainable patterns of development" will be delivered by "delivering the majority of development in the Existing Urban Area" and "emphasising the need to develop in sustainable locations".

The proposed development would make a contribution towards the above policy by providing development within the Existing Urban Area. The site can also be given consideration as being sustainable lying within the built-up area of the city; close to many of the services for everyday living (such as the shopping parade just to the north-west and bus routes on Hylton Road).

The Core Strategy, at policy SP4 (North Sunderland), includes wording which says that "North Sunderland will continue to be the focus for regeneration and renewal". The proposed development would make a contribution to the policy in question by developing a currently vacant site.

The Core Strategy, at policy SP8 (Housing supply and delivery), includes wording which says that "the Council will "seek to exceed the minimum target of 745 net additional dwellings per year", achieved by the "development of windfall sites" and the "development of small sites". The proposed development would make a contribution to the policy in question by providing housing on a small, windfall site.

The Core Strategy, at policy H1 (Housing mix), includes wording which says that residential development should "create mixed and sustainable communities" by "contributing to meeting affordable housing needs, market housing demand and specialist housing". The policy continues by saying that residential development should provide "a mix of house types, tenures and sizes which is appropriate to its location" and should also "ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows"

The proposed development would make a contribution towards the above policy by providing 19 new build bungalows **for supported living**.

The Core Strategy, at policy H2 (Affordable homes), includes wording which says that any development for 10 or more dwelling houses should "provide at least 15% affordable housing" to be "provided on-site" and retained in affordable use in perpetuity". The policy also says that affordable homes should be "indistinguishable in terms of appearance from the market housing".

The proposed development would make a contribution towards the above policy by providing ~~two~~ **three** affordable bungalows on site; secured via planning obligation. The affordable homes would also be the same house types as the balance of the site.

The Core Strategy, at policy ID2 (Planning obligations) includes wording which says that planning obligations "will be sought to facilitate the delivery of affordable housing". The proposed development would make a contribution to the policy in question by providing ~~two~~ **three** affordable bungalows.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a "Low Carbon Framework". The Framework says "Sunderland is committed to playing its part in tackling the global climate change emergency" and that "we are proposing to embed climate change and carbon neutrality throughout our city". The Framework specifically says that

"local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy"

The determination of the application using the policies within the Core Strategy therefore means that the recommendation will also align with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, adopted a "Low Carbon Action Plan" which has "been prepared to align to the Sunderland Low Carbon Framework". The Plan says that it "sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now". The Plan provides "Strategic Priorities" which will be given consideration in the relevant sections below (such as drainage).

In the absence of any material considerations to the contrary, the principle of the proposed development accords with the relevant policies of the development plan.

Amenity

In terms of air quality, the Environmental Health Officer (EHO) has advised that "the Council has not declared any AQMAs (Air Quality Management Areas) and it is not anticipated that local air quality in the vicinity will require such action".

In terms of amenity, the Development Management Supplementary Planning Document (SPD), at section 5.23, provides standards for external distances; including that there should be a "minimum of 21m from any point of facing windows".

To the north, the proposed bungalows would be around 23 metres from the dwelling houses on the other side of Hylton Road.

To the east, the proposed bungalows (excluding the canopy to the front) would be around 22-23 metres from the gable end of 11 Halvergate Close (the northern most dwelling house when facing east), around 22-23 metres from the front of 7 & 9 Halvergate Close (the dwelling houses to the east) and would not face onto the gable of 6 Halvergate Close (the southern most dwelling house when facing east).

To the south, the proposed bungalows would be around 7.75 metres from the gable end of the dwelling house to the south (14 Hainford Close).

To the west, the proposed bungalows would be around 24-26 metres from the back of the dwelling houses on Palgrove Road.

The separation distances for the proposed development would therefore accord with the SPD; except when facing south. The matter will be given consideration in the planning balance at the conclusion of the report.

In terms of noise, the submitted Noise Statement says that there are "no existing activities surrounding the site that indicate a noise environment on the site requiring additional mitigation". The Statement continues by saying that the "layout of the scheme ensures that the closest habitable elevation is >16.0m distance from Hylton Road" and that "Standard Building Regulations will apply in terms of glazing and insulation to address the design requirements for noise"

The Environmental Health Officer (EHO) has advised that they consider the "proposed development is acceptable in principle"; subject to a condition for a submission of a site specific noise assessment (including any recommended mitigation). The EHO has also recommended a further condition for a Construction Environment Management Plan (CEMP).

In terms of material considerations, there has been a representation received which draws to attention the increased noise from demolition, building work and traffic; especially for people who work nightshifts. A further representation says that they "do not want the noise of building developments". Planning Officers would, however, draw to attention that these matters during the construction phase can be managed as best as practically possible through adherence to a CEMP; as advised in the paragraph immediately above by the EHO.

In terms of further material considerations, there has been a representation received which says that the demolition could lead to "increased risk of mice and rodents from the demolition". Planning Officers would, however, draw to attention that these matters during the construction phase can be managed as best as practically possible through adherence to a CEMP.

In terms of further material considerations, there has been a representation received from a dwelling house to the east which says that the proposed development would "obstruct day lighting coming over the area into my garden" and that they "would like no restriction on enjoying my garden front and back". Planning Officers would, however, draw to attention that the proposed development when facing eastwards accords with the separation distances specified within the Development Management SPD.

In the absence of any other material considerations to the contrary, the proposal would accord with policy HS1 (Quality of life and amenity) and HS2 (Noise-sensitive development); subject to the recommended conditions. The exception would be the distance to the property to the south, which will be given consideration in the planning balance at the end of the report.

Community Facility

The glossary of the Core Strategy defines a community facility as a "facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres."

Given the last known use of the site by Alzheimers Society, the provisions of policy VC5 (Protection and delivery of community facilities and local services) are therefore relevant. The policy says that community facilities and local services will be protected by

"resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses".

The text following the policy says that to justify the loss of a community facility the "Applicant will be required to provide written evidence that they have marketed the facility for at least 24 months".

The Application does not include any information covering the loss of a community facility; **other than the paragraph below**

The building has more recently been used by the Alzheimer Society for 20 years as a day care centre, this closed in 2019 but was empty since 2017. The Site has been vacant since then and is now detracting from the overall appearance of the immediate street scene. It had been offered to other charities but no new tenants could be found. In September 2019 it was put up for auction. Parts of the building are in poor condition.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy VC5 of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Design

The submitted Design and Access Statement says that the "scale of the development will be sympathetic to the immediate surroundings" and the "elevational treatment will feature quality materials". The Statement continues by saying that the "grounds of the properties will be open to give feeling of space"

The Design Statement also says that

"The bungalows have been designed to provide the floor area required under the nation space standard with HT1 being a 1 bedroomed 2 person bungalow with 50m² and HT2 being a 2 bedroomed 3 person house with 66m²."

The Police Architectural Liaison have advised that they are "content with the proposed development".

The Tyne & Wear Fire & Rescue Service have advised that they have "no objections to this proposal". They have also asked if the proposed development would be "timber framed construction" and have drawn attention to a report which comprises an excerpt from the Building Regulations. Planning Officers would advise that the matters in the immediately preceding sentence would be dealt with at the Building Regulations stage and should not be given weight in the determination of the planning application.

Planning Officers more generally consider that the proposed development would sit comfortably within the immediate context of two storey buildings and the wider built-up area.

In the absence of any material considerations to the contrary, the proposed development would accord with policy BH1 (Design quality) of the Core Strategy; subject to the recommended conditions.

Drainage

The submitted Flood Risk Assessment says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Assessment further says that "it is proposed to connect the foul discharge to the public foul sewer via the existing connections".

The submitted Surface Water Drainage Design Statement and Maintenance Plan says that there would be a storage tank partly beneath the access road with a "hydrobrake vortex flow control unit". The flow would be "significantly lower than the 10 l/s max rate stipulated by NWL (Northumbrian Water Limited)" and would "combine with the surface water flows" at a nearby manhole "creating a single combined off-site connection to the public sewer. The Statement and Plan also says that a "suitable management company will be appointed" to "undertake the inspection, repair and maintenance regime and maintenance regime for the proposed foul and surface water drainage systems"

The Lead Local Flood Authority have advised that "we are satisfied with the proposed drainage scheme, therefore it is recommended approval can be given".

Northumbrian Water have advised that they "have no issues to raise", provided the proposed development "is approved and carried out within strict accordance with the submitted document entitled Flood Risk Assessment"

In the absence of any material considerations to the contrary, the proposal accords with policies WWE2 (Flood risk and coastal management), WWE3 (Water management), WWE4 (Water quality) and WWE5 (Disposal of foul water) of the Core Strategy; subject to the recommended conditions.

Ecology

Planning Officers would initially draw to attention that the Natural Environment and Rural Communities Act 2006, at Section 40, says the "public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

The submitted Preliminary Ecological Appraisal says that the site has five habitat types, namely buildings, built up areas and garden, developed land, sealed surface, modified grassland and lines of trees. The Appraisal says that there are "no priority habitats and no controlled invasive plant species" and that "no impacts on statutory and non-statutory nature conservation sites are predicted". The Appraisal continues by saying that "all buildings and trees within the site were assessed as holding negligible potential to contain roosting bats".

The Appraisal further considers that the "impacts of the proposals are likely to be minimal"; albeit there could be "destruction of an active birds nest" and "loss of a small area of disused urban greenspace / community garden, of low ecological value". The Appraisal recommends mitigation; including the timing of works avoiding the bird nesting season, a wildlife friendly landscaping scheme and the provision of bird and bat boxes within buildings and trees.

The Appraisal has further undertaken a biodiversity offsetting calculation using the Defra Biodiversity Metric 2.0 which shows a "net habitat area loss of 0.11 biodiversity units (-29.7%)".

The Council's ecology consultant has advised that

"The report provides a robust assessment of the potential impacts of the proposals upon key designated sites and protected species. Further information should be provided regarding the landscape proposals and BNG (Biodiversity Net Gain) to ensure the proposed habitat retention, creation and management measures are appropriate to the scale of the impacts."

The Agent has not submitted any landscape proposed or any BNG. The matter will be given consideration in the planning balance below.

Natural England have advised that "further information required to determine impacts on designated sites". They have said a "Habitats Regulations Assessment will be required for this proposal" and "an agreed appropriate contribution towards the Strategic Access Management and Monitoring (SAMM) measures, operated by Sunderland City Council to address designated site impacts from increased recreational disturbance". They have further said "without this information, Natural England may need to object to the proposal" and "please re-consult Natural England once this information has been obtained".

Planning Officers would draw to attention that the Council has, as part of the evidence base for the draft Allocations & Designations Plan, commissioned a consultant to prepare a Recreation Mitigation Strategy. The Strategy "sets out a strategy for mitigation to address impacts resulting from new housing growth" and recommends a developer contribution per dwelling house of £557.14. The contribution would provide for a "package of mitigation measures" including "dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring". The Agent has indicated that they are willing to enter a planning obligation to secure the contribution in question. Planning Officers therefore consider that the successful completion of such a planning obligation would resolve the concerns raised by Natural England.

In the absence of any material considerations to the contrary, the proposed development does not accord **entirely** with policy NE2 of the Core Strategy; subject to the planning obligation and the recommended conditions. **The matter will be given consideration in the planning balance at the end of the report.**

Energy Efficiency

The submitted Design & Access Statement says that

"All properties will be designed to current building control standards.

Materials used in the construction will be, where possible, locally sourced and selected in order to minimise the effects on the environment. Wherever possible, selected construction elements will have a low embodied energy and offer good opportunities for recycling at end of life."

The Statement does not, however, describe any specific measures that could be secured via a planning condition.

In the absence of any material considerations to the contrary, the proposed development does not accord with policy BH2 (Sustainable design and construction) of the Core Strategy. The matter will be given consideration in the planning balance at the end of the report.

Greenspace

The Core Strategy, at policy NE4 (Greenspace) says that the Council will "protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure" by "requiring development to contribute towards the provision of new and / or enhanced greenspace where there is an evidenced requirement".

The Greenspace Audit, submitted as part of the evidence base for the Core Strategy, says the St Anne's Ward has a low quality and quantity of amenity greenspaces.

~~The Application does not propose a contribution towards the improvement of local greenspace.~~

Members at the earlier meeting of the Planning & Highways (East) Committee were minded to grant planning permission; subject to the Heads of Terms for the Section 106 Agreement being amended to include a financial contribution towards the improvement of local green spaces.

In the absence of any material considerations to the contrary, the proposed development does accord with policy NE4 of the Core Strategy; **subject to the successful completion of a Section 106 Agreement.**

Groundworks

The submitted Preliminary Geo-Environmental Risk Assessment says that "due to geological setting the site is not considered to be at risk of shallow coal mining related geohazards" and that groundwater "is not anticipated to be present". The Assessment says that "a risk level of low is determined appropriate for this development area"; albeit that "it would be prudent to complete a Phase 2 Ground Investigation".

The submitted Ground Investigation Report says that following intrusive works "a risk level of low to moderate is currently appropriate for this development area". The Report recommends remediation including "remove contaminated made ground" and the provision of a "clean cover system". The Report also says that "ground gas protection measures are not required".

The Council's land contamination consultant has recommended that "additional information is requested from the Applicant's consultant" for both the Phase 1 and Phase 2 report. The consultant has, however, also stated that "it is recommended that planning conditions CL01, CL02, CL03 and CL04 are included in the decision notice". These conditions relate to further characterisation of contamination (CL02), remediation and verification (CL03) and unexpected contamination (CL04).

In the absence of any material considerations to the contrary, the proposed development accords with policy HS3 (Contaminated land); subject to the recommended conditions.

Heritage

The Tyne & Wear Archaeologist has advised that the "hospital is shown on Ordnance Survey third edition map of circa 1919" and that a "basic photographic survey should be undertaken prior to the demolition of the extant 20th century structure as the structure has some social significance in terms of the history of health and social care in Sunderland".

Planning Officers would therefore draw to attention that, notwithstanding the condition recommended by the Archaeologist, the proposed development would involve the demolition of an undesignated heritage asset of social importance to the City.

In the absence of any material considerations to the contrary, the proposed development does not accord with policies BH7, BH8 and BH9 of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Highway

The submitted Design & Access Statement says that "vehicle and pedestrian access will (be) from Hylton Road using existing entrance" and that the "access road will be designed and constructed

to Sunderland City Council adoptable standards". The Statement also says that "6no. accessible parking bays have been included".

The Local Highway Authority have provided a series of comments for the Application as initially proposed; which are repeated below together with a Planning Officer response thereafter:

"Comments

It is understood that the development is to be adopted by Sunderland City Council therefore the following comments apply:

ACCESS / SECTION 38 & 278 WORKS

The existing vehicular access would require improvements to meet adoptable standards, the entrance will therefore require widening to 5.5m; footpaths internal to the development should measure 1.8m wide, costs to be met by the applicant. The applicant should be advised to contact: Graeme.Hurst@sunderland.gov.uk to discuss the highway works and Section 38 / 278 agreement with the Council.

Planning Officer response: The Agent has submitted an amended plan including a label saying "widen access to 5.5m with 1.8m wide footpath". Planning Officers understand that the Local Highway Authority considers the amended plan to meet these requirements. The balance of the paragraph immediately above can be included as an informative.

PEDESTRIAN SAFETY

A separate access should be provided into the development for pedestrians and the access should connect to pedestrian provision within the site.

Planning Officer response: The Agent has submitted an amended plan including a label saying "widen access to 5.5m with 1.8m wide footpath". Planning Officers understand that the Local Highway Authority considers the amended plan to meet these requirements.

PARKING

Parking should be in accordance with Sunderland City Council, Development Management (Supplementary Planning Document) and in addition visitor parking bays should be clearly identified on a site plan. Secure, covered cycle parking should be provided, and provision made for electric vehicles.

Planning Officer response: Planning Officers understand that the Local Highway Authority considers the parking meets these requirements.

PARKING - INTERNAL LAYOUT

Parking bays 11 - 14 appear restrained.

Planning Officer response: The Agent has submitted an amended plan which amends the parking arrangements for these spaces. Planning Officers understand that the Local Highway Authority considers that the amended plan resolves these concerns to the extent that they would not be a reason for refusing the Application.

SWEPT PATH ANALYSIS

A swept path drawing should be provided showing the turning movements of a pantechicon within the site, (11.2m in length).

Planning Officer response: The Agent has submitted a swept path analysis and the Local Highway Authority have advised that the "drawing appears satisfactory".

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to the commencement of work on site the applicant shall submit for the approval of the LPA an environmental management plan that shall address the potential impacts of demolition and construction. The plan shall identify suitable mitigation measures in relation to noise and vibration, dust and other air pollutants, and site lighting where appropriate.

Planning Officer response: The above paragraph could be included as a condition.

Planning Officers believe the above shows that the Local Highway Authority do not have any objections to the proposed development; subject to the recommendation conditions / informatives.

Planning Officers, given the recent amendment to the description of development, have re-consulted the Local Highway Authority. If the Local Highway Authority have any further comments, these will be reported to Members; either via a separate written update or verbally at the committee meeting.

Highways England, the operator of the A19, have advised that they "offer no objection".

In terms of material considerations, there has been a representation received drawing to attention that "Hylton Road is already a busy road" and that the "development could pose a risk to both residents property and residents alike with the increased risks of road traffic collisions". The representation also draws to attention existing parking problems within the area. Planning Officers would, however, draw to attention that the commentary within the highway section of the report above shows that the Local Highway Authority do not seem to have any objections to the proposed development. The Local Highway Authority have taken into account both access and parking matters.

In the absence of any other material considerations to the contrary, the proposal accords with policies ST2 and ST3; subject to the recommended conditions **and any further comments from the Local Highway Authority.**

Trees

The trees running along the northern, eastern and western boundary of the site are protected by a Tree Preservation Order ("City of Sunderland Tree Preservation Order 112 at Havelock Hospital, Hylton Road, Sunderland").

The submitted Arboricultural Impact Assessment says that a "total of 15 trees were surveyed" and that 12 are of "moderate" value (i.e. trees of a moderate quality with an estimated life expectancy of at least 20 years) and three of "low value" (i.e. trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 15cm).

The Assessment continues by saying that "two moderate value trees require removal to facilitate the development" and that the "crown of all trees should be lifted to 5.2m where necessary". The Assessment also recommends mitigation including new tree planting, sensitive hardstanding construction, sensitive foundation excavation, ground protected measures and protective fencing. Planning Officers would draw to attention that the proposed development does not propose new trees planting; which means that the first suggestion in the immediately preceding sentence should not be given weight in the planning balance.

The Assessment also says that "potential post development tree / resident conflicts such as encroachment, shading, leaf fall, honeydew, etc usually arise from the erection of residential properties close to large trees" and that for the proposed development "such impacts still exists" because the "trees are of a large, mature size and will subject the dwelling to all of the potential post development impacts".

Planning Officers, in summary, would advise that the proposed development involves felling protected trees of a moderate value and that there could be post development pressure to prune and / or fell the remaining protected trees.

In the absence of any material considerations to the contrary, the proposed development does not entirely accord with policy NE3 (woodlands / hedgerows and trees) of the Core Strategy.

The matter will be given consideration in the planning balance at the end of the report.

Summary

The principle of the proposed development accords with the relevant policies of the development plan and would provide ~~two~~ **three** affordable dwelling houses (secured via planning obligation).

The table below summarises the residual impacts arising from the construction and operational phases of the proposed development; subject to the recommended conditions. The table also identifies the weight to be given to the positive and negative impacts; using the scale of negligible, minor, moderate, significant and substantial (noted in bold). The reasons for the weighting can be seen in the commentary following the table.

	Positive	Neutral / Negligible	Negative
Economic	<p>Short term jobs during construction.</p> <p>Minor benefit</p> <p>Medium to long term benefit for local facilities (such as the shopping parade to the north west).</p> <p>Moderate benefit</p>		
Environmental		<p><u>Affordable Housing</u> A policy compliant level of affordable housing has been proposed.</p> <p><u>Amenity</u> Air quality, EHO says that "Council has not declared any Air Quality Management Areas"</p> <p>Proposed</p>	<p><u>Amenity</u> Proposed development would not accord with separation distances within DM SPD for property to the south. Negligible harm</p> <p><u>Ecology</u> Absence of a detailed landscape plan (for habitat retention, creation and</p>

		<p>development accords with separation distances with DM SPD; except for property to the south.</p> <p>Noise, EHO says "development acceptable in principle"; subject to a condition for detailed noise survey</p> <p><u>Design</u> Proposed development sits comfortably within its context. No objections from Fire Service or Police.</p> <p><u>Drainage</u> Proposed development includes a detailed drainage system. LLFA are "satisfied with the proposed drainage" and Northumbrian Water "have no issues to raise"; both subject to conditions.</p> <p><u>Greenspace</u> Members sought a policy compliant financial contribution at the previous meeting of the Planning & Highways (East) Committee.</p> <p><u>Groundworks</u> Ground Investigation Report finds a "low to moderate risk"</p>	<p>management measures). Net loss of 0.11 biodiversity units (-29.7%). Minor harm</p> <p><u>Energy Efficiency</u> Application does not specify any measures that could be secured via planning condition. Minor harm</p> <p><u>Greenspace</u> St Anne's Ward has a low quantity and quality of amenity green space. The Application does not propose a financial contribution. Moderate harm</p> <p><u>Heritage</u> Demolition of non-designated heritage asset. Minor harm</p> <p><u>Trees</u> Felling of two protected trees of moderate quality. Potential for post development pressure to fell / prune remaining protected trees. Minor harm</p>
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		<p>and recommends remediation. The Council's land contamination consultant recommends detailed conditions.</p> <p><u>Highway</u> Proposed development widens the existing access and provides parking / turning. The Local Highway Authority do not appear to have any objections. Highways England have said they "offer no objection".</p>	
Social	<p>Proposal would provide bungalows for “supported living”. Significantly beneficial</p>		<p>Loss of community facility. Minor harm</p>

The reasons for the weight given to the positive and negative aspects of the proposed development can be seen below.

In terms of the amenity for the dwelling house to the south, the property in question has one window on the gable end which appears to serve secondary space (such as a stairwell). The proposed development, as a series of bungalows, would not have the same level of impact as a two or three storey dwelling house. Planning Officers therefore consider the magnitude of the adverse impact would be negligible.

In terms of ecology, the concerns relate to an absence of positive features within the development; rather than any direct or indirect harm to protected or priority species. Planning Officers would draw to attention that Biodiversity Net Gain does not yet form a legal requirement. A condition seeking the submission of a detailed landscape plan can also mitigate the extent of these concerns. Planning Officers therefore consider the magnitude of the adverse impact would be minor.

In terms of energy efficiency, the concerns relate to an absence of positive features beyond those required by the Building Regulations. Given that another regulatory control will still ensure a modern level of energy efficiency, Planning Officers consider the magnitude of the adverse impact would be minor.

In terms of greenspace, some of the proposed bungalows do not appear to have much garden space and the Ward has been identified as having a low quality and quantity of greenspace. ~~The Application does not propose a contribution to mitigate these impacts.~~ **Members sought a policy compliant financial contribution at the previous meeting of the Planning & Highways (East) Committee.** ~~Planning Officers therefore consider the magnitude of the adverse impact would be moderate.~~

In terms of heritage, the balance of the hospital buildings have already been demolished. The Tyne & Wear Archaeologist has recommended a condition for a photographic survey which would mitigate the extent of these concerns. **The Applicant has recently submitted such a survey, currently being given consideration by the Tyne & Wear Archaeologist.** Planning Officers therefore consider the magnitude of the adverse impact would be minor.

In terms of trees, the proposed development includes felling of two protected trees identified as being of moderate quality. There could also be potential post development pressure for further felling / pruning from the occupiers of the proposed bungalows. Planning Officers would, however, advise that the concerns in the immediately preceding sentence could be mitigated to an extent by the recommended condition seeking details of a management company. Planning Officers therefore consider the magnitude of the impact would be moderate.

In terms of loss of community facility, the building has been vacant for some time and the current condition means that any potential occupier for such a use would probably need to undertake a refurbishment exercise at their own expense. Planning Officers would further draw to attention that the site lies within the built up area of the city, close to the bus services on Hylton Road; which means that existing residents and potential occupiers of the bungalows can access other community facilities. Planning Officers therefore consider the magnitude of the impact would be minor.

The positive impacts are generally economic and social.

In terms of the economic benefits, there would be short term jobs during construction. Given that these jobs would be short terms in nature, Planning Officers consider the magnitude of the impact would be minor.

There would be further economic benefit, in the form of support for local facilities thereafter (such as potential additional custom for the nearby shopping parade and passengers for bus routes). Planning Officers consider the magnitude of these longer terms benefits to be moderate.

In terms of social benefit, these would generally be the provision of bungalows, a house type specifically sought by the housing policies within the development plan; which exceed the standards sought by the National Designated Space Standards. The submitted Design & Access Statement further says that the proposed development would "deliver accessible housing for **“supported living”**". Planning Officers would draw to attention that the weight given to these social benefits should be informed by the City Plan which says that by 2030 there will be "more and better housing", "access to equitable opportunities and life chances" and "people enjoying independent lives". Planning Officers therefore consider that the magnitude of these social benefit would be significant.

In summary, Planning Officers consider that the adverse impacts from the proposed development are minor / moderate; whereas the benefits are significant. The planning balance therefore indicates that planning permission should be granted.

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: Approve, subject to:

- Completion of a planning obligation for the provision of **a financial contribution towards local open space**, mitigation for the protected coastline and ~~two~~ **three** affordable houses on site;
- **A positive consultation response from the Tyne & Wear Archaeologist to the recently submitted Building Recording and the associated deletion of condition no. 4.**

- **Any further comments from the Local Highway Authority (including any additional / amended conditions).**
- The draft conditions below.

Draft 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:

- Proposed Drainage Layout Plan (Drawing No 04, Rev *);
- Proposed site plan (Drawing No. 03, Rev B);
- floor plan HT1 (Drawing No. 04, Rev *);
- ~~floor plan HT2 (Drawing No. 06, Rev *)~~;
- proposed elevations HT1 (Drawing No. 05, Rev *);
- ~~proposed elevations HT2 (Drawing No. 07, Rev *)~~
- **proposed bungalow 3 plans and elevations (Drawing No. 08, Rev *)**

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

3. The construction phase of the development hereby approved shall be undertaken in accordance with the plans below
 - Tree Protection Plan, as found within Appendix 1 of the submitted Arboricultural Impact Assessment (Report ref: MCC-PofWCentre_AIA1.1)

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

4. No development (including demolition) shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

5. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include details of how noise and vibration, lighting, dust and other airborne pollutants arising from demolition, site clearance and construction works will be controlled and mitigated.

The CEMP shall also include:

- location of site compound and materials storage areas and use of solid boundary hoardings (where required, to mitigate generation of dust and noise);
- working times;
- site lighting (to ensure that the positioning and rating of any floodlighting does not result in spill or glare impacting neighbouring dwellings);
- HGV routing including the avoidance of vehicle queuing and engine idling; use of fixed plant such as generator sets and compressors (including compliance with BS5228:2014 for silencers and noise enclosures);
- control of noise and vibration;
- control of dust and other airborne pollutants (including measures to control dust from masonry cutting) and to mitigate carry over of materials onto the highway (and including provision of water sprays);
- prohibition of burning of waste materials;
- contact details;
- location of sensitive receptors (including residential premises which should highlight the need for additional measures near to those premises to minimise impacts of noise and dust);
- arrangements for communication with residents.

The construction phase of the development hereby approved shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure, in accordance with policies HS1, ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved does not have an unacceptable impact upon amenity during the construction phase.

- 6 No development shall commence until a Protected Species Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate the minimisation of any residual risk of species, such as bats, being adversely affect by the proposals. The construction phase shall thereafter be undertaken in accordance with any mitigation recommended within the approved Statement.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the construction phase avoids adverse impacts upon biodiversity.

- 7 No development (other than demolition, excluding any groundworks) shall commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;

- archaeological sites and ancient monuments; and
- where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

- 8 No development (other than demolition, excluding any groundworks) shall commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

- 9 No development (other than demolition, excluding any groundworks) shall commence until specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person and the extent of the SuDS features to be covered in the report(s), have been submitted to and approved by the Local Planning Authority.

The verification report(s) shall thereafter be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the Core Strategy and Development Plan (2015-2033).

- 10 No development shall take place above damp-proof course until a Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall report measured and predicted noise levels as they affect the proposed dwelling houses and associated amenity areas. The Assessment shall also, where the recommended internal and external noise guidelines as set out in BS8233:2014 cannot be achieved, identify suitable mitigation measures. No dwelling shall be occupied until any approved mitigation has been fully provided and thereafter retained.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved include noise mitigation.

- 11 No development shall take place above damp-proof course, until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be undertaken within the first planting season following the completion of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and NE2, the development hereby approved provides high quality design and biodiversity gains.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

- 13 No bungalow hereby approved shall be occupied until the works, labelled as "widen access to 5.5m with 1.8m wide footpath" on the Proposed Site Plan (Drawing No 03, Rev B), have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a safe and convenient access.

- 14 No bungalow hereby approved shall be occupied until the parking and turning space, shown on the Proposed Site Plan (Drawing No 03, Rev B), have been fully provided. The parking and turning space shall thereafter be retained, kept free of obstruction and only used for parking and turning in association with the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a safe and convenient access.

- 15 No bungalow shall be occupied until the bat and bird boxes, as shown on Figure 6 found within the submitted Preliminary Ecological Appraisal (Report Ref: MCC_PofWCentre_PEA1.1), have been fully provided. The bat and bird boxes shall thereafter be retained.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides for biodiversity.

- 16 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

- 17 No bungalow shall be occupied until a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify the management arrangements for all areas of the site; including a maintenance programme for the retained trees. The site shall thereafter be managed in accordance with the approved Plan.

Reason: To ensure, in accordance with policy NE3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved preserves protected trees.

- ~~18 The bungalows hereby approved shall only be occupied by those aged over 55.~~

~~Reason: To ensure (1) the occupation of the proposed development accords with the details submitted and (2) consideration can be given to whether any planning obligations would be necessary if the development were occupied by those aged under 55 (in accordance with policy ID2 of the Core Strategy and Development Plan).~~

Informative

- 1. Planning Officers consider that the proposed development falls within the category of “sui generis”. The use of the proposed development for any other purposes, such as occupying the bungalows on an unrestricted basis, would require a further grant of planning permission.**

Reference No.: 21/02435/FUL Full Application

Proposal: **Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.**

Location: Rowlandson House, 1 And 2 Rowlandson Terrace, Sunderland, SR2 7SU

Ward: Hendon

Applicant: MR VAS MUKHTAR

Date Valid: 18 October 2021

Target Date: 13 December 2021

PROPOSAL:

The proposal relates to the change of use of existing residential care home (Use Class C2) to children's day nursery (Use Class E) at Rowlandson House, 1 and 2 Rowlandson Terrace, Sunderland.

PLANNING HISTORY AND CONTEXT:

Members may recall that the current proposal follows the refusal of planning application ref 19/00121/FUL. Change of use of existing residential care home (Use Class C2) to a non-residential institution (Use Class D1) to operate as a children's day nursery. The reasons for refusal were as follows:

1. The proposed children's day nursery will afford prospective children with a poor standard of amenity, particularly in respect to provision of external amenity space, and as such conflicts with the requirements of policy CF4 of the Core Strategy and Development Plan (CSDP) and paragraph 127 of the National Planning Policy Framework (NPPF).
2. The proposed use of the premises as a children's day nursery is not compatible with the prevailing character of the locality which is dominated by single family houses and will result in harm to the amenity of surrounding residential properties by virtue of noise, disturbance and on-street parking generated by such a use. The proposal therefore conflicts with the requirements of policies CF4 and EN5 of the Council's adopted Unitary Development Plan and Paragraph 127 of the National Planning Policy Framework.

The above decision was subsequently appealed to the Planning Inspectorate and the decision was upheld dated 23.06.2020. In the inspector's commentary, two material considerations were identified. These were:

- The effect on the living conditions of nearby residents in respect of noise, disturbance and parking; and,
- Whether the proposal would provide a suitable standard of amenity for children, with particular regard to external amenity space.

In reaching a decision the inspector noted that with regards to above point 1, the submitted acoustic report did not include robust evidence to demonstrate the impact of children playing outside at both the front and rear, furthermore the proposal would still generate traffic movements of a form and degree which would lead to parking on the rear lane contrary to policies CF4 and HS2 of the CSDP.

With reference to point 2, the inspector noted that the proposal would provide a suitable area of amenity space for children in accordance with policy CF4 of the CSDP.

Considering the above appeal decision, the applicant resubmitted the application, supported by additional information to seek to address the effect of the development upon living conditions of nearby residents in respect of noise, disturbance and parking under ref: 20/01763/SUB.

The application was once more refused, reasons given are set out below:

The proposed use of the premises as a children's day nursery is not compatible with the prevailing character of the locality which is dominated by single family houses and will result in harm to the amenity of surrounding residential properties by virtue of noise and disturbance and parking generated by such a use. The proposal therefore conflicts with the requirements of policy CF4 of the Council's adopted Unitary Development Plan and Paragraph 127 of the National Planning Policy Framework.

The proposed use would lead to increased traffic movements of a form and degree, which would compromise the free flow of traffic on the public highway, which would lead to parking on the rear lane and endanger the safety of road users including pedestrians. The proposal therefore conflicts with the requirements of policy ST3 of the Council's adopted Core Strategy and Development Plan 2015-2033.

The above decision was appealed to the Planning Inspectorate and the decision was once more upheld dated 26.08.2021. In the Inspector's commentary two areas are of particular relevance:

The proposal now provides robust evidence, that includes an assessment of a similar use at another location, to contribute to my conclusion in relation to noise and disturbance from the proposed use. The appellant has outlined that it is not intended to use the area to the front of the property as a play area, this could be secured by condition.

Secondly the Inspector stated, subject to the imposition of appropriate conditions, including requiring the extension of the pedestrian guardrail, I do not consider that the proposed development would be harmful to highway safety. It would therefore comply with Policy ST3 of the Sunderland Core Strategy and Development Plan (2020) which requires, amongst other things, that development should provide safe access for all road users in a way which would not compromise the free flow of traffic on the public highway, pedestrians; or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

It is noted that the applicant did not accept the Inspector's imposition of additional pedestrian guardrail and as such the original decision to refuse was upheld.

SITE LOCATION AND PROPOSAL:

The host building is located within the Cedars Conservation Area and sited at the north west end of the Edwardian period Rowlandson Terrace. The host unit turns the corner of Ryhope Road and Villette Road and is served by a lane to the rear where a set of double gates open into a yard area covering 162 square metres.

The immediate highway network is characterised by the four-arm signal-controlled junction with pedestrian phases across all arms, double yellow lines also surround the site to prevent illegal parking on or in the vicinity of the junction.

The predominant land use in the area is residential, however the land immediately to the north provides the entrance to Barley Mow Park.

The current proposal relates solely to the use of the building and involves no extensions or alterations to the external appearance of the property. The proposal has confirmed that the use seeks to accommodate up to 50 children and employ 8 members of staff.

Drop-offs would occur throughout the one-and-a-half-hour period between 07:30 and 09:00 and picked-up throughout the two-and-a-half-hour period between 15:30 and 18:00. With the above in mind suggested operating hours are sought from 6am-8pm to allow a degree of flexibility. A small covered cycle shed is to be added to the rear yard.

The application has been supported by a Planning Support/Design and Access Statement, Transport Statement and a Noise Assessment.

The planning history of the site indicates that planning consent was approved and subsequently implemented in 1988 for the conversion to form an old persons' home, including provision of 6 No. car parking spaces. The property was subsequently extended via approvals in 1994 and 1995. At present the building is vacant, following closure in January 2019.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Environmental Health

Network Management

Cllr Lynda Scanlan

Cllr Michael Mordey

Cllr Ciaran Morrissey

Planning Implementation

Apartment 1 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 10 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 9 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 8 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 7 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 6 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 5 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 4 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 3 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 2 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 12 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Apartment 11 Montpelier House Montpelier Terrace Sunderland SR2 7UL

Flat 12 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 11 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 10 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 9 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 8 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 7 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland

Flat 6 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 5 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 2 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 4 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
Flat 1 Kensington House 1 - 2 The Cedars Ashbrooke Sunderland
85A Vilette Road Sunderland SR2 8RA
85 Vilette Road Sunderland SR2 8RA
First Floor 3 Rowlandson Terrace Sunderland SR2 7SU
Second Floor 3 Rowlandson Terrace Sunderland SR2 7SU
31 Ryhope Road Sunderland SR2 7ST
8 Manila Street Sunderland SR2 8RS
10 Manila Street Sunderland SR2 8RS
2 Manila Street Sunderland SR2 8RS
Ground Floor 3 Rowlandson Terrace Sunderland SR2 7SU
6 Manila Street Sunderland SR2 8RS
4 Manila Street Sunderland SR2 8RS

Final Date for Receipt of Representations: **08.08.2022**

REPRESENTATIONS:

Following the expiry of the consultation period 3 letters of representation were received raising concerns related to:

1. Inappropriate location adjacent busy road junction.
2. Enforcing highway concerns.
3. Need is unnecessary.
4. Operators legal requirements.
5. The fall back position.

Matters above are covered within the main section of the agenda.

Transportation

Transportation Development does not object to the planning application subject to the conditions below being applied should planning approval be granted:

o A Travel Leaflet for issue to all customers should be submitted to and approved by the Local Highway Authority prior to the commencement of the operation of the facility. The Travel Leaflet should ensure that: all visitors to the facility are made aware that parking is not available within the site; drop off/pick up should not take place from Vilette Road or Ryhope Road; the on-street car parking available in the area; and walking routes to the site from nearby residential areas.

o Extension of pedestrian barriers: The applicant is required to fund the extension of the pedestrian barriers along both Vilette Road and Ryhope Road. The extension of the pedestrian barrier on Vilette Road should be on both sides of the road and as far as the back lane, on Ryhope Road the barrier should be extended to the limit of the site frontage. This requirement will ensure that drop off/pick up does not happen in the vicinity of the signalised junction and will also increase pedestrian safety for those parents and children dropping off/picking up children at the proposed facility.

o The facility to be limited to 50 children at any time.

Additional highway observations:

PARKING

As agreed with the previous planning application it has been satisfactorily demonstrated that sufficient on street parking is available in the area to satisfy the likely demand from staff parking as per the existing use as a residential care home. In addition, it is confirmed that a secure, covered cycle parking facility is to be provided for 2 cycles for use by staff. This is welcomed and will encourage the use of sustainable travel by staff.

SIGNAGE

It is stated that the nursery proposes to fix two signs on the rear boundary of the application site stating, "No Parking or Waiting in This Area".

TRAFFIC REGULATION ORDER

Given the short-stay nature of parking associated with drop off and pick up times, it is considered the provision of parking restrictions would provide limited benefit in terms of enforcement. For residents of both Ryhope Road and Manila Street, it is noted that a number of dwellings have parking provision within rear yard space. The number of properties directly affected in close proximity to the proposed development is low with only occasional access required. Any resident parking in the rear lane is expected to be minimal and would also be subject to the restrictions if implemented. Following further discussion between the agent and the TRO team, it is considered that implementing parking restrictions at this location would not meet the test set out in Road Traffic Regulation Act 1984 and would not be justified on highway safety grounds.

TRANSPORT STATEMENT

It is acknowledged that the proposed children's nursery would be located in a sustainable location where the need to travel by private car is far from necessary. In addition, it is evident that the proposed use would result in immaterial changes in vehicle movements during the weekday 24-hour period and during the weekday am and pm peak hours.

Public Protection and Regulatory Services

Our review of the supporting noise assessment dated 19 October 2020 requested clarification of the following matters:

1. The height of the yard wall to the application site - this was identified in the submitted plans as 1.8m total height - revised to 2.8m.
2. The Manila Street dwelling boundary wall was estimated at 2.25m high - subsequently measured as 2.5m.

3. Examination of the line of sight between the yard and the dwellings at the rear (ie those in Manila Street). - revised boundary wall heights show intervening barriers to be effective.

The response of the noise consultant dated 22 October 2020 satisfactorily addressed the matters identified above. Confirmation of the boundary wall heights was supplied together with a suitable calculation for the exposure of the dwelling immediately to the rear of the application site.

The matters raised have been satisfactorily resolved and we have no further observations on this application

COMMENTS:

The main issues to consider in the determination of the proposal are:

1. The principle of the development and the fall back position.
2. The impact upon residential amenity in terms of noise, disturbance and parking.
3. Highway safety impacts.
4. Planning Inspectorates decisions.

1. The principle of the development.

The Local Plan is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs inline with the presumption in favour of sustainable development. It includes broad locations, land use designations and allocations to deliver this strategy. Sunderland's Local Plan is in three parts.

1. Core Strategy and Development Plan 2015 - 2033 (CSDP).
2. Allocations and Designations Plan (A&D).
3. International Advanced Manufacturing Park (IAMP) and Area Action Plan (AAP) 2017 -2032.

The above plans have superseded saved policies of the Unitary Development Plan (UDP) 1998 and UDP Alteration No.2 (2007) with the exception of a number of policies that will remain as saved policies until such a time that the A&D plan is adopted.

The site in question is not allocated for any specific land use by adopted UDP and, as such is subject to Policy EN10 of the UDP. This policy has been retained until the A&D plan is adopted. This policy 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.

Whilst the local area is predominantly residential, the proposal would replace the previous use as an elderly persons care home and operate over fewer days and hours of the week, with this in mind the use is considered to be compatible with the residential character of the area and therefore acceptable in principle.

Fall-back position and uses not requiring planning permission.

In planning terms, the current property at Rowlandson House falls into Use Class C2 - which means that ANY of the uses listed within Use Class C2 can be undertaken from that property without the need to apply for planning permission from the Council and without local input.

Planning Use Class C2 includes: Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres and more recently a state funded school.

2. The impact upon residential amenity.

Paragraph 127 of the NPPF states in part that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy BH1 of the CSDP relates to Design Quality and seeks to deliver excellence in development quality, by ensuring acceptable levels of privacy and good standard of amenity are provided for existing and future residents.

Policy HS2 of the CSDP applies to noise-sensitive development and requires that 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 existing 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.

Whilst the retained policy CF4 of the Unitary Development Plan states:

"Provision for nursery education will be made, so far as possible, within surplus accommodation at existing schools, or in new premises on existing school sites where sufficient land is available. Development of nurseries outside existing schools will be allowed where their impact on the amenities of the neighbouring area is acceptable and the traffic generated can be safely accommodated"

With reference to the above, the proposal seeks no external alterations to the appearance of the building and as such levels of privacy afforded existing residents are to be maintained.

In terms of noise the applicant has provided a noise assessment that demonstrates modifications to the internal fabric of the building are to be implemented to dampen the impact of any potential raised internal noise levels. Having regard to potential impact of increased noise from children playing outside, the layout of the building suggests that the only area that could accommodate outside play is within the enclosed rear yard area. The supporting noise assessment has also demonstrated that this area would not lead to levels of noise that are above the existing ambient noise levels.

In addition, and with regards to the levels of outdoor amenity space provided with the proposal, it is considered and mindful of the previous planning inspectors appeal decision that this area of land to the rear is considered to provide a suitable area and standard of amenity for children to spend when exercising outdoors.

In light of the above, the existing layout of the building, its location adjacent to a road junction, the current proposal is not considered to lead to conditions that would be detrimental to levels of amenity currently afforded neighbouring residential dwellings. The proposal is therefore considered to accord with policy BH1 CF4 and HS2 of the CSDP.

3. Highway safety impacts.

Section 9 of the NPPF relates to promoting sustainable transport, with paragraph 102 stating in part that opportunities to promote walking, cycling and public transport use should be pursued, whilst paragraph 105 states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

Paragraph is clear and states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. or the residual impacts on the road network would be severe."

Policies ST2 Local Road Network and ST3 Development and Transport both seek to ensure that development must demonstrate that proposals will not have a severe impact on the safe operation and management of the local road network for all highway users

The current application has been supported by a Transport Statement and additional supporting documents following the appeal decision provided by the planning inspector.

Further to consultations with the Transportation Development section, comments received have been reported in the representation section of the main agenda report, that seek to outline the relevant areas of potential concern.

In summary, taking into account the additional information submitted in support of the planning application the Transportation Development Section does not object to the planning application subject to the imposition of conditions should Members be minded to grant approval.

4. Planning Inspectors Decisions.

In the most recent appeal (ref 21/00006/REF) the Planning Inspector concluded that subject to the imposition of appropriate conditions, including requiring the extension of the pedestrian guardrail, I do not consider that the proposed development would be harmful to highway safety. It would therefore comply with Policy ST3 of the Sunderland Core Strategy and Development Plan (2020) which requires, amongst other things, that development should provide safe access for all road users in a way which would not compromise the free flow of traffic on the public highway, pedestrians; or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

The Planning Inspectorate also stated that it was not appropriate to condition the implementation of the TRO which I have found to be necessary to make the development acceptable in planning terms. Therefore, in the absence of any suitable mechanism to deliver the TRO the proposed development would harm the living conditions of the occupants of nearby residential properties with regard to parking. The proposed development would therefore be contrary to Policy CF4 of the Sunderland Unitary Development Plan (1998) which requires, amongst other things, that the provision of nursery education will be allowed where the impact on the amenities of the neighbouring area is acceptable.

Conclusion

For the reasons given above, the proposed change of use of the building is considered to have been justified, the principle of the development is considered to be acceptable. On planning balance and considering the previous comments of the Planning Inspectorate and the comments of the Highway Engineer in terms of the removed necessity for a TRO, whilst it is recognised indiscriminate parking may take place, through the imposition of a proactive set of conditions that provide details of parking to future users and limiting numbers of attendees, it is not considered that the removal of the need for a TRO would significantly prejudice levels of residential amenity. Furthermore with the impositions of the conditions outlined above, it is not considered that the proposal would impinge upon the free passage of traffic or create conditions prejudicial to highway or pedestrian safety.

It is therefore recommended that Members approve the application, subject to the draft conditions listed below.

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: APPROVE, subject to 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan dated 13.12.2018.

Existing Plans and Elevations dated 12.2018.

Existing and Proposed Site Plans dated 12.2018.

Proposed Plans and Elevations dated 12.2018.

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

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

- o Monday to Friday (except Bank Holidays) 06:00 to 20:00
- o and at no time on Saturday/Sunday.

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

4 The pedestrian barriers at the signalised junction (Ryhope Road/Villette Road) must be extended to ensure dropping off and picking up does not occur in the vicinity of this junction.

Details of the proposed extent of the extension of the pedestrian barriers should be submitted and approved to the local planning authority and the approved extended barriers installed prior to the commencement of the use of the proposed facility.

Reason: To ensure that development has no unacceptable adverse impact on the Local Road Network and to accord with CSDP policies ST2 and ST3.

5 A travel leaflet for issue to all customers should be submitted and approved by the local planning authority prior to the commencement of the operation of the facility. The travel leaflet should ensure that: all visitors to the facility are made aware that parking is not available within the site; drop off/pick up should not take place from Villette Road or Ryhope Road; the on-street car parking available in the area; and walking routes to the site from nearby residential areas. The approved leaflet should be distributed to all parent/ guardians prior to any child attendance.

Reason: To ensure that development has no unacceptable adverse impact on the Local Road Network and to accord with CSDP policies ST2 and ST3.

6 Notwithstanding any indication that may have been given in the submitted planning application, the facility should be limited to 50 children at any time in the interest of highway safety and to comply with policies ST2 and ST3 of the CSDP.

Reference No.: 22/00996/LP3 Local Authority (Reg 3)

Proposal: **Change of Use from C3 to C2 (Residential Institution)
(Please note change of application reference).**

Location: Maple Cottage, Ford Avenue, Sunderland, SR4 0AQ

Ward: St Annes
Applicant: Together For Children
Date Valid: 17 May 2022
Target Date: 12 July 2022

PROPOSAL:

The proposal relates to the change of use of an existing residential property to a residential children's home at Maple Cottage, Ford Avenue, Sunderland, SR4 0AQ.

The proposed change of use affects a detached dormer bungalow which was granted permission in 2010 (application reference 10/01689/FUL). The property has a large parking area to the front and garden area to the rear and the surroundings of the application site are primarily residential in nature.

The application proposes to change the use of the property from residential dwelling use class C3 to a residential children's home, a use falling within use class C2 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

The application has been submitted on behalf of Together for Children. A planning statement was submitted with the application and an updated version providing more detail was provided on the 10.06.22.

The updated statement sets out that Together for Children was developed in 2015, as an alternative service model for Sunderland City Councils Children's Services and it provides a range of services for children and families including:

Early Help- providing targeted support to children, young people and families at the earliest point of identified need.

Social Care- providing support to children in need of help and protection.

Education- supporting schools in relation to curriculum development and school leadership as well as providing support and challenge for school improvements and effectiveness.

Local Offer for SEND- providing support services for children and young people with special educational needs and disabilities (SEND) and their families.

The facility is intended to accommodate 2no. young people (aged 11 - 17) and will be used as a home for children in short term care. The home will be used as emergency accommodation for children with difficulties at home and when entering care is considered an appropriate action and necessary for the child's wellbeing and safeguarding.

There will only ever be 2no. young people living in the home at any time and their needs will be thoroughly assessed by the Registered Children's Home Manager prior to moving in. Turnovers will be kept to a minimum to prevent disruptions to children and their families.

The facility is proposed to be operated on a shift basis with two members of staff on site at any given time 24 hours, 7 days a week. There would also be visits by professionals such as support workers and therapists.

With regard to the proposed accommodation an amended plan was submitted on the 14.07.22 detailing the location of the office space set out within the amended planning statement.

The property will encompass a mix of communal and private spaces for residents. Private space will comprise 4 no. individual bedrooms and an office, whilst the communal areas will include the porch, entrance hall, kitchen, lounge and dining room. There is 1no. bathroom on the upper floor and an en-suite.

In terms of external amenity space, residents would benefit from the garden area to the rear of the property.

No external alterations to the property are proposed and it is noted that parking for 2-3 vehicles is available to the front of the property. The planning statement confirms that in curtilage cycle parking will also be made available.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr Susan Watson
Cllr Greg Peacock
Cllr Pam Mann
Environmental Health

The Licensee The Jolly Potter Railway Terrace South Hylton Sunderland
1 Pottery Villas South Hylton Sunderland SR4 0QQ
Flat The Jolly Potter Railway Terrace South Hylton Sunderland
2 Ford Avenue Sunderland SR4 0QU
4 Pottery Villas South Hylton Sunderland SR4 0QQ
4 Ford Avenue Sunderland SR4 0QU
12 Ford Crescent Sunderland SR4 0RR
Sycamore Villa Ford Avenue Sunderland SR4 0QA
3 Pottery Villas South Hylton Sunderland SR4 0QQ
2 Pottery Villas South Hylton Sunderland SR4 0QQ

Final Date for Receipt of Representations: **25.07.2022**

REPRESENTATIONS:

Network Management- No objection, the parking on site is appropriate and following confirmation of the availability of cycle storage the scheme is considered to be acceptable.

Environmental Health- No objection. No grounds to expect that potential of such a managed unit would, in terms of noise, be any different to an ordinary domestic property.

Public consultation - 2no. letters of objection were received from the occupiers of 2 Ford Avenue and Sycamore Villa. The following concerns have been raised:

- o Children may demonstrate behavioural issues and be defiant and disrespectful to the wider community and there may be an increase in noise and antisocial behaviour.
- o Negative impact on property value.
- o Is on a busy road with a complicated and problematic junction directly opposite (road narrows, no footpath, etc) raising both potential safety issues for children & potential parking issues, if 24x7 carers are using the properties drive what will happen on shift swaps, visitors etc. street parking is restricted and causes issues with road narrowing and sight lines for other properties.
- o Shares a partial property boundary with a public house (The Jolly Potter) that attracts a predominately young clientele from outside the local area and has been involved in a number of local disturbances.
- o Is located in a residential area with a majority of middle/old aged residents and few school age children.
- o Is located near areas where anti-social behaviour has been reported (metro, local recreation area, riverside) which may not be beneficial to children regardless of their background.
- o Doesn't have a rear garden area of a suitable size for multiple children and assumes that any children will 'get on' with each other.
- o Is on a plot in very close proximity to its neighbours, in the case of our property with a common driveway boundary. The latter being a concern should any children being placed be prone to anti-social behaviour or vandalism.
- o Is one of only 2 properties on the postcode, whilst its not assumed any children will have behavioural or family issues it is a worry that trouble could come to our door!
- o C2 classification encompasses a number of potential uses with wide ranging implications for residents that would be possible without further consultation.

With regard to the concern relating to house value, it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can, on occasion, be difficult to distinguish between public and private interests but this may be necessary in some instances. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land and buildings which ought to be protected in the public interest.

The other issues of concern raised by objectors are given further consideration in the next section of this report.

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

As of the 30th January 2020 the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered to be pertinent to the determination of this application are CSDP policies BH1, HS1, and ST3 and saved UDP policy EN10.

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

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

1. Principle of proposal

Saved UDP policy EN10 states that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

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

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

2. Impact of use on character and amenity of locality

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

Policy HS1 of the CSDP seeks to ensure that development proposals protect amenity, taking into account potential harm from sources such as noise.

It is acknowledged that the proposed children's home will, by virtue of its inherent nature, generate some comings and goings, from staff, other visitors and residents of the facility. However, it is considered that the proposed use of the building would not necessarily be out of keeping with the character of the locality and its surroundings given that the intensity of the proposed use of the building is relatively low, with no more than 4 no. residents occupying a large detached dormer bungalow; as such, the comings and goings from residents and staff will be relatively infrequent and it is considered that this intensity of use would not be incompatible with the prevailing character and nature of the area.

Concerns have been raised in relation to the potential impact of the proposed use of the property on the amenity of the locality, particularly in respect of noise and disturbance and potentially anti-social behaviour.

It should be noted that the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held have to be attributable to the

proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.

In relation to this matter, the proposed care home is to provide a family style environment for children who require additional support, and it cannot be assumed that all, or even a high proportion of, prospective residents of the proposed facility will engage in disruptive behaviour - this would depend upon the nature and background of individual young persons and the supervision/quality of care they receive. In addition, the behaviour of young persons at the premises, and to an extent beyond the site, can be managed and supervised by the staff of the facility.

In this regard, the updated planning statement sets out that there will be one Manager and Deputy Manager responsible for the property, along with the additional residential staff and the home will be registered/approved by Ofsted prior to opening.

The statement goes on to confirm that the management team and onsite staff would look to work with the local community to ensure a good relationship.

To this end, it is recognised that with effective management, should anti-social behaviour issues occur then it is considered that these could be appropriately dealt with by either the staff or other agencies.

Although it cannot be assumed that residents of the building will engage in anti-social or disruptive behaviour, it is considered reasonable to suggest that children and young persons living together in shared accommodation could be boisterous and noisy. However, this could also be true for a family home where 2 no. children reside.

In summary, it is considered that the proposed use of the premises will not be significantly at odds with the character of the area. Furthermore, it is considered that the low intensity of the proposed use means that nearby residential properties are not anticipated to experience levels of noise and disturbance which would cause unacceptable harm to their living conditions.

In terms of the standard of accommodation to be provided to prospective occupiers, as detailed previously, the accommodation is of a low intensity and occupiers will consequently be afforded acceptable levels of private space. The property would also afford a good level of outdoor space via the garden to the rear which for a property of this size is more than adequate.

For the reasons set out above, it is considered that the proposed use of the building as a children's home is acceptable in relation the prevailing character and nature of the locality and will not be of significant detriment to the amenity of neighbouring properties. Furthermore, the subject building is considered to provide an appropriate standard of accommodation for the children intended to occupy the proposed facility.

It is noted that an objection was raised on the grounds that should the proposed use cease to operate, other uses could be implemented without requiring planning permission.

Use Class C2 of the Town and County Planning (Use Classes) Order (as amended) covers a wide range of uses including residential schools, colleges, training centres, hospitals and nursing homes. It is acknowledged that these uses could have a materially different impact on the amenities of the occupiers of neighbouring properties, including in relation to noise, increased activity on site and highway safety.

Given that there are residential properties in close proximity to the application site, it is recommended that a condition be attached to any planning permission to ensure that the proposal operates as a children's home for a maximum of 2no. children and any alteration to this would require a further planning application. The applicant's agent was made aware of this and raised no objections.

Given the above and subject to an appropriate condition relating to use as a children's home for 2no. children, the proposed change of use is considered to accord with the requirements of the NPPF and policies BH1 and HS1 of the CSDP.

3. Impact of development on highway and pedestrian safety

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

In response to consultation, the Council's Highways Team stated that they considered that the traffic expected to be generated from the proposed development would not be greater than the sites existing C3 residential use, and would therefore, not have an adverse impact on the surrounding highway network.

It was confirmed that there is space within the site curtilage to accommodate parking for the 2 staff members present onsite at any one time and additional parking to accommodate visiting professionals such as therapists and support workers.

It was however, requested that detail of an area of covered cycle parking be provided on site.

It was confirmed by the agent, via email on the 13.06.22, that there will be adequate informal cycle storage on site, as would be expected with a typical family home, in sheds/ garages and/or in the home itself.

The Council's Highways Team agreed that given the circumstances this would be an acceptable arrangement.

Given the above, it is considered that the parking and access arrangements are satisfactory, and the proposal would not negatively impact highway safety. The proposal therefore complies with the NPPF and policy ST3 of the CSDP.

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property as a children's home is acceptable in relation to the character and amenity of the locality and will provide prospective residents with an appropriate standard of accommodation. The implications of the proposals in relation to parking and highway and pedestrian safety are also considered to be acceptable.

The proposed development is therefore considered to be compliant with the aims and objectives of the NPPF, saved policy EN10 of the UDP and policies BH1, HS1, and ST3 of the CSDP.

As a consequence, the application is recommended for approval.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- 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: APPROVE, subject to 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan, drawing number MAPLE COTT_LOC1 REV A, received 09.05.22

Site plan, drawing number MAPLE COTT_LOC1 REV A, received 09.05.22

Existing and proposed floor layout, drawing number MPC001 REV A, received 14.07.22

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

3 The application property shall be used as a children's home for 2 no. children and for no other purpose (including any other purpose within Class C2 of the Town and Country Planning Use Classes (Order) 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), in the interests of residential amenity and to comply with the requirements of Policy BH1 and HS1 of the Core Strategy and Development Plan.

Reference No.: 22/01316/LP3 Local Authority (Reg 3)

Proposal: **Replacement public realm artwork; soft landscaping and formalisation of car park layout.**

Location: Albany Village Centre, Windlass Lane, Washington

Ward: Washington West

Applicant: Sunderland City Council

Date Valid: 29 June 2022

Target Date: 24 August 2022

DESCRIPTION OF SITE AND SURROUNDINGS

The site relates to Albany Village Centre which consists of a small parade of shops and community facilities and a car park, in the centre of Albany.

There is a round paved area within the centre of the car park where a monument of a pit wheel once stood, which was moved to another area.

THE PROPOSED DEVELOPMENT

The proposal intends to erect replace the public realm artwork; soft landscaping and formalisation of car park layout. The artwork is in the form of a pit wheel with a steel supporting structure which would replace the one which has been removed.

The pit wheel proposed for installation at Washington Albany Village centre is currently located at Washington F Pit. This wheel is surplus to requirements so will be used as a replacement wheel for Albany following the removal of their wheel earlier this year to return it to Silksworth.

The wheel would measure 3.2 metres in width and stand on the existing plinth at a maximum height of approximately 6.3 metres. The metal plinth would measure a maximum width of 2.5 metres and up to a height of 4.5 metres. The plinth measures a maximum height of 500mm.

The car park would be marked out to provide 17 parking spaces and landscaping around the parking spaces with a seat for the public.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Cllr Jimmy Warne

Cllr Dorothy Trueman

Cllr Henry Trueman

Network Management

Planning And Highways West

Final Date for Receipt of Representations: **02.08.2022**

REPRESENTATIONS:

Publicity associated with the application two site notices being posted around the site.

The following consultees were consulted on the application.

- o Transport Development (the Local Highway Authority)
- o Ward Councillors

Site notice expiry date: 2.8.22

Transportation Development (the Local Highway Authority) : No objections subject to additional information for clarification:-

Information submitted and no objections to proposal by Transportation.

External Consultee responses

N/A

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

BH1 Design Quality
ST2 Local Road Network
ST3 Development and Transport

COMMENTS:

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.

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.

3. 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.

Highways and transportation have no objections to this proposal and it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

Conclusion

The proposal would not lead to any adverse impact to residential/visual amenity and would be acceptable in highway safety terms in compliance with the national and local policies above.

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: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Development Procedure) Order 1992 (as amended), 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Proposed pit wheel details and car park plan received on 29.6.22
- Location plan received on 16.6.22
- Existing pit wheel details plan received on 16.6.22

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.