

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in Committee Room No. 1 on Thursday,  
26<sup>th</sup> April, 2018 at 4.45p.m.**

ITEM	PAGE
1. <b>Receipt of Declarations of Interest (if any)</b>	
2. <b>Apologies for Absence</b>	
3. <b>Applications made under the Town and Country          Planning Acts and Regulations made thereunder</b>	1
Report of the Executive Director of Economy and Place (copy herewith).	

**E. WAUGH,  
Head of Law & Governance.**

Civic Centre,  
SUNDERLAND.

18<sup>th</sup> April, 2018



# Item 3

## Development Control (South Sunderland) Sub-Committee

26th April 2018

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 17/01844/FUL  
34 Thornhill Gardens, Sunderland, SR2 7LE
2. 18/00201/LP3  
Land at Gill Bridge Police Station, Gill Bridge Avenue and Eden Street  
West/Garden Place, City Centre, Sunderland
3. 18/00240/FUL  
1 Wenham Square, Sunderland, SR2 7QL
4. 18/00252/SUB  
Oakwood House, 17 Mowbray Road, Sunderland
5. 18/00267/FUL  
18 Wavendon Crescent, SR4 8LW

6. 18/00314/FUL  
19 Leominster Road, Sunderland, SR2 9HG

## **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk).

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director Economy and Place

**Reference No.:** 17/01844/FUL Full Application

**Proposal:** Change of use from residential dwelling (use class C3) to a residential care unit (use class C2) comprising 3 flats and 2 studio apartments with staff facilities and external works to include new railings and gate to front of property, staircase from ground level to basement, and installation of a bay window and entrance to basement. (amended details received 17/1/18)

**Location:** 34 Thornhill Gardens Sunderland SR2 7LE

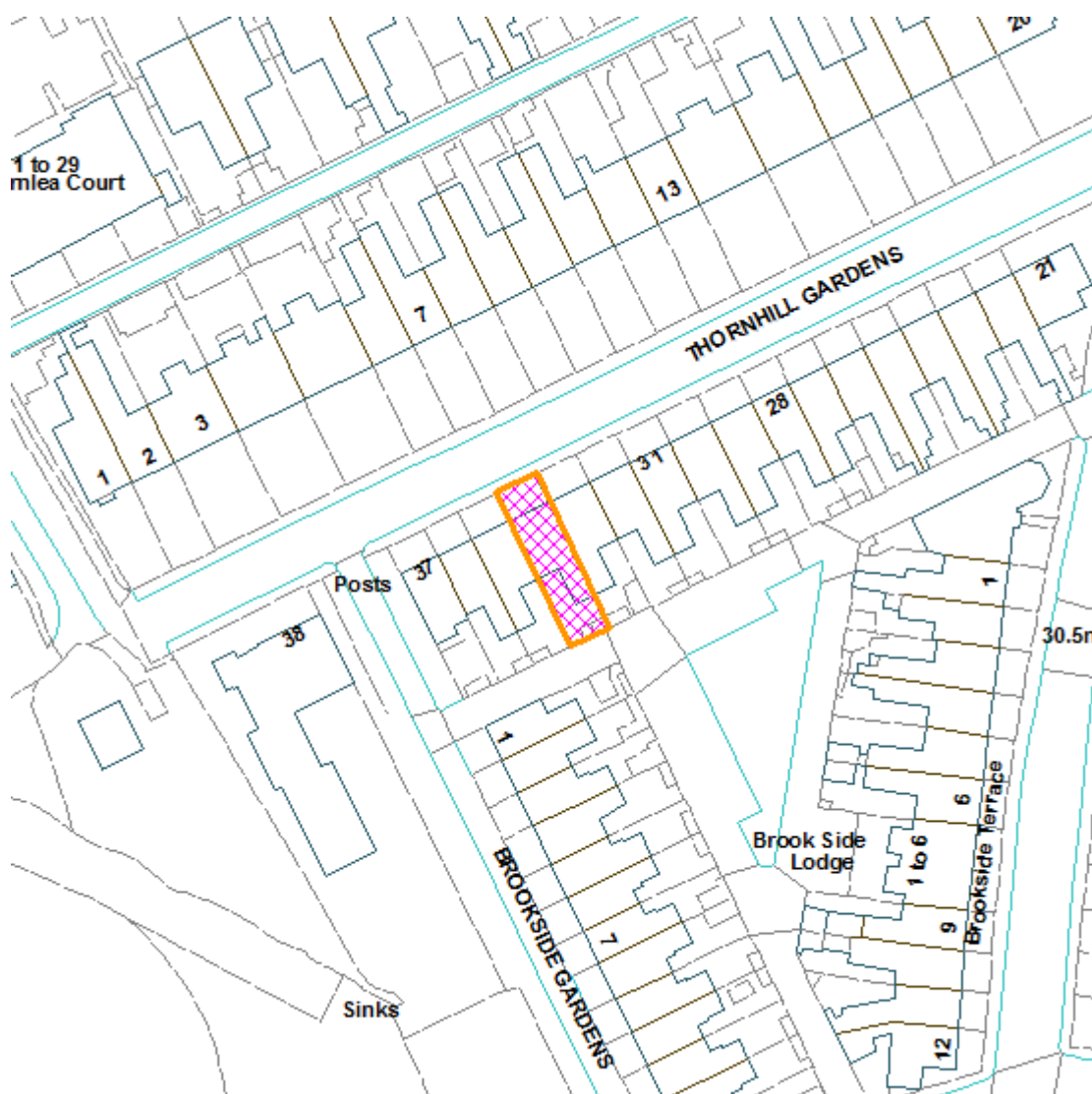
**Ward:** St Michaels

**Applicant:** Falcon Housing Association

**Date Valid:** 18 September 2017

**Target Date:** 13 November 2017

## Location Plan



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## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a mid-terraced property situated within a cul de sac off Tunstall Road. It has two full storeys, rooms in the attic space served by original dormer windows, and basement accommodation accessed from street level to the rear due to the difference in ground levels, providing 4 floors of accommodation overall. It has a part two and part four storey offshoot to the rear, a rear yard and a small garden to the front with steps leading up to the front entrance.

The site lies within a terrace of similar properties in a short street which has a terrace of larger properties over the road. At the end of the street is a villa which has been converted to apartments and the street is terminated by Thornhill School. The application site and the surrounding properties lie within the Ashbrooke Conservation Area.

### **PROPOSAL**

The application relates to the change of use of the property from a single dwelling house (use class C3) to a residential care unit (use class C2) comprising 3 flats and 2 studio apartments with staff facilities and external works to include new railings and gate to the front of the property. The proposal originally included the excavation of the front garden to create a lightwell to facilitate the installation of a bay window and entrance to the basement, with an external staircase leading up from the basement to ground level. The scheme has since been amended to omit this part of the proposal.

The property will provide accommodation for assisted independent living for 5 individuals moving on from a communal and institutional living environment. The scheme will provide personal independent living space for the tenants as well as communal areas and staff facilities to provide support and social interaction when needed. The scheme will provide accommodation for as long as the residents need whilst they develop their skills to move to full independent living in the long term.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

St Michaels - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **01.02.2018**

## **REPRESENTATIONS:**

Neighbour representations:

In total 33 letters of representation raising concerns about the proposal have been received from occupiers of neighbouring properties, 17 in response to the original submission and 16 in response to the amended scheme.

The objectors' main concerns relate to;

- The excavation of the garden to extend the basement being out of keeping with the character of the conservation area,
- The excavation of the garden having the potential to cause issues of drainage and undermining of adjoining properties,
- The excavation of the garden adversely impacting upon two street trees to the front of the property, possibly leading to their loss,
- Construction works will cause disruption for local residents,
- The proposal will lead to an increase in demand for parking in the already busy streets in the vicinity of the site,
- The proposed use would be out of keeping with the established character of the area,
- The proposed basement and attic accommodation will provide inadequate space and facilities,
- There is a lack of outdoor amenity space for the residents,
- Staff sleeping quarters are inadequate,
- The proposal represents an over-intensive use of the property,
- There is little information in respect of the background and nature of the residents to be accommodated,
- The professional credentials of the operator are questioned,
- The development will not provide adequate accommodation for the wellbeing of the residents, but puts profit first,

#### Councillor representations

Two letters of representation have been received from local ward Members. The main concerns echo those of the residents and cover most of the points made above.

#### Streetscene

The Arboricultural Officer expressed concerns about the impact of the excavation works upon the health and stability of the street trees.

#### Network Management

The Network Management team has raised no objections to the proposal.

#### Built Heritage

The Built Heritage Protection team has raised no objections to the proposal.

#### Public Protection and Regulatory Services

The Public Protection and Regulatory Services team has raised no objections to the proposal.

### **POLICIES:**

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

B2- Scale, massing layout and setting of new developments

B4 - Development within conservation areas

B6 - Measures to preserve and enhance conservation areas

H17 - Nursing and rest homes to respect amenity / established local character

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments



## **COMMENTS:**

### **RELEVANT POLICY BACKGROUND**

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, should encourage the effective re-use of land and property, should deliver the homes the country needs and should seek to maintain the significance of built heritage assets.

Paragraph 50 of the NPPF, meanwhile, requires Local Planning Authorities to deliver a wide choice of homes and accommodation, taking into account the needs of different groups in the community.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, B4, B6, H17, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

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

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14 and T22, which aim to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking and cycling provision requirements will be met.

Given that the proposal is located within a Conservation Area, policies B4 and B6 of the UDP are applicable. In this regard, policies B4 and B6 aim to preserve or enhance the character or appearance of the Conservation Area.

In addition, further guidance on proposals of this nature is provided by the Council's 'Development Control Guidelines' Supplementary Planning Guidance (SPG).

### **ISSUES TO CONSIDER**

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

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

## 1. Principle of proposal

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

As noted above, policy H17 of the Council's adopted Unitary Development Plan (1998) states that the provision of nursing homes and other residential accommodation for people in need of care by the construction of new buildings and the conversion of large units in their own grounds will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

The supporting text to the policy and the more detailed advice provided by section 5 of the Council's adopted 'Development Control Guidelines' Supplementary Planning Guidance (SPG) states that the provision of such facilities in residential terraces can lead to a deterioration of amenity, through vehicle servicing, parking and other activities. The conversion of large units in their own grounds is therefore suggested as being more appropriate. The SPG also seeks to ensure that residents of such facilities are afforded a good standard of amenity, with garden areas provided for external recreation and rooms offering reasonable levels of outlook.

In addition to the above, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.

In terms of the character of the area, the application premises are located within a residential terrace in a relatively quiet street within an attractive suburb to the south of the City Centre. The terraces provide a mix of single family homes and properties that have been converted into flats/apartments, including the immediately adjacent property at no. 35 Thornhill Gardens. Although the area is over-ridingly residential in nature, the character of the area is therefore one of a mixture of residential accommodation ranging from large family homes to small single floor apartments.

It is considered, therefore, that the proposed use of the building would not necessarily be out of keeping with the character of the locality and its surroundings given the location of the subject property and the range of types of residential accommodation in evidence in adjacent properties and nearby. Furthermore, the intensity of the proposed use of the building is in keeping with other similarly divided properties nearby, with no more than 5 residents occupying a large, four storey building; as such, it is considered that this intensity of use would not be incompatible with the prevailing character and nature of the area. The proposed change of use is thus considered to broadly comply with the aims and objectives of policy H17 of the UDP.

The objections submitted in respect of the application have raised concerns in relation to the quality of the care and accommodation offered, particularly with respect to the basement flat and the studio apartments in the attic room. The professional credentials of the proposed operator and the manner in which the residents will be cared for and managed are not material considerations and cannot be considered in the context of the planning application; these will be governed separately by legislation relating to adult health and social care.

With respect to the accommodation proposed, the agent and applicant have been able to provide further information regarding the reasons behind the design and organisation of the facility. Each unit of accommodation has been designed and located within the building with a particular service user in mind and has been designed to suit their particular needs.

Whilst the studio apartments would appear to provide limited space and facilities compared to the level of accommodation that would normally be expected for single person accommodation, this has been designed specifically for individuals that are waiting to leave an institutional background where they currently reside in a single room in an institutional ward facility. The studio apartments would therefore represent an upgrade in independent/personal space and is sufficient provision for their needs at this current time. It is considered that a condition could be attached to an approval that would restrict the use of the building for the specific purpose proposed to ensure that, should circumstances materially change, the internal layout can then be reassessed in the context of the new proposal.

Staff will be available at all times to provide help and support when needed. Some individuals will be more independent than others and the staff will provide instruction and guidance as well as limited care when necessary. The ground, first and attic floor apartments will have a good level of outlook from the main habitable rooms. The basement apartment will have more limited outlook into the rear yard, however the communal areas, which offer good levels of outlook, will be available for the residents at all times to provide additional accommodation so that the residents are not restricted to their own apartments.

Outdoor amenity space is provided by the small garden to the front and the yard to the rear, which will be occupied by staff vehicles. Ideally, a reasonable garden area should be provided for external recreation. In this case, as described above, the facility is designed to provide a next step to independence for residents that will be moving on from single room institutional accommodation, with a view to moving to full independence in the long term. The residents will be adults so it is considered that external play space is not a necessity and the level of occupation is of a low intensity. Given that the outdoor space is commensurate with other properties in the street that are divided into multiple flats with potentially a higher level of occupancy, it is considered that, in this case, the proposal would not merit a refusal for this reason alone.

The objections submitted in respect of the application have raised concern in relation to the potential impact of the proposed use of the property on the amenity of the locality, particularly in respect of possible anti-social behaviour. In this regard, as a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings.

Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis. In this case, there is no evidence to suggest that the prospective residents of the property are any more likely to engage in anti-social behaviour than any other member of society. In the event that such problems do arise, these would be more appropriately handled/addressed by other agencies (e.g. the police).

In summary, it is considered that the proposed use of the premises will not be significantly at odds with the character of a suburban locality which features a range of types of residential accommodation. 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. The proposed use is therefore considered to accord the requirements of policies H17 and B2 of the UDP in this regard.

In terms of the standard of accommodation to be provided to prospective occupiers of the accommodation, as detailed previously, the accommodation is of a low intensity and occupiers will consequently be afforded acceptable levels of private space for their needs. The property would also afford a range of communal facilities, with some, albeit limited external amenity space. The building is therefore considered to provide acceptable standards of living to residents, in accordance with the objectives of section 5 of the 'Development Control Guidelines' SPG.

### 3. Built heritage implications of the proposed development

The application site is not a listed building but is situated within the Ashbrooke Conservation Area. Paragraph 131 of the National Planning Policy Framework (NPPF) sets out that, 'in determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- o the desirability of new development making a positive contribution to local character and distinctiveness'.

In addition, paragraph 132 of the NPPF states that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 137 of the NPPF goes on to advise that LPAs 'should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Policies B4 and B6 seek to preserve or enhance the character or appearance of conservation areas by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries.

The works required to facilitate the change of use would be undertaken within the shell of the existing building. As the excavation of the front garden has been omitted from the proposal, the external alterations are limited to general renovation works including; the reinstatement of ceramic tiles and iron railings to the front, repair and refurbishment of the existing timber sliding sash windows and casements, repair works to the roofs as necessary, rainwater goods to be repaired or replaced as necessary. Additionally, the bay window to the rear basement level will have double doors built in to the existing reveal.

The Heritage Protection team has confirmed that overall the works represent the replacement of original features and the refurbishment of the building with matching materials, in a manner sympathetic to the original character of the property. Therefore the development would have no demonstrable impact on the significance of the host property or the character and appearance of the Conservation Area in this instance. Consequently it is considered that there would be no conflict with the provisions of the national and local policy outlined above.

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

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

In response to consultation, the Council's Network Management team has advised that the information supplied by the applicant would appear to be acceptable. Three car parking spaces are available within the rear yard, although these are tandem style. Additionally, a permit can be purchased for on-street parking on Thornhill Gardens, which the operator can also use for visitors. The residents will not own their own vehicles. With at least two members of staff at the premises at any one time, this is considered to be adequate facilities to accommodate the staff and visitor car parking demand.

Given the above, it is considered that the parking and access arrangements are satisfactory and the proposal therefore complies with the requirements of policies T14 and T22 of the UDP.

#### CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property as a residential care unit is acceptable in relation to the character and amenity of the locality. In addition, the proposed facility 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 policies H17, B2, B4, B6, T14 and T22 of the Council's adopted Unitary Development Plan, section 5 of the Council's Development Control Guidelines SPG and the core principles of the NPPF.

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 955-SLP received 14/9/17,
- existing floor plans drawing number 955-01 received 14/9/17,

- existing elevations drawing number 955-02 received 14/9/17,
- proposed floor plans and front railing details drawing number 955-03 rev C received 17/1/18,
- proposed elevations drawing number 955-04 rev B received 17/1/18,
- front step railing detail received 22/1/18,

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 The rear yard area indicated on the submitted plans for the parking of vehicles shall be made available for such use prior to the commencement of the approved use of the building and shall be made available for the parking of vehicles at all times thereafter for the lifetime of the approved use, in the interests of highway safety and to comply with policies T14 and T22 of the UDP.

5 The use of this building shall be as a residential care unit for no more than 5 adult residents, and for no other purpose whatsoever including any other use within class C2 (residential institutions) as defined in 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, without express planning consent from the Local Planning Authority first being obtained; in the interests of achieving a satisfactory standard of amenity for residents of the building and within the locality and to comply with the provisions of the NPPF and policy B2 of the adopted UDP.

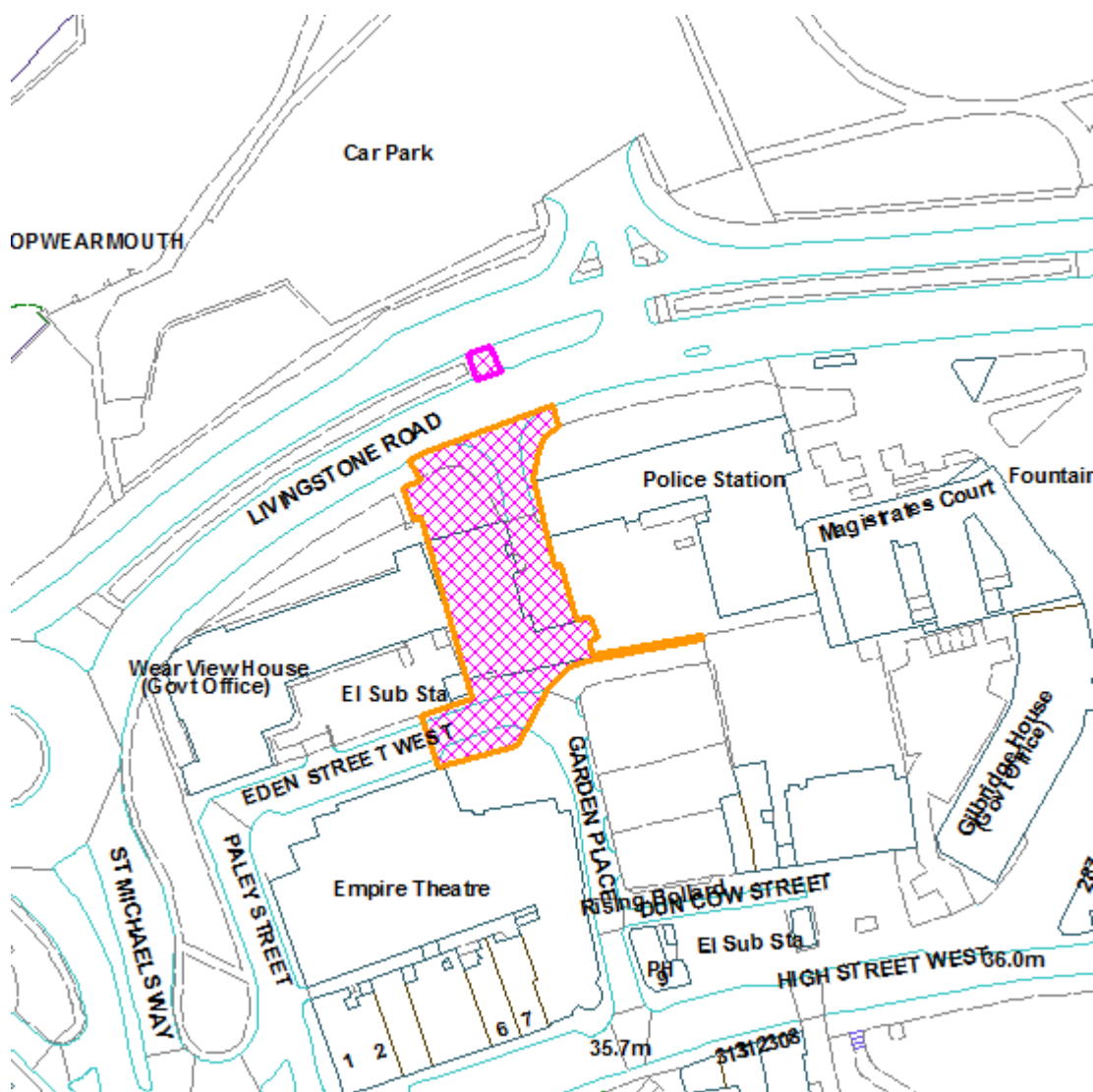
**Reference No.:** 18/00201/LP3 Local Authority (Reg 3 )

**Proposal:** **Demolition of outbuildings and construction of new link road with associated retaining walls and landscaping.**

**Location:** Land At Gill Bridge Police Station Gill Bridge Avenue And Eden Street West/Garden Place City Centre Sunderland

**Ward:** Millfield  
**Applicant:** Sunderland City Council  
**Date Valid:** 20 February 2018  
**Target Date:** 17 April 2018

## Location Plan



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## **PROPOSAL:**

Planning permission is sought for the demolition of existing outbuildings and the creation of a new access road with associated retaining walls and landscaping. The development site sits within Sunderland City Centre and is bound by St Mary's Way, Eden Street West, the former Gill Bridge Police Station and Garden Place.

Outwith the development plot lies the Vaux development site to the north which is being brought forward for a mix of uses centred around office accommodation, the Grade II\* Listed Empire Theatre which lies to the south, a large office building sits to the west, whilst to the east lies the former Police Station, the Magistrates Court and Keel Square.

The new access road which will form part of wider infrastructure improvements in the area designed to facilitate the development of the Minster Quarter as a cultural destination. The new access road is to form Phase 1 of a 3 Phase delivery plan which will also include public realm improvements to Garden Place and St Michaels crossing.

In order to facilitate the laying of the new access road it is necessary to demolish the existing outbuildings which lie within the extent of the former Gilbridge Police Station. Once demolished the proposed link road will enable a revised one-way servicing route to the rear of the Empire Theatre to be introduced, via Paley Street and Eden Street West, with the new link enabling a direct route back out onto the main highway network on St Mary's Way. The scope of the works would also include the provision of a new left hand turn access to the former Police Station car park from St Mary's Way and a dedicated bus and coach waiting area to allow for increased capacity for loading and unloading associated with the Empire Theatre.

Associated public realm works will include the provision of new retaining walls which are to be constructed to the east of the site serving to form a new boundary to the former police station car park and a new area of soft landscaping to the west. It is understood that Garden Place will temporarily be one-way (southbound only) until it is pedestrianised under the second phase of the works.

In addition to the accompanying plan drawings, the application has been supported by;

- o Design and Access Statement;
- o Transport Assessment;
- o Air Quality Assessment;
- o Bat Survey;
- o Demolition Plan and method statement;
- o Archaeological Assessment;
- o Ground Investigation;
- o Noise Assessment;
- o Heritage Statement

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Millfield - Ward Councillor Consultation  
Environmental Health  
Network Management  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.03.2018**

## **REPRESENTATIONS:**

No public representation has been received as a result of neighbour consultation letters or the posting of site notices on St Mary's Way and Garden Place.

### **External Consultees**

The County Archaeologist has provided comment on the desk based assessment submitted with the application and it has been recommended that an archaeological watching brief be undertaken. It is therefore recommended to Members that this, along with the requirement for a report outlining the results and observations of the watching brief, be conditioned should approval be granted.

### **Internal Consultees**

Network Management - The City Council's Engineers have advised that the proposal has been developed as a Council scheme to improve access to the Minster Quarter area. The proposed layout has been formulated accordingly and thus no objections or observations are offered.

Public Protection and Regulatory Services (Environmental Health) - The suite of information submitted with the application, including the Noise Assessment, Air Quality Assessment and Land Contamination report, has been subject to consideration and no objection is offered. Conditions should however be attached in respect of a Construction Management Plan, a verification report and a condition to deal with unexpected contamination.

Built Heritage - Overall it is considered that the proposed works will likely have a marginally positive impact on the Bishopwearmouth Conservation Area and the setting of the Grade II\* Listed Empire Theatre and as such no objections are offered.

Natural Heritage - No objections are offered to the proposal subject to the adoption and delivery of the recommendations of the Bat Risk Assessment Report by Durham Wildlife Services dated October 2017.

## **POLICIES:**

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

EN1 - Improvement of the environment  
EN5 - Protecting sensitive areas from new noise/vibration generating developments  
EN9 - Conflicts between proposed sensitive developments and existing non compatible uses  
B4 - Development within conservation areas  
B6 - Measures to preserve and enhance conservation areas  
B11 - Measures to protect the archaeological heritage of Sunderland (general)  
B13 - Sites and monuments of local importance affected by development

B14 - Development in areas of potential archaeological importance  
B15 - Developments causing large scale ground disturbance (currently undeveloped areas)  
B16 - Assessing, recording and preserving historic sites discovered during development  
T1 - Promote the development of a varied, balanced, integrated & sustainable transport system  
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
CN18 - Promotion of nature conservation (general)  
CN22 - Developments affecting protected wildlife species and habitats

## **COMMENTS:**

Consideration of proposals

The main issues to consider in assessing the proposal are:

The principle of the development;  
Implications for amenity and the environment;  
Implications for heritage;  
Implications for the highway network  
Implications for ecology;

### **Principle**

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o development proposals that accord with the development plan should be approved without delay;
- o where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or

2. specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007.

To this end, it is noted that the host site is not allocated by the UDP as adopted in 1998, but is allocated through Alteration Number 2 by virtue of its Strategic Location for Change status. In this respect the site is subject to policy SA55B.2 which advises that new development should be of a scale and design which compliments the character of Bishopwearmouth Conservation Area. Also of relevance is policy EC5B which offers more detailed guidance on areas defined as 'Strategic Locations for Change'. These are defined as areas that occupy prominent, strategic gateway locations within close proximity to important transport nodes and points of arrival within Central Sunderland but where their current use does not reflect this important status within the urban structure.

Policy EC5B advises that the City Council will encourage environmental/access improvements and selective mixed use development which improves connection and integration with the surrounding urban area and with public infrastructure. To this end the policy advises that proposals for new redevelopment are required to;

- I. Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
- II. Create linkages between different land uses;
- III. Take account of the potential of these prominent locations in enhancing the image of the city.

This policy continues that developments should comprise or form part of a comprehensive master plan for the whole development site. In this respect the development site is subject to the provisions of the Minster Quarter Master Plan SPD which seeks to formalise the vision to create a new cultural hub and main gateway to the city whilst setting out development aspirations and guidance for key sites. Work has progressed on realising such aspirations through the refurbishments of the Dun Cow and Peacock Public Houses whilst the former Fire Station has been redeveloped as an arts and cultural venue and funding has been secured to deliver a new 450 seat auditorium adjacent to the development site.

The Minster Quarter Master Plan SPD identifies that there are currently problems associated with the constrained vehicle route to the rear of the Empire Theatre which is serving to undermine the successful function of the area. The narrow carriageways and poor junction visibility serves to hinder larger vehicles transporting equipment to the Empire Theatre whilst struggling to accommodate the volume of buses dropping-off/picking up theatre-goers.

The Minster Quarter Master Plan therefore identifies that a new 'Empire Theatre Access Road' be provided, serving to link Eden Street West and St Mary's Boulevard whilst improving connectivity for all users in and around the area through the management of vehicles and an enhancement of the pedestrian experience through public realm improvements.

In light of the above it is evident that the aspirations of the proposal would seek to meet the objectives of policy EC5B and the provisions of the Master Plan. On this basis the principle of the development is considered to be acceptable. The overall acceptability will however be dependent on the ability of the scheme to suitably address all other material planning considerations as outlined below.

## Amenity and environmental considerations

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Locally, policy B2A of the UDP alteration No. 2 sets out that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work shop and visit. To this end the policy outlines a number of key standards which all new development should adhere to, of most relevance to this application is the need to reinforce or enhance the established urban character, the need to integrate with the existing street pattern as appropriate and provide choice and convenience for pedestrians and cyclists and for new development to respect and enhance the best qualities of nearby properties and the locality whilst retaining acceptable levels of privacy.

Aesthetically the flat roof buildings subject to demolition are acknowledged to be of limited architectural merit and contribute little to the character and appearance of the area, the new access road would serve to open up this area and it is noted that all hard landscaping materials utilised in the build would match those found within the vicinity to ensure continuity with St Mary's Boulevard. The proposed retaining walls (varying in height from 1.8m -2.5m and finished in textured concrete) would sit comfortably within the context of the area and it is noted that the Design and Access Statement outlines that the walls will provide opportunity for artwork to animate the area.

Soft landscaping consisting of tree planting and shrubs is to be provided along the western side of the access road which will serve to screen the existing retaining wall whilst visually enhancing the approach into the Minster Quarter.

The purpose of the revised access route is to enable greater functionality of the area through increasing capacity and meeting the day to day operational requirements of the Empire Theatre and prospective/committed developments coming forward. The scheme will serve to provide a more manageable system for drop offs at the rear of the theatre therefore reducing the need for buses to drop off at the front on High Street West, whilst the link out onto St Mary's Boulevard will enable bus and service traffic to move swiftly away on to the surrounding main routes as opposed to utilising Garden Place where pedestrian/vehicle conflict is most acute. It is therefore considered that the proposal is fully consistent with the provisions of the NPPF and policy B2A which seek to improve the character and quality of an area and the way it functions'.

On the basis of the above it is not considered that the new access road would be of detriment to the visual amenity of the area.

Given the nature of the proposal it is necessary to recognise the NPPF's policy stance in relation to pollutants including noise and air pollutants. 'The Government's objective is that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote well-being'. In order to achieve this objective, the planning system should contribute and enhance the natural environment by '..preventing both new and existing

development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability'.

The above is reflected locally through UDP policy EN1 of the UDP which seeks improvements to the environment by minimising all forms of pollution whilst policy EN9 states that "the relationship between proposed residential or other development requiring a clean environment and existing uses in close proximity giving rise to air pollution, dust or smell will be a material consideration in determining planning applications".

In addition Policy EN5 states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures.

In order to address the environmental impacts of the development the application has been accompanied by both a Noise Assessment and an Air Quality Assessment.

The site is relatively isolated in terms its proximity to residential uses (Planet, Solar and Astral House are approximately 210m away) although it is appreciated that there are existing commercial uses within the vicinity most notably the office use of Wear View House to the west and the former police station to the east which has recently gained approval for a mix use development.

The Noise Assessment has assessed the perceived noise impact on the surrounding office use and residential buildings in the immediate vicinity of the new access road concluding that a slight increase in ambient noise level is likely as a result of the development which would manifest in a predicted increase of 1.2dB during the day and 1.1dB during the night.

The findings have been subject to scrutiny by the Council's Public Protection and Regulatory Services who have advised that the level of increase is considered to be negligible in terms of impact to the existing noise climate and noise sensitive receptors in the vicinity. On this basis it is not considered that noise arising from the new access road would adversely impact on the amenity of nearby residential or commercial uses and on this basis no mitigation is deemed to be required.

The scope of the Air Quality Assessment includes a Baseline Evaluation (an assessment of existing air quality in the local area), an identification and assessment of potential air quality impacts associated with the construction phase of the proposed scheme, an identification and assessment of potential impacts of nitrogen dioxide emissions from traffic associated with the operational phase of the proposed scheme; and identification of appropriate mitigation measures.

The findings of the report state that;

- o During the construction phase the works are predicted to result in a low risk of impacts in the absence of mitigation. Subject to the implementation of the defined best practice dust mitigation measures, the impacts are not considered to be significant;
- o The change in nitrogen dioxide concentrations at receptor locations is not predicted to lead to any exceedances of the annual mean or the 1-hour mean Limit Value.

Again, these findings have been subject to scrutiny by the Council's Public Protection and Regulatory Services who have advised that whilst the potential for dust arising from the construction phase is low (in terms of a detrimental impact), it is recommended that a Dust

Management Plan be included within the wider scope of a Construction Environmental Management Plan (CEMP) which will need to be conditioned as part of any approval granted.

It has also been advised that as the predicted concentrations of nitrogen dioxide would be below the annual mean objective, it is not considered that the development would have a significant effect on air quality.

In light of the above, it is not considered that impacts of the development would significantly conflict with the provisions of the NPPF or the requirements of UDP policies EN1, EN5 or EN9.

In terms of land contamination the Desk top Study and ground investigation have also been reviewed by Public Protection and Regulatory Services. It has been confirmed that land contamination is not a significant constraint to development. Planning conditions will, however, be required in respect of a verification report and a condition to deal with unexpected contamination.

Coal mining risks associated with the proposal are also understood to be low however a review of the coal mining report is currently being undertaken. The outcome of this exercise will be reported to Members in a Supplementary Report ahead of the Sub-Committee meeting.

### Heritage implications

The application has been supported by a Heritage Statement which identifies that the development site lies partially within the extent of the Bishopwearmouth Conservation Area. The statement also acknowledges that the Conservation Area is one of the most architecturally and historically significant parts of Sunderland City Centre encompassing all of the areas of the medieval village of Bishopwearmouth and housing many listed buildings including the Grade II\* Empire Theatre and Sunderland Minster and the Grade II listed Magistrates Court and The Dun Cow and Peacock Public Houses. In this respect it necessary to consider the proposal in line with the relevant national and local heritage policies.

Paragraph 128 of the NPPF set out that, 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 132 of the NPPF advises that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 133 states that, 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- o the nature of the heritage asset prevents all reasonable uses of the site; and
- o no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- o conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- o the harm or loss is outweighed by the benefit of bringing the site back into use'.

Paragraph 134 of the NPPF goes on to state that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Paragraph 141 of the NPPF advises that LPAs 'should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Policies B4 and B6 of the UDP reflect the above and set out that all development within, and adjacent to, conservation areas must preserve or enhance their character or appearance by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries. UDP policy B10 seeks to ensure that development does not adversely affect the character or setting of listed buildings. Reflective of NPPF paragraph 141, policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

The site, in part, is also subject to the provisions of the Bishopwearmouth Character Appraisal and Management Strategy (CAMS). The CAMS exhibits a primary objective which is supported by several management objectives and proposals. The primary objective is to ensure that 'the special architectural or historic interest of the Bishopwearmouth Conservation Area is preserved and enhanced for the benefit of current and future generations for the enrichment of the City's built heritage'.

The proposal has been the subject of consideration by the City Council's Built Heritage Officers and it has been advised that the proposed demolition of the outbuildings is not considered to be contentious given their low architectural and historic interest and their limited contribution to the adjacent Conservation area. It has been further qualified that their removal, coupled with the ancillary south boundary wall to Eden Street West, would likely serve to have a marginally positive impact on the Bishopwearmouth Conservation Area and the setting of the Grade II\* listed Empire Theatre by improving the termination of the view north out of the Conservation Area whilst the link road would provide a more positive vista into and out of the Conservation Area. The proposal would also benefit wayfinding for visitors to the cultural quarter and the historic buildings within it, whilst a reduction in pedestrian and vehicular conflict at this juncture would also serve to improve the visitor experience and perception of the local environment which will contribute positively to the cultural regeneration of the Conservation Area.

Overall, the Council's Built Heritage Officers have qualified that the works are likely to have a positive impact on the Bishopwearmouth Conservation Area and the setting of the Grade II\* Listed Empire Theatre by better revealing their significance within the context of the area. Consequently no objection has been offered.



As has been touched on above, the origins of Bishopwearmouth are as a medieval village. The medieval village was focused to the north of the parish church and the village green and the host site lies within the former extent of Rectors Park. As the site lies within an area of potential archaeological importance the submission has also been supported by an Archaeological desk based assessment. The assessment recommends that an archaeological watching brief is undertaken and the County Archaeologist has confirmed that this condition and a condition requiring that a subsequent report detailing the observations of the groundwork should be attached to any approval granted.

The heritage implications have been assessed in line with the relevant policy outlined above and the proposal is considered to be acceptable.

## Highways

UDP policy T1 states that the City Council will promote the development of a balanced, integrated and sustainable transport system which meets the accessibility needs of the community, high priority will be given to measures which amongst others stimulate economic development, improve road safety and improve the environment. Policies T14 meanwhile specifies that development should not cause traffic congestion or highways safety problems on existing roads.

Section 4 of the NPPF seeks to promote sustainable transport in all new development with paragraph 35 advising that plans should protect and exploit such opportunities including accommodating the efficient delivery of goods and supplies and creating safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

As has been touched on within the consultation responses, the proposal has been subject to significant input from the Council's Highway Engineers in terms of planning and implementation and thus no observations or objections have been offered. The benefits of the scheme have been largely outlined earlier in the report however the specific implications for the highway network and servicing of surrounding premises has been described within Section 4 (Transport Statement) of the wider Design and Access Statement.

In summary, the transport statement clarifies that the access road will serve to re-route traffic rather than directly increasing the amount of traffic in the area whilst traffic movement in and around the Empire Theatre should be alleviated through the provision of increased areas for service vehicle parking and bus drop off to the rear of the theatre. The one-way access will enable vehicles to continue to access the theatre via Eden Street and Paley Street, however the direct egress onto the main arterial network (St Mary's Boulevard) will serve to significantly reduce pedestrian and vehicle conflict which currently arises on Garden Place and High Street West. In the longer term and following the pedestrianisation of Garden Place deliveries within this area will be managed by dropped bollards.

## Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat,

either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

The site is located within 3km of the Northumbria Coast Special Protection Area (SPA) and Ramsar site and the Durham Coast Special Area of Conservation (SAC), which are areas of designated international and European wildlife importance. Local planning authorities are required to follow the Habitat Regulations Assessment (HRA) procedures set out in the Conservation of Habitats and Species Regulations 2010 (as amended) when considering development proposal which could impact on the conservation status of these sites, either alone or in combination with other relevant plans or projects. A screening exercise should be undertaken to initially evaluate the proposals in order to determine whether a more detailed Appropriate Assessment or a full HRA is required.

With regard to the above the City Council's Natural Heritage Officer has advised that the location and nature of the development is such that Sunderland City Council, as the competent authority, can record no likely significant effect from the constructional phases of the development on the key features of the coastal European Sites and therefore there is considered to be no requirement for a Screening Opinion or Appropriate Assessment.

In addition, Natural Heritage is satisfied that the Bat Risk Report of October 2017 offers an appropriate assessment of the relevant ecological issues and advises that the recommendations and mitigations be adopted.

## Conclusion

In conclusion it is considered that the proposal accords with the overarching aims of the NPPF through the delivery of a sustainable form of development that seeks to reduce congestion, minimise pedestrian and vehicle conflict and provides an efficient means of delivery for goods and supplies to surrounding commercial uses. The proposal would see one of the key the aims and objectives of the Minster Quarter Master Plan realised without causing detriment to the amenity, environment, heritage or ecology of the area as detailed above.

As noted previously, however, the Council's Public Health team are still giving consideration to the Coal Mining Report submitted with the application. It is anticipated that this review will be completed ahead of the Sub-Committee meeting and details of the final comments received from Public Health will be reported at the meeting.

It is therefore recommended that Members be minded to Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to final consideration of the coal mining report and subject to the draft list of conditions 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:** Minded to GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to receipt of comments from Public Health in respect of Coal Mining Report and subject to draft 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:

The location plan as amended received 08.03.2018 (Plan ref: 2512012\_1001);  
The existing site plan received 08.03.2018 (Plan ref: 2512012\_1002);  
The site plan as amended received 08.03.2018 (Plan ref: 2512012\_1003);  
The proposed detail elevation and section plan received 21.02.2018 (Plan ref: 2512012\_1004);  
The landscaping plan as amended received 08.03.2018 (Plan ref: 2512012\_1005);  
The soft landscape layout plan received 06.02.2018 (Plan ref: 2512012\_1006);  
The demolition plan received 08.03.2018 (Plan ref: 2512012\_1007);  
The existing elevations received 15.02.2018 (Plan ref: 2512012\_1009).

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

3 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust (through a dust management plan) and other airborne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

4 The development hereby approved shall be carried out in full accordance with the methodology detailed within Section 6.0 'Recommendations and mitigations' of the Bat Survey Report compiled by DWS Ecology dated October 2017, in order to provide appropriate ecological mitigation for the development and to comply with the requirements of policy CN22 of the adopted Unitary Development Plan.

5 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of the groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in

accordance with paragraph 141 of the NPPF and policies B11, B13 and B14 of the adopted Unitary Development Plan.

6 The building shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition 5 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded in accordance with paragraph 141 of the NPPF and policies B11, B13 and B14 of the adopted Unitary Development Plan.

7 A verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the management of unidentified sources of contaminations (as identified in Section 9.2 of the Report on Ground Investigation undertaken by Ian Farmer Associates November 2017) shall be prepared and submitted for 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 policy EN14 of the Unitary Development Plan.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported, in writing, immediately to the Local Planning Authority and all works within the affected part of the site shall cease on site until an investigation and risk assessment and, when remediation is necessary, a remediation scheme has been submitted to and approved, in writing, by the Local Planning Authority. The development of the affected part of the site will be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme and prior to the occupation of the dwelling, a verification report shall be submitted to and approved, in writing, by the Local Planning Authority, to ensure that risks from land contamination to 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 policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

**Reference No.:** 18/00240/FUL Full Application

**Proposal:** **Erection of single storey extensions to front, side and rear to include reconstruction of existing garage. (Amended Plans Received 27.03.18)**

**Location:** 1 Wenham Square Sunderland SR2 7QL

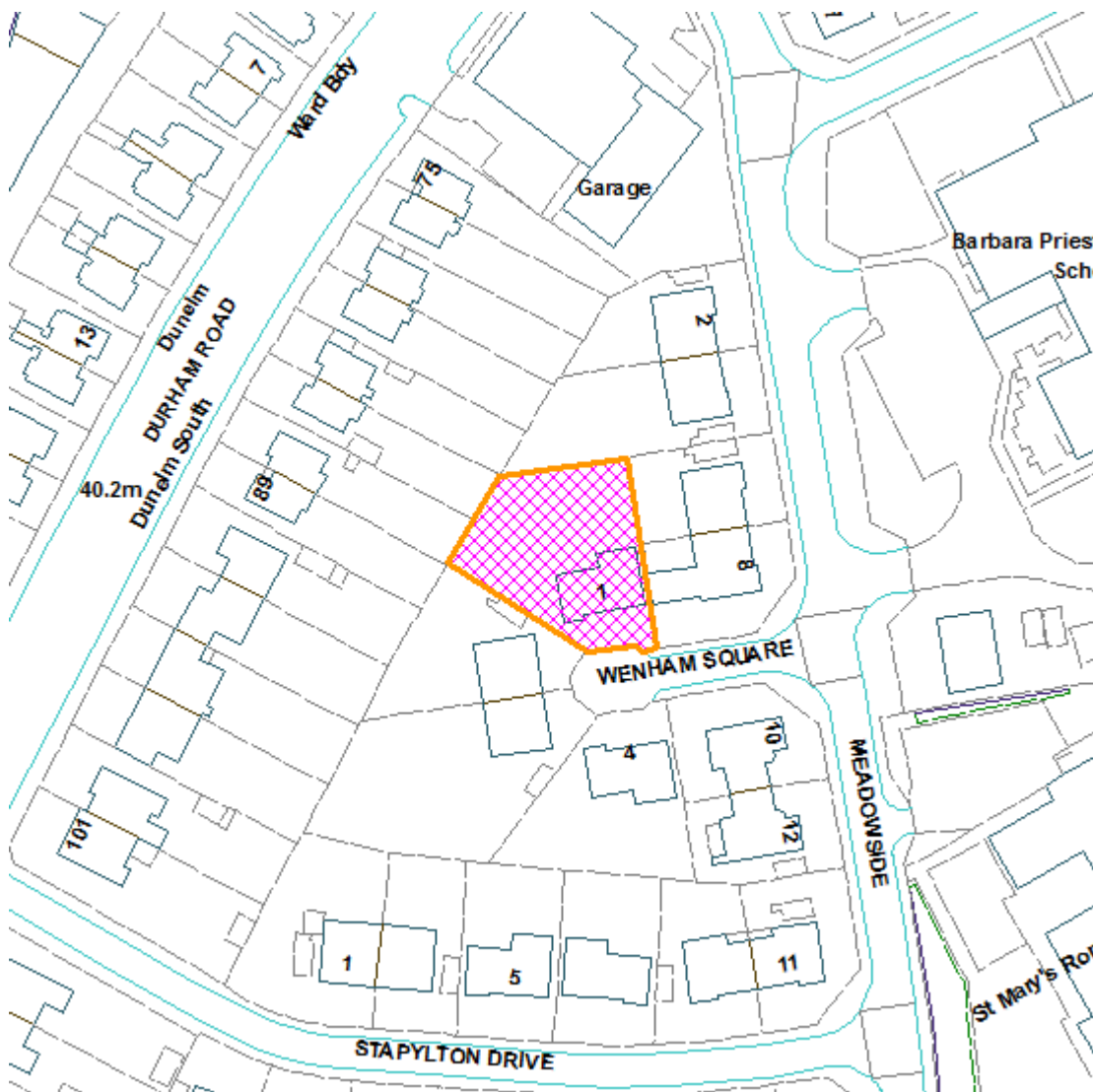
**Ward:** St Michaels

**Applicant:** Mr & Mrs Michael Crowe

**Date Valid:** 12 February 2018

**Target Date:** 9 April 2018

### Location Plan



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## **PROPOSAL:**

The proposed development affects a detached bungalow located within a cul de sac. The dwelling benefits from a drive and small garden area to the front, and large garden area to the rear. The garden area steps up toward the rear boundary, which is at a higher level and screened by a 1.8 metre high fence. The dwelling also benefits from an attached garage to the western side and the bedrooms to the east of the property project 2.5 metres further than the rest of the building line to the rear.

The application proposes a reconfiguration of the building line to the front and western side of the property providing a new garage, study and utility area incorporating pitched roofs. The proposed garage extension would project no further than the existing garage extension to the front, and the study area would be set back from the original building line to the front of the property.

It is also proposed to extend the property to the rear. It was considered that the extension adjacent to the rear gardens of 6 and 8 Meadowside would impact negatively on the residential amenity of these neighbouring properties, given its size and scale and proximity to the shared boundary. It was also considered that the window inserted within the east elevation which would serve a utility area should be required to be obscurely glazed to ensure that existing levels of privacy in relation to no.8 Meadowside would be retained. An amendment to the scheme was requested and received on the 27.03.18.

The amended proposal provides a new garage which would project 1 metre further to the rear adjacent to 2 Wenham Square and would include a pitched roof to a height of 4.3 metres. The proposal also provides a single storey extension to the rear of the property adjacent to numbers 6 and 8 Meadowside which, as noted above, has been amended. The amended extension would provide an extended kitchen area and would project a maximum of 4 metres from the original building line, with a maximum height of 4 metres. The area in-between the new garage and amended kitchen extension will be infilled by an en-suite, dressing room, bedroom and lounge, and would extend no further than the garage or kitchen extension.

The window within the eastern side facing no.8 Meadowside has been removed from the amended plan.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **01.05.2018**

## **REPRESENTATIONS:**

1no. objection has been received from the occupier of no. 6 Meadowside. They have stated that:

- The proposed kitchen extension given its roof level will block light to the living room and bedroom/dining room of no.6 Meadowside and the proposed new windows could overlook no.6
- No. 8 Meadowside will be affected even more in regard to restriction of light to the living room and being overlooked by the proposed windows.
- The fact that 'permitted development' rights allow a certain amount of development without third party right of appeal is unacceptable.
- It would be more appropriate to place the kitchen extension on the opposite corner or if the proposal was half the size proposed.

The occupier concludes by stating that since they suspect these suggestions would not be acted upon they expect the kitchen extension to be within permitted development rules and nothing more.

The residential amenity concerns will be considered within the following report.

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

### **CONSIDERATION OF APPLICATION**

National planning guidance is provided by the National Planning Policy Framework (NPPF), which requires the planning system to be central to the delivery of 'sustainable development'. One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 56 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 64, meanwhile, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

Section 7.2 of the SPD requires that proposals that front a public footpath or road will be required to be of a high standard of design which respects the appearance of the existing property and the character of the street scene. Materials, roof pitches and window styles will be expected to respect or match the current style. If there is an established building line within the street the



extension should not exceed 1.2m from the original main wall of the property and should be set-in a minimum of 460mm from the common boundary.

Section 7.3 of the aforementioned SPD requires extensions to the sides of dwellings to be of a design which is sympathetic to the host property. Extensions should not dominate or overwhelm the original dwelling.

Section 7.4 of the SPD advises that any rear extension should not dominate neighbouring properties or significantly alter a neighbours existing level of sunlight, daylight or privacy. It is also advised that on detached dwellings single storey rear extensions along the common boundary will normally be limited to a maximum projection of 4 metres.

With regard to the above relevant policy, it is therefore considered that the main issues to consider in the determination of this application are the impact of the development on visual and residential amenity.

## IMPACT OF DEVELOPMENT ON VISUAL AMENITY

With regard to the alterations to the front of the property, given that the proposed works would project no further than the existing building line to the front and would incorporate materials that would match, it is considered that the proposals would not impact negatively on the visual amenity of the surrounding area.

Furthermore, the pitched roofs over the garage, en-suite/dresser/utility area and study are be considered to be of a style and height which would be acceptable with regard to the host property and surrounding area.

Given these factors it is considered that the proposal would not introduce an incongruous element within the street scene and the design, siting and appearance of the proposal is considered acceptable, in compliance with policy B2 of the UDP and section 7.2 of the SPD

## IMPACT OF DEVELOPMENT ON RESIDENTIAL AMENITY

The alterations to the front of the property would not be considered to appear overbearing in relation to the adjoining neighbour no.2 Wenham Square, and the windows installed to the front and side of the study area would not be considered to increase existing levels of overlooking to a degree that would warrant a refusal.

The garage extension to the rear would extend 1 metre further along the common boundary with no.2 and would have a pitched roof to a height of 4.3 metres. Given the orientation of this property and the screening provided by the intervening garage, it is considered that the new garage would not appear unacceptably overbearing or increase overshadowing to a degree that would warrant a refusal.

It is acknowledged that the extensions to the rear of the property would project some distance from the original building line. However, given the position of the host property in relation to no.2 and the difference in height to the rear, it is considered that the proposal would not appear overbearing, increase overshadowing or impact on privacy in relation to these properties to a degree that would warrant a refusal.

It was originally proposed that the extension to the rear adjacent to no's 6 and 8 Meadowside would project 4.9 metres from the rear wall of the property and have a height of 4.2 metres.

Given the close proximity to the shared boundary it was considered that the original proposal would appear overbearing when viewed from the rear windows and garden areas of no's 6 and 8 Meadowside. An amendment was received on the 27.03.18 which provided an extension with a maximum height of 4 metres and a maximum projection of 4 metres, in line with the recommendations of section 7.4 of the SPD. It is considered that the amended proposal would not appear overbearing or increase overshadowing in relation to the adjoining neighbours to a degree that would warrant a refusal in this instance.

It should also be noted that an extension of this height and projection could be built under the 'permitted development' rights afforded by the provisions of Part 1, Class A of the GPDO; and indeed, if the extension did not adjoin the proposed extension to the rear and side, it could be built without requiring planning permission.

It was also requested that the proposed utility window within the side of the property facing 8 Meadowside should be obscurely glazed, to ensure that the existing levels of privacy are maintained in relation to this neighbouring property

The amendment received on the 27.03.18 provided the requested reduction in size and also removed the window within the side facing no. 8.

Given the above, the impact of the amended proposal on the amenity of the neighbouring dwellings has been found to be acceptable, in accordance with the requirements of policy B2 of the UDP and with the SPD.

## HIGHWAY ISSUES

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

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to be in accordance with UDP policy T14.

## CONCLUSION

The proposal is in accordance with UDP policies B2, T14 and the NPPF. It is considered to be an acceptable form of development which would not cause unacceptable harm to the amenities of the occupiers of the adjoining properties or the street scene. It is therefore considered acceptable.

The proposal is therefore 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 771/01A, received 12.02.18

Plans and elevations as existing, drawing number 771/02B, received 12.02.18

Plans and elevations as proposed, drawing number 771/03D, received 27.03.18

Site layout plan as existing and proposed, drawing number 771/04B, received 27.03.18

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

3 The external materials to be used in the carrying out of the development hereby approved shall be those specified on the amended plan 771/03D received 27.03.18, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no windows or openings shall be inserted in the eastern elevation of the dwelling/extension hereby permitted, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

Reference No.: 18/00252/SUB Resubmission

Proposal: **Change of use of front part of property to Residential Institution (made as a resubmission of withdrawn application 17/01989/FUL)**

Location: Oakwood House 17 Mowbray Road Sunderland

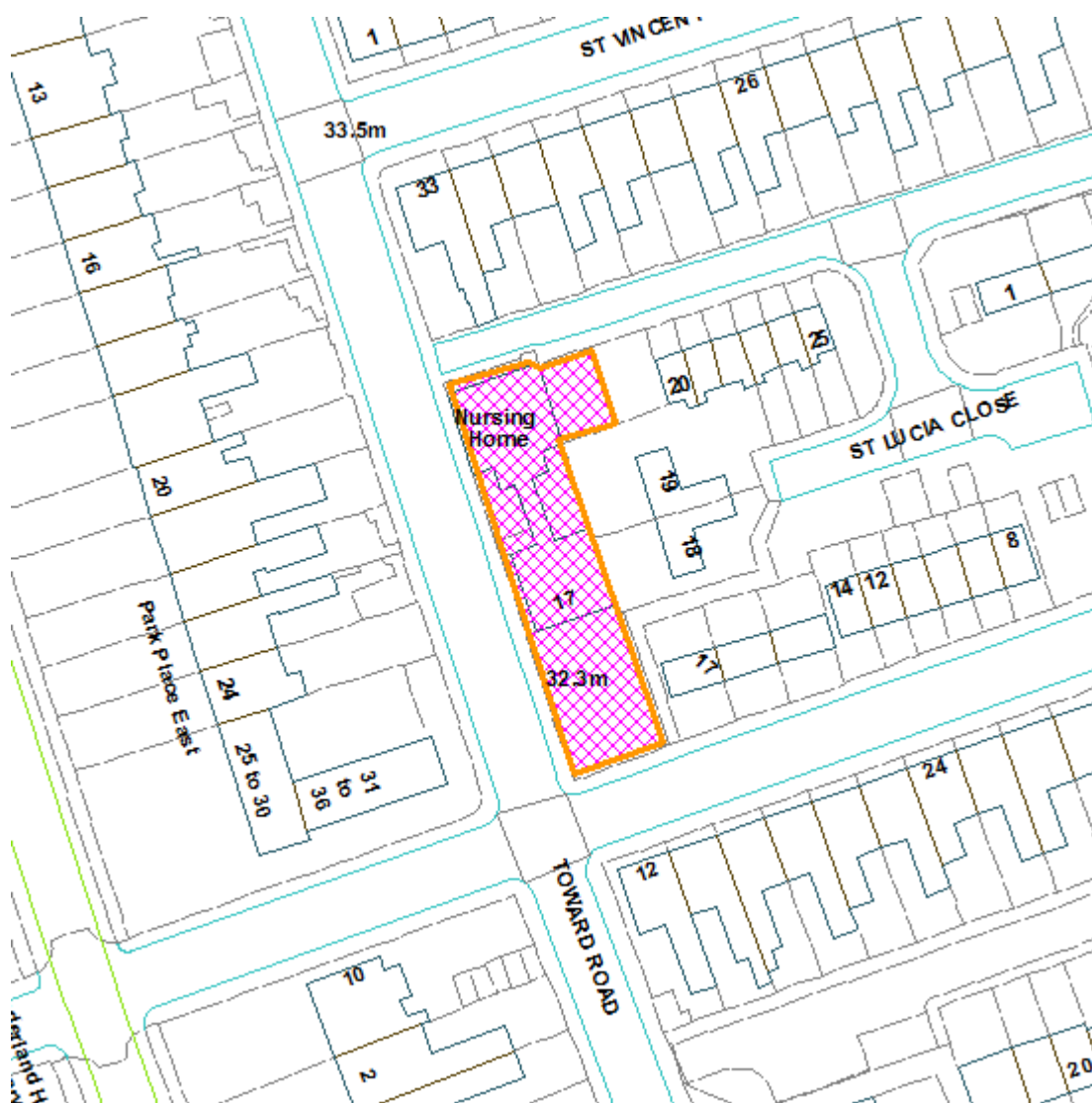
Ward: Hendon

Applicant: FOREVERCARE

Date Valid: 12 February 2018

Target Date: 9 April 2018

### Location Plan



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## PROPOSAL:

The proposal relates to a change of use of the existing three-storey property (front part) to use class C2 (residential institution) at Oakwood House, 17 Mowbray Road, Hendon, Sunderland, SR2 8EW.

The proposal affects a three-storey (with additional rooms in the roof space) detached property occupying a large (approximately 815 sq. metres) plot at the junction of Mowbray Road and Toward Road, which flanks its western side. The main building is set behind a large walled front garden and is a relatively attractive property of some age, but to its rear is a fairly modern, substantial two-storey annexe, which is attached to the main building via a connecting enclosed hallway. A small car parking area is located adjacent to the north-east corner of the building, accessed via a rear lane.

The area surrounding the subject building is predominantly residential in nature, with residential terraces to the south, on the opposite side of Mowbray Road, to the west (The Oaks) and to the north (St. Vincent Street). To the east are the relatively modern two-storey dwellings of the cul-de-sac St. Lucia Close.

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

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

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

Centrepont's use of the building then ceased and it passed into the ownership of Forevercare, a company involved in the delivery of services involving residential care and support for vulnerable young people. Planning permission was subsequently approved for the use of the front part of the building as an HMO for up to 15 no. non-student residents and for the use of the rear annexe as supported living accommodation for up to 8 no. children in need of full time care. Members may recall that permission was granted for these uses at the Development Control (South) Area Sub-Committee meeting held on 27.05.2014 (planning application refs. 14/00380/VAR and 14/00089/FUL respectively).

Planning permission was then granted for the use of the front part of the building as a supported accommodation facility for mothers and their young children (app. ref. 16/01362/FUL, approved at Sub-Committee meeting held on 25th October 2016). The information supplied with the current application indicates that this use has not been implemented and so the permission would remain extant until 27th October 2019.

Further applications to change the use of the rear annexe from a children's home to a supported accommodation facility (app. ref. 16/01363/FUL) and the front part of the building to supported living accommodation (app. ref. 17/01989/FUL) were withdrawn.

The current application only relates to the front (older) part of the building and it proposes a change of use to use class C2 (residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The application has been presented as a resubmission of the recently withdrawn app. ref. 17/01989/FUL, which proposed the supported accommodation facility for mothers and babies. For clarity, Members should note that use class C2 also encompasses uses involving residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals and nursing homes.

A supporting statement has been submitted with the application, which advises that the intention is for two separate operations to run from the front and rear parts of the property, with the existing children's home continuing to operate within the rear annexe. The car parking area at the rear of the building would, however, be shared between the two uses.

The statement advises that the proposed operation would not be limited to mothers and young children - the agent has since confirmed that a more general C2 use for residential accommodation with care and support is being sought, so as to provide flexibility in relation to any future operations. The applicant would, however, accept conditions which serve to limit the numbers of occupiers to six, as was the case in respect of the aforementioned mother and baby facility.

The current application does not involve any physical alterations to the building. The floorplans submitted with the application show the provision of 6 no. bedrooms spread across the first, second and third floors, all of which benefit from their own WC/shower rooms. The ground floor will primarily be used for storage and laundry facilities, whilst the first floor will also accommodate a large shared lounge/kitchen and an office/meeting room. A kitchen will also be provided on the second floor and shared WC and shower rooms will be provided to the second and third floors. The submitted floorplans do not show any internal connection between the front and rear parts of the building, with the first floor of the corridor being used as an office. Access into the front part of the building is therefore via the existing main front entrance and a small door in the rear elevation.

The supporting statement goes on to advise that any new operation will be controlled and monitored under 'care' legislation and that the operation will benefit from staff monitoring those in care within the property. A total of 5 no. staff are anticipated to be employed in relation to the proposed use; this will involve a designated manager and two staff on-site during the day, one of which will be a senior staff member and during the night, a member of staff will be present on site at all times, with further support available from on-call staff. Individual risk assessments of prospective occupiers will be carried out by staff and social services and building risk assessments will be undertaken by management and staff.

In terms of current staff numbers, the statement advises that Forevercare employs 17 no. 'core staff', of which 9 no. are drivers, and that high numbers of staff are expected to travel to the premises on foot and by public transport. Attempts are also made to rota drivers with non-drivers. It is expected that no more than 3 no. new staff are likely to be present at the building at any one time.

An application of this nature would normally be determined under the Council's Delegation scheme, but it has been referred to the Committee at the request of Ward Councillor Mordey (via email dated 26/03/2018).

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **30.03.2018**

## **REPRESENTATIONS:**

A total of 3 no. letters of representation have been received in response to the public consultation exercise carried out in respect of the application, which involved sending letters to 130 no. properties in the area, together with the display of site notices in the vicinity of the subject property. Representations have been received from the occupier of 23 Park Place East and The Oaks Residents' Association, with the third representation submitted without an address for correspondence. The following comments have been made:

From address unknown:

- Objects strongly to the facility in general;
- Its 'obvious' that the Council feels 'anything goes' in Hendon;
- Alleges that a resident of the existing facility was responsible for an attempted break-in at a nearby dwelling;
- Children from the existing facility are regularly seen outdoors 'after curfew' hours, engaging in anti-social behaviour, and it is suggested that staff and carers are oblivious to the issue or 'just can't be bothered' to deal with the matter;

From 23 Park Place East:

- The property often has 15+ cars parked on Toward Road, which causes an obstruction to both sides of the road and presents a problem for passing buses and other wide vehicles;
- Staff park between garage doors on the opposite side of Toward Road, which presents a danger to those trying to exit their garages and passing pedestrians;

From The Oaks Residents' Association:

- Concern regarding the lack of detail provided in relation to the intended client group to occupy the proposed facility;
- The submitted Statement advises that occupiers will require continuous monitoring and support, but no further detail is given, including into the monitoring of residents off the site;
- It is therefore requested that the Council obtains further information as to precisely who will reside at the facility and assurances given as to the level of off-site monitoring to be provided, to ensure acceptable levels of amenity are maintained;
- Suggestion that an approval could be given for a temporary period, so that the Council can monitor the effects of the use and evaluate the proposals in light of experience ahead of determining any further subsequent planning application;
- Notes that the Council's Highways officers have recommended refusal of the application;



- Suggests that Forevercare's existing operations make a significant contribution to the on-street parking along Toward Road and that staff are inclined to park on Toward Road rather than use the rear car park;
- The on-street parking from staff combines with parking from persons visiting/working in the nearby City Centre during the week and creates a narrowing of Toward Road which results in poor visibility to motorists and pedestrians;
- The Residents' Association has, on at least two occasions, requested the provision of yellow lines along Toward Road to alleviate the situation;
- The existing highway safety hazards are considered to represent 'significant and demonstrable harm' and would only be exacerbated by allowing the new use and the subsequent increase in staff numbers at the site;

Council's Highways team:

Recommendation is to refuse the application - whilst information supplied by the applicant in relation to parking and staffing arrangements is noted, concerns remain in relation to the availability (and condition) of the off-street parking intended for use by staff and visitors. It has previously been suggested that the applicant funds the delivery of parking restrictions, but this has not happened and on-street parking still occurs around the junction between Toward Road and Mowbray Road. Given the proposed increase in use of the property, it is suggested that the application be resisted.

Council's Environmental Health team:

No objections to the proposal.

Northumbria Police:

No comments received.

## **POLICIES:**

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

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

B2 - Scale, massing layout and setting of new developments

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

H17 - Nursing and rest homes to respect amenity / established local character

CF4 - Provision for Nursery Education

CF5 - Provision for primary and secondary schools

CF10 - Accessibility of proposals for health and social care

## **COMMENTS:**

### **RELEVANT POLICY BACKGROUND**

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and should encourage the effective re-use of land and property.

Section 6 of the NPPF concerns itself with 'delivering a wide choice of high quality homes' and paragraph 50 states that Local Planning Authorities should seek to create sustainable, inclusive and mixed communities, by planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

Section 4 of the NPPF, meanwhile, relates to the promotion of sustainable transport and, at paragraph 32, it advises that Local Planning Authorities should only prevent or refuse development on transport grounds where the residual cumulative impacts of the development would be severe. Paragraph 39 also states that when considering parking standards for residential and non-residential development, Local Planning Authorities should take into account matters including the accessibility of the site; the type, mix and use of the development; the availability of public transport and local car ownership levels.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H17, CF4, CF5, CF10, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

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

Given the range of uses which fall into class C2, it is also necessary to consider policies CF4 and CF5 of the UDP, which set out that uses involving nursery, primary and secondary education will normally be supported providing that the impacts of the use on the amenity of the neighbourhood and in relation to traffic generation are acceptable. Policy CF10, meanwhile, states that health and social care buildings, both public and private, will be distributed so as to be accessible to residents of the City.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety. Policy T22, meanwhile, requires new development proposals to be afforded an appropriate level of dedicated parking.

## ISSUES TO CONSIDER

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

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

### 1. Principle of proposal

The application submission does not specify the exact nature of the C2 use of the property being sought. The applicant has, however, advised that a use involving residential accommodation with care and support is being sought (as is alluded to by the submitted statement) and the application has been submitted as a resubmission of the previously-withdrawn application for a supported

accommodation facility. In addition, within the submitted statement, reference is made to seeking compliance with care legislation, whilst the proposed staffing and monitoring arrangements would appear to relate to a use of such a nature. Such a use would also correspond most closely to Forevercare's area of business and the existing use of the annexe as a children's home.

Additionally, the submission does not give any indication that a use involving formal education, medical care or care for the elderly is being sought.

Nevertheless, by definition, all uses falling within use class C2 are of a broadly residential nature and given that the building is located within an area which is primarily residential in character, it is considered that none of the uses falling within use class C2 would fundamentally conflict with the established pattern of land use in the neighbourhood. The subject building has also been used for a range of residential purposes in recent years, including as a care home and as an HMO. The proposal is consequently considered to accord with policy EN10's objectives in this regard.

The proposed use would also be consistent with the objectives of paragraph 50 of the NPPF, in that it supports the delivery of a mix of housing types and tenures.

Notwithstanding this broad accordance with policy EN10's requirements, in order to ascertain whether the proposed use of the building is acceptable, it is necessary to consider all other relevant material planning considerations raised by the proposed C2 use. Such an exercise is carried out below.

## 2. Impact of use on amenity of locality

As noted above, the information supplied with the application indicates that a C2 use involving residential care and support is being sought. Policy H17 of the UDP states that the provision of nursing homes and other residential accommodation for people in need of care and support will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met. In addition, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.

In assessing the impact of a C2 use on the amenity of the locality, it is necessary to consider whether such a use will give rise to activity which would be inherently noisy and disruptive and thereby harmful to the living conditions of residents in the vicinity of Oakwood House. In considering this matter, regard must be given to the existing use of the rear annexe, with which the proposed use would co-exist, and regard must also be given to the nature and scope of previous authorised uses of the building.

To this end, the application sets out that the facility would provide for 6 no. bedrooms and so would be able to accommodate a maximum of 6 no. residents, spread over the building's four floors. The proposed use would therefore be of a relatively low intensity and is considered unlikely to lead to significant numbers of comings and goings in its own right, especially in comparison to the existing authorised use of the front part of the building as an HMO able to accommodate up to 15 no. residents. The previously-approved use of the front part of the building as a supported accommodation facility would also have catered for 6 no. adults plus their dependent children and so could have represented a more intensive use of the property than is currently proposed.

Moreover, it is considered that such a use is unlikely to give rise to patterns of activity which differ significantly from other residential uses - there would not, for example, be significant peaks or concentrations of activity, with changeovers in staff shifts not anticipated to result in activity which would create conditions which are unacceptably noisy or disruptive. In addition, there is not

considered to be reason to conclude or presume that the occupancy of the front of the building would be inherently noisy or disruptive in relation to the amenity of the locality.

In addition to the above, the applicant has set out proposed management and monitoring arrangements, which will include shift staff being present on-site throughout the day and during the night. These arrangements should serve to ensure the facility is able to be managed in a way which minimises any impact on the amenity of the area and living conditions of nearby residents.

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

The existing use of the annexe is for a children's home for no more than 8 no. residents, so that together, the use of the rear and proposed use of the front parts of the building would be able to accommodate a total of 14 no. residents. Again, this is not considered to be unacceptably excessive given the nature of the uses, the location of the building and the relevant planning history of the building, particularly its previous use as a care home and the permissions granted for the front part alone as a 15-bed HMO and 6-person supported accommodation facility for mothers and babies.

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

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

It would not be reasonable, therefore, to presume that the proposed use will give rise to the same amenity and anti-social behaviour issues identified by residents in relation to the existing use of the building.

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

With regard to other uses falling within use class C2, concern would exist in relation to uses involving educational, training and medical provision. Such uses are likely to demand a significantly higher amount of staffing and support than a use involving supported accommodation and could bring with them patterns of activity which are incompatible with a neighbourhood

dominated by dwellinghouses (e.g. additional teaching, nursing and care staff, pick-ups/drop-offs of pupils or patients etc.), in conflict with the objectives of aforementioned policies CF4, CF5 and CF10 of the Council's UDP. As such, in the event Members are minded to approve the application, it is advised that consideration be given to imposing a condition which limits the scope of the C2 use authorised by the planning permission to residential accommodation with care and support only.

The objection from The Oaks Residents' Association has expressed concern in respect of the limited detail provided by the applicant in respect of the specific 'client group' intended to be accommodated at the proposed facility and has suggested that the Council should seek further information in this regard before determining the planning application. Members must note, however, that the planning system does allow for planning permission to be sought for a particular use class and it is not necessary for an applicant to supply any specific details other than those required in order to validate the planning application. It is then for the Local Planning Authority to consider the merits of the proposed use, taking into account the scope of uses permitted by the use class and any information supplied by the application, and decide whether it is appropriate. The Local Planning Authority can, if considered necessary, reasonable and justifiable, then use planning conditions to control or limit the scope of any planning permission it decides to grant.

In this case, whilst the information supplied by the applicant in relation to the likely background of occupiers of the proposed accommodation is limited, the applicant has provided some details in respect of proposed numbers of residents and staffing arrangements, which have been taken into account in considering the merits of the proposal. With regard to maintaining some control over the development, it would be considered appropriate to limit the number of residents to no more than 6 no. in order to ensure that the intensity of the use cannot increase to a level which would have an unacceptable adverse impact on the amenity of the area. It is recommended that Members impose a condition to this effect in the event they are minded to approve the application.

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

With regard to the above comments, whilst the concerns of residents in respect of noise, disturbance and anti-social behaviour are acknowledged, it is considered that such concerns do not necessarily have a solid or reasoned evidential basis which could be upheld by a refusal of planning permission. Indeed, given the low-intensity of the proposed use of the front part of the building and provided the facility is effectively managed by the applicant, there is not considered to be reason to conclude that the facility cannot co-exist satisfactorily with the existing residential properties in its vicinity.

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

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

As noted earlier in this section of this report, paragraph 32 of the NPPF states that planning permission should only be refused on transport grounds where the residual cumulative impacts of doing so would be severe, whilst paragraph 39 sets out the range of matters which should be taken into account in determining parking standards. Paragraph Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and

pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking.

As set out in the 'Representations' section of this report, the Council's Highways team have recommended the refusal of the planning application - whilst the details provided by the submission in relation to resident and staff numbers have been given consideration, concerns remain regarding the availability of the off-street parking at the site and it is observed that on-street parking is occurring in the area around the Toward Road/Mowbray Road junction. Given the increase in resident and staff numbers which will arise from the proposed use, it is considered that the proposed use should be resisted.

The Council's Highways team has not provided a specific figure as to how many car parking spaces a use of this nature should be afforded (in combination with the children's home use in the rear annexe); rather, the comments provided are informed by the information supplied by the applicant in respect of the nature of the proposed use and a consideration of existing site conditions.

The concerns raised by the Council's Highways team are shared by the objections from 3 Park Place East and The Oaks Residents' Association, with both citing issues relating to parking on both sides of Toward Road, which is purported to be generated by staff/visitors to Oakwood House (at least in part), and the resulting hazards for drivers and pedestrians, including for passing buses.

The applicant's agent has, in relation to highway safety and parking matters, contended that the City Council could not, given the modest nature of the proposed development, the low numbers of additional staff to be employed and the previously-authorised uses of the building, reasonably demonstrate that the use of the front part of the building would give rise to the 'severe' cumulative impacts identified by paragraph 32 of the NPPF.

To support this view, the agent contends that the previously-approved uses of the front part of the building as a 15-bed HMO and as supported accommodation for mothers and babies would have generated more demand for parking than the currently-proposed use and that the proposed use could, in fact, give rise to a decrease in on-street parking in the vicinity of the site.

In terms of the current proposals, the agent highlights that no more than 5 no. additional staff are to be employed in respect of the new use and that only 3 no. of these staff are likely to be present at the site at any one time. Furthermore, it is advised that typically, fewer than 50% of staff employed by Forevercare own vehicles and that most travel to and from the site on foot or by public transport. In this respect, the agent contends that the site is within walking distance of the services and facilities of the City Centre and is well-served by public transport, with Toward Road acting as a major bus route (frequent buses run southward towards Grangetown, Silksworth and Doxford Park and northwards to the City Centre and on to Pennywell and Washington).

The statement submitted with the application also highlights that best practice car parking standards (e.g. Manual for Streets) does set out that in some circumstances, a relaxation of the Local Planning Authority's normal maximum parking standards may be appropriate, particularly where a site is within or close to a town centre and where public transport options are available.

The agent also contends that there is unrestricted on-street parking available in the locality, which is freely available for all to use. It is argued that this on-street parking, combined with the off-street parking to the rear of the building, is sufficient to safely cater for staff and visitors to the premises.

In considering the issue of highway and pedestrian safety and parking, the concerns of the Council's Highways team and the objectors to the development in relation to existing levels of on-street parking are noted. Indeed, during visits to the site by Development Management officers, it has been apparent that the sections of Toward Road and Mowbray Road adjacent to Oakwood House are subject to significant levels of on-street parking, although clearly, not all of this parking could reasonably be attributed to staff at the premises.

It must be taken into account, however, that the proposed use of the front part building will accommodate a limited number of residents and involve the employment of a limited number of additional staff which, even if all were to be present at the property at the same time, would be unlikely to give rise to a significant increase in on-street parking in the vicinity of the site. Furthermore, regard must be given to the proximity of the site to the City Centre and that Toward Road is itself well-served by public transport, which means that it is eminently feasible for staff to reach the premises on foot or by bus. It is also accepted that previously-approved uses of the building would likely have resulted in a greater demand for on-street parking than the proposed use.

Given the above, it is considered that the Council cannot realistically demonstrate that the proposed use of the front part of the building will give rise to a level of on-street parking which will have an unacceptable impact on highway and pedestrian safety, to the extent that the 'severe cumulative impacts' of paragraph 32 of the NPPF can be identified. Consequently, and whilst the recommendation of the Council's Highways team to resist the proposed development is noted, it is considered that the Council could not, in this instance, reasonably sustain a refusal of planning permission based on concerns relating to highway and pedestrian safety. To this end, it is considered unlikely that the Council would be able to successfully defend a refusal in the event the applicant lodged an appeal with the Planning Inspectorate.

It is recommended, however, that in the event Members are minded to approve the application, conditions be imposed which limit the number of residents of the facility and which require the off-street parking provision to be made available for use at all times. Furthermore, given that the parking implications of the proposed development have been considered based on the information submitted with the application and in order to ensure that the property cannot be put to a use which gives rise to different parking demands, it is advised that Members impose the previously-recommended condition which would serve to restrict the scope of any approved C2 use.

Subject to such conditions, it is considered that the implications of the proposed use in relation to highway and pedestrian safety are acceptable and compliant with the objectives of paragraphs 32 and 39 of the NPPF and policies T14 and T22 of the Council's UDP.

#### IMPLICATIONS OF COMBINED USE OF BUILDING

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

Whilst the two uses would affect the same building, they would occupy distinct parts of it and the only connection between the two is through the staff office to the first floor of the connecting corridor. The two parts of the building would also be accessed independently, with the proposed accommodation to the front accessed via the south elevation and the annexe accessed from the northern end of the site. In addition, the plot occupied by the building and annexe is unusually large and consequently, the premises and its plot appear broadly capable of accommodating both uses together. With regard to the amenity of the locality, it is considered, for the reasons set out

above, that the proposed use of the front part of the building will not result in any unacceptable harm to the amenity of nearby residents and, subject to effective management of both areas of accommodation, occupiers will be able to reside alongside the established use of the remainder of the building as accommodation for children.

## CONCLUSION

For the reasons set out above, it is considered that the proposed use of the front area of 17 Mowbray Road for a use falling within use class C2 of the Town and Country Planning (Use Classes) Order is acceptable in principle.

The impact of the proposed use in respect of the amenity of neighbouring existing residential properties has been carefully assessed, but, as outlined above, it is considered that it cannot be reasonably concluded that the use would inevitably result in an increase in noise, disturbance, crime and anti-social behaviour, especially given its existing authorised use as an HMO capable of accommodating up to 15 residents. The proposed accommodation would also afford prospective residents with an acceptable standard of living.

Careful consideration has been given to the implications of the proposals in relation to highway and pedestrian safety and parking, but for the reasons set out above, it is considered that the Council could not reasonably sustain a refusal of planning permission based around such concerns.

Members should note that the conclusions reached above are primarily based on the information and details supplied with the application, which sets out a use involving supported living accommodation. Other uses falling within use class C2 could have a greater impact on the amenity of the locality and could give rise to different highway safety and parking considerations. As such, it is considered reasonable and justifiable to impose conditions which serve to restrict the scope and nature of the proposed C2 use; which limit the maximum number of residents and which require the parking at the property to be made available at all times. Members are recommended to impose conditions to this effect in the event they are minded to approve the application.

Given the above, and subject to the imposition of the abovementioned conditions, it is considered that, having had regard to relevant material planning considerations, the proposed use of the front part of the building is acceptable and compliant with the requirements of the aforementioned policies EN10, H17, CF4, CF5, CF10, B2, T14 and T22 of the adopted UDP and the core principles and paragraphs 32, 39 and 50 of the NPPF. The application is consequently recommended for approval, subject to the conditions set out 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 the following conditions:

### **Conditions:**

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

the location plan, existing and proposed site plans and existing and proposed floorplans, all received 12.02.2018;

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

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

4 The front section of 17 Mowbray Road shall be used for shared residential accommodation with care and support and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)), in order to ensure the continued appropriate use of the premises and to accord with the objectives of policy B2 of the UDP.

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

**Reference No.:** 18/00267/FUL Full Application

**Proposal:** **Erection of single storey side extension. (amended plan received on 14.3.18)**

**Location:** 18 Wavendon Crescent Sunderland SR4 8LW

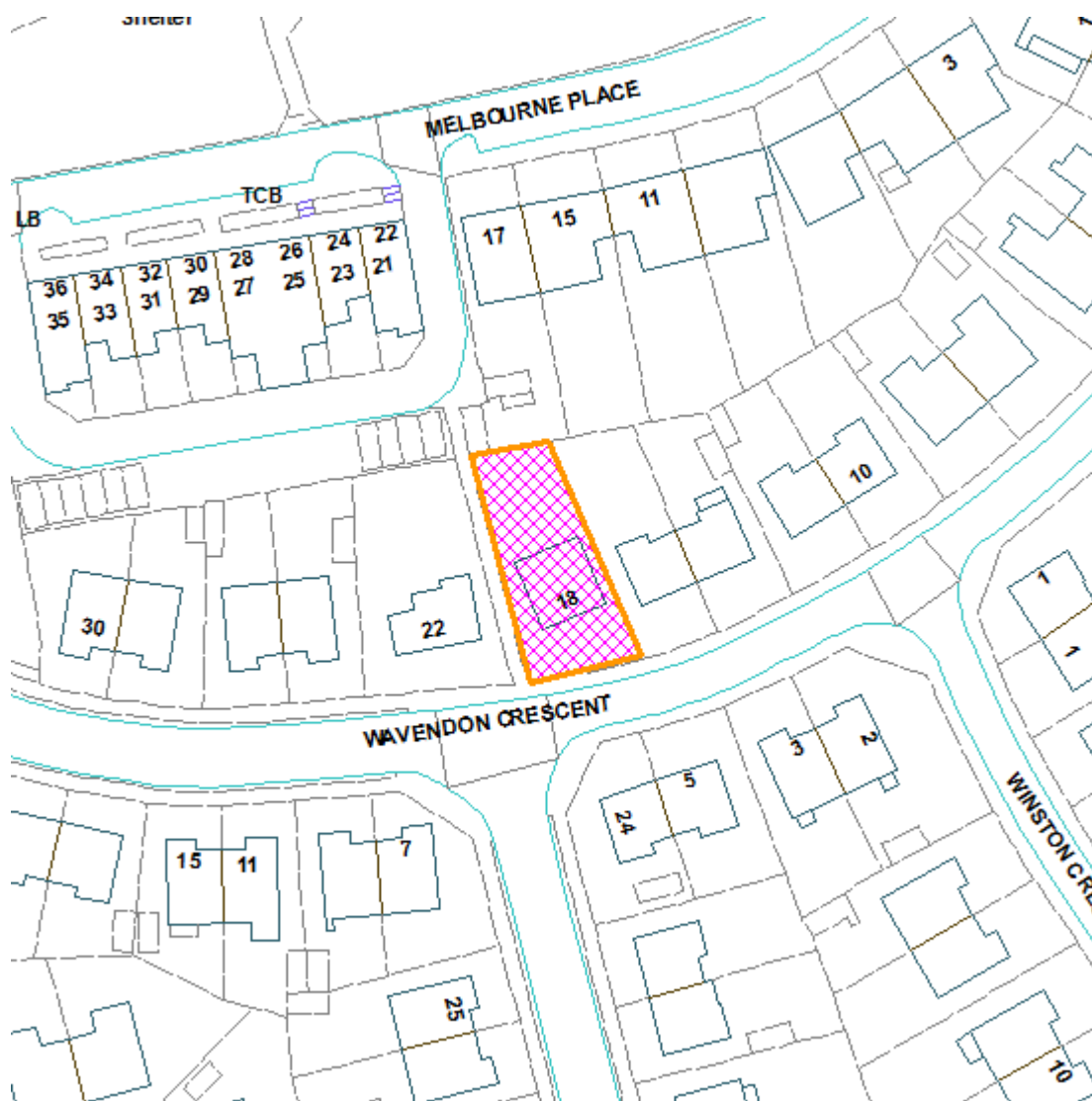
**Ward:** Barnes

**Applicant:** Mr Simon Donoghue

**Date Valid:** 15 February 2018

**Target Date:** 12 April 2018

### Location Plan



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## **PROPOSAL:**

The proposal is to erect a single storey side extension to the dwelling which would measure 7.7 metres length, 1.9 metres width at the rear and 2.5 metres width at the front.

The extension to the side would be set in from the front elevation of the host dwelling by 400mm, project along the side of the dwelling for a length of 7.4 metres and extend 1.4 metres from the existing rear elevation. It would measure 3 metres wide, with a dual pitched, tiled roof which achieves a maximum height of 3.8 metres.

The site relates to a detached dormer cottage located within a predominantly residential area of varied property types and design. The building line is a curved crescent and the site level ascends to the rear. The property faces south and is angled slightly to the east from the western boundary. A public footpath runs alongside the west of the property.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Barnes - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **14.03.2018**

## **REPRESENTATIONS:**

One representation has been received from the adjacent neighbour at No. 22. The objection relates to:-

- Dimensions of the proposed extension would diminish the amount of light that comes into the property in a couple of major areas e.g. kitchen and staircase.

### **LPA Response**

The extension would be positioned adjacent a landing and kitchen window at No. 22. There is a distance of 4.2 metres from the proposal separated by a public footpath and high boundary treatments. The plan was amended to reduce the roof height approximately by 1.7 metres to 3.7 metres and it is considered that the majority of the proposal would be screened by the boundary fence at No. 22.

It must be noted though that another window serves the kitchen and internally the room has been divided. The window faces north east and would benefit from direct sunlight, only early in the day via the space between the two properties. A gap of 4.2 metres between the properties will remain.

Given the orientation of the properties, the development will not impact upon the level of sunlight received by the dining room window for the bulk of the daytime hours. It is therefore not considered that the development will substantially reduce the level of daylight received by the side window to the extent that it will be seriously overshadowed and merit a refusal in this case.

- Safety concerns on internal staircase, impact on health.

#### LPA Response

The light afforded to a landing window cannot be given significant weight in the determination of a planning application given that the window does not serve a habitable room of the property.

#### Network Management:

There appears to be a hardstanding and no footpath crossing. The applicant has been contacted directly regarding this issue.

#### **POLICIES:**

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

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

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

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

#### **COMMENTS:**

##### PRINCIPLE OF DEVELOPMENT

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, the surrounding land use is predominantly residential and as such, the extensions, being residential in nature reflect the existing pattern of land use within the area.

##### DESIGN, SITING AND EXTERNAL APPEARANCE

Paragraphs 17 and 56 of the NPPF and Policy B2 of the Unitary Development Plan (UDP) dictate that development should be designed to a high standard and the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy and improve and enhance places in which people live.

Section 7 of the Council's Supplementary Planning Document (SPD) in relation to Household Alterations and Extensions refers to the effect that proposals would have upon the residential amenity of adjacent residents and the street scene.

Section 7.3 of the adopted Household Alterations and Extensions (SPD) recommends that any extension should have a ridgeline which is lower than that of the host property, should incorporate a roof slope and shape that matches the existing dwelling and a width no more than 50% of the overall width of the original dwelling house.

The roof pitch has been designed to match that of the host property and would therefore retain the character of the host property and the street scene in general.

It is not considered that there would be an adverse impact upon the amenity of the adjacent residents due to the amended plan lowering the height of the roof, the distance, orientation and position of the proposal in relation to the adjacent property and the presence of existing high boundary treatments.

## HIGHWAY ISSUES

No concerns have been raised by the Council's Highways officers.

## CONCLUSION

The proposal is in accordance with SPD guidelines and UDP policies and the NPPF. It has been designed to respect the privacy and amenity of adjacent dwellings, whilst having minimal impact upon the street scene. It therefore considered acceptable and recommended for approval subject to the conditions 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:

- Amended Existing and proposed elevations drawing No. 1 received on 14.3.18
- Site plan and roof plan drawing No. 2 received on 15.2.18
- Location plan received on 15.2.18

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.



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**Reference No.:** 18/00314/FUL Full Application

**Proposal:** **Erection of single storey side and rear extension.**

**Location:** 19 Leominster Road Sunderland SR2 9HG

**Ward:** St Michaels

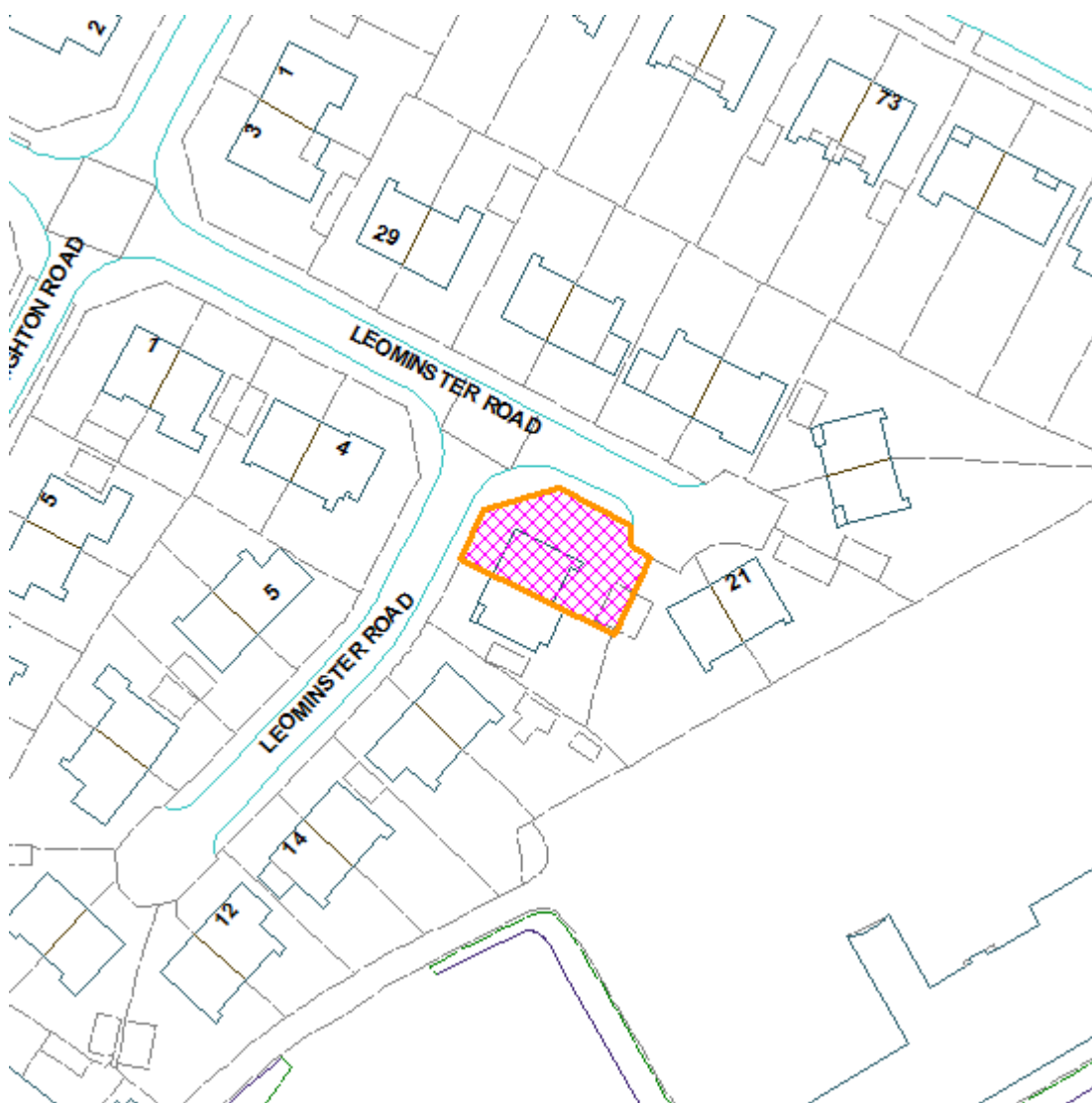
**Applicant:** Mr Andy Davison

**Date Valid:** 26 February 2018

**Target Date:** 23 April 2018

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### Location Plan



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## **PROPOSAL:**

### **SITE DESCRIPTION**

The application site is a two storey semi-detached property situated within a mature estate of similar properties on the corner of the junction of two branches of Leominster Road which both terminate with a cul de sac. It has a hipped gable feature to the front occupying approximately half the frontage with bay windows to the ground and first floor windows. The remainder of the frontage is characterised by a mansard roof extending down the first floor, which leaves the first floor flat window projecting slightly.

To the rear, the property has an original mono-pitched projection of just over 1m at ground floor level, and a small flat roofed extension has been added across approximately two fifths of the rear elevation to enlarge the kitchen. The property has a flat roofed porch to the front entrance and a flat bay window to the side serving the kitchen.

There are small gardens to the front and rear and a side garden which faces the highway close to the head of one of the cul de sacs. Within the rear garden is situated a driveway and detached garage which is accessed from the side boundary off the hammerhead of the cu de sac.

### **PROPOSAL**

The application relates to the erection of a single storey 'wrap-around' extension to the side and rear to provide a porch, garage, WC, and kitchen and lounge extension. The existing porch, bay window, kitchen extension and original rear projection will be removed to facilitate the development. The property originally had a recessed front entrance underneath the mansard roof which will be enclosed in line with the original front elevation of the gable.

The structure will have a mono-pitched roof which will be hipped at the front over the garage and which will extend approximately 350mm higher than the existing mono-pitched roof at the rear. To the rear, the extension will project a total of 3.7m from the first floor, or 2.5m from the original ground floor elevation. The structure will project 3.5m into the side garden.

Although described as a garage, at 3.4m long this would be too small for a vehicle, no new access is proposed to the front, and it is likely to be used as storage. The existing garage is proposed to be demolished to provide over 10m of in-curtilage parking to the rear, sufficient for 2 vehicles to park in tandem.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.03.2018**

## **REPRESENTATIONS:**

Neighbour Notifications

One letter of objections has been received from the occupier of the adjoining property. The objector's main concerns relate to;

- the potential for the development to overshadow the neighbour's rear conservatory with a subsequent loss of daylight to the rear lounge,
- possible use of the existing party wall between the two original ground floor projections.

The latter issue is not a planning matter that can be dealt with within the context of the planning application and is best dealt with between the two neighbours through the Party Wall Act 1996.

#### Network Management

The Network Management Team has offered no objections to the proposal.

### **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

### **COMMENTS:**

#### ISSUES TO CONSIDER

In determining the application due consideration has been given to paragraph 17 of the National Planning Policy Framework (NPPF). The main issues to consider in this case are the impact of the development upon the appearance of the host property and the street scene in general and the effect upon the residential amenities of the neighbouring properties. Policy B2 of the Unitary Development Plan (UDP) requires the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Section 7 of the Household Alterations and Extensions Supplementary Planning Document (SPD) sets out the Council's requirements in relation to extensions to residential properties. This states that single storey extensions to the rear of terraced or semi-detached properties will normally be restricted to a projection of 3m. In this case, the extension is proposed to project 2.5m from the original ground floor elevation, in accordance with the requirements of the SPD.

The neighbouring property at no. 18 has a conservatory of a projection of approximately 2m adjacent to the common boundary. The neighbour is concerned about the potential for the extension to result in loss of light into the original lounge through the side elevation of the conservatory and by the additional height of the extension overshadowing the roof of the conservatory.

The proposed extension will project approximately 0.5m beyond the conservatory at no. 18 and will peak 350mm higher than the existing mono-pitched roof. An existing boundary fence reaches approximately half way up the side elevation of the conservatory. The neighbouring property sits to the south west of the application site so that the side elevation of the conservatory will receive little direct sunlight apart from early morning during the summer months.

Given the orientation of the extension, the screening effect of the fence, and the limited projection of the extension, it is not considered that the proposed structure will result in an unacceptable

level of overshadowing or loss of daylight that would merit a refusal in this case. A similar structure could be erected under permitted development rights and, as the extension will project less than 3m, the proposal complies with the requirements of the SPD in this respect.

Section 7 of the Household Alterations and Extensions Supplementary Planning Document requires side extensions at corner plots to respect the established building lines of both streets in order to maintain the open character of the street. Single storey side extensions on corner properties should normally be set back by at least 1m from the main front wall of the property. Exceptions to this may apply where there are a number of properties within the surrounding area sited such that open corner plots are not a typical feature of the locality, the site is not considered to be prominent within the streetscene (e.g. end of cul de sac) or where the site is well screened and so the extension will not have a significant effect on the street scene. In this case, the side extension is not proposed to be set back from the front elevation by 1m.

The application site is positioned towards the end of the cul de sac where the side elevation of the property is aligned with the building line established by the front elevations of the other properties along Leominster Road and Ludlow Road. As the property sits at the end of this run, the building line is discernible only from the approach from the north west whereupon the view is terminated by the pair of semis nos. 20 and 21 at the end of the cul de sac. Consequently, the site is not considered to be prominent within the streetscene and the proposed extension in turn will not be unduly prominent on the corner position.

There are a number of examples of smaller side extensions on corner plots within the vicinity. The structure has been designed with a hipped mono-pitched roof to keep the overall height to a minimum and it will be partly screened by the existing boundary wall and border shrubbery. Given the above, it is considered that the proposal is unlikely to result in the introduction of an obtrusive element in the streetscene that would be detrimental to the visual amenities of the area.

The proposal represents a standard form of development of a scale and design that reflects other similar development within the vicinity and is in keeping with the character of the host property and the area in general.

Given the above, the proposal is unlikely to result in any serious detriment to the residential amenities of neighbouring properties or the visual amenities of the host property and the street scene in general.

In determining the application due consideration has been given to paragraph 17 of the National Planning Policy Framework (NPPF), policy B2 of the saved adopted Unitary Development Plan (UDP) and Section 7 of the Household Alterations and Extensions Supplementary Planning Document to which the proposal accords.

The proposal is considered to be acceptable and the application is consequently recommended for approval.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- 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 received 21/2/18,
- elevations as existing and proposed drawing number L18a received 21/2/18,
- floor plans as existing and proposed drawing number L18b received 21/2/18,
- roof plan and site layout plan drawing number L18c received 21/2/18

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/00438/FUL	Gentoo Homes	Application for 113 residential units (C3) and associated access, landscaping and ancillary works.	09/04/2018	09/07/2018
Doxford	Land To The North Of Mill Hill RoadDoxford ParkSunderland			
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41Lawrence StreetSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved)"	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			
18/00255/FU4	Gentoo Homes	Construction of 118 dwelling houses, including drainage infrastructure, landscaping, public open space and stopping up of public highway.	22/02/2018	24/05/2018
St Annes	Land Adjacent To Chester Road/ Former Pennywell Estate Pennywell Sunderland			



Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/01809/OUT	C/o Agent TTS Planning Consultants	Outline planning permission with all matters reserved for demolition of existing social club and redevelopment for residential accommodation.	13/02/2018	15/05/2018
St Chads	Farringdon Social Club And Institute Limited Anthony RoadSunderlandSR3 3HG			
17/00581/VAR	Jordan 90 Ltd	Variation of condition 2 (Plans), condition 4 (Obscure glazing) and condition 9 (No Felling) attached to planning application 14/01793/FUL (Two detached dwellings with associated access and parking) Alterations to size, type and position of windows, felling of trees, changes to internal layout, provision of accommodation in roof space(including provision of roof lights) and conversion of double garage (plot2) to kitchen	13/06/2017	08/08/2017
St Michaels	Land Rear Of 16 And 17 The CedarsAshbrookeSunderl and			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02278/FU4	Southmoor Academy	Erection of 8no. 15metre floodlights and 3metre mesh boundary fencing to create a new 4G pitch	22/12/2017	16/02/2018
St Michaels	Southmoor Academy Ryhope Road Sunderland SR2 7TF			

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