

## Development Control (South Sunderland) Sub-Committee

2nd March 2010

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### REPORT ON APPLICATIONS

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#### REPORT BY DEPUTY CHIEF EXECUTIVE

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to The Deputy Chief Executive for 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.

##### South Area

1. Ingleside, Tunstall Road
2. Site Of The Forge, Neville Road
3. Oakwood House, 17 Mowbray Road
4. City Of Sunderland College, Wearside Tertiary College
5. Pallion Health Centre, Hylton Road

##### City Centre

No Items

##### 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 Chairman or the Deputy Development Control Manager on 0191 561 1182 email address [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 (General Development Procedure) Order 1995.

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

South  
Sunderland

Reference No.: 09/04013/FUL Full Application

**Proposal:** Change of use from residential care home to supported housing for homeless people (Retrospective).

**Location:** Ingleside Tunstall Road Sunderland SR2 7RU

**Ward:** St Michaels  
**Applicant:** Wear Body Positive  
**Date Valid:** 13 November 2009  
**Target Date:** 8 January 2010

### Location Plan



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### PROPOSAL:

Retrospective planning permission is sought by Wear Body Positive, a registered charity offering support and help to persons affected or infected by HIV/AIDS, for the change of use of the property at Ingleside from a residential care home to supported housing for homeless people. A project, SR2 Housing, currently operates the premises as a part of Wear Body Positive.

This application was originally heard at the sub committee meeting in January and was deferred at the request of the committee, to enable further opinion to be sought on the anti social behaviour issues from Northumbria Police and the Council's Anti-Social Behaviour Officer (ABO).

The use of the premises as supported housing commenced in June 2009. The applicant was under the impression the use of the building, as supported housing, was within the scope of the authorised planning permission. It was subsequently discovered by the applicant, after consultation with the City Council, that the use of the premises as supported housing for homeless people fell outside of the scope of the existing permission for a residential care home, and while there is an element of supervision of the residents, there is no degree of care associated with the use. A material change of use had therefore occurred and it was on this basis the application under consideration was submitted.

Ingleside is a large detached premises situated in modest grounds, located in the residential area of Tunstall Road, within the Ashbrooke conservation area. The supported housing will accommodate up to 13 residents in individual rooms and will also provide ancillary communal facilities. No external works are proposed to take place.

The applicant supplied a management plan on 11th December 2009, outlining the background, objectives and organisation of the project, an outline of the key issues contained within this document are as follows;

SR2 housing will house single young gay people, in particular gay young men who have become homeless or are at risk of becoming homeless for a variety of reasons. Residents will be referred from the local area and from a number of different sources with the majority of residents being from Sunderland and self referred respectively. The typical length of stay of residents will range from 12 to 18 months and during their stay it is intended SR2 housing will provide the tenant with advice, guidance and skills for independent living in a family style learning environment in order to equip them with the life skills needed to achieve and sustain independent living. All staff, trustees and management are volunteers and the premises will be managed by staff on a 24 hour basis. Residents are required to sign a tenancy contract and abide with the projects rules and regulations during their stay. Any minor transgression of this contract by a resident will result in a warning and three such warnings may lead to eviction. Furthermore, any behaviour which is deemed as misconduct could lead to immediate eviction.

The staffing levels of the premises were clarified by the applicant on 26th January 2010. 4 staff are present on site during the day from 9/10am in the morning until 5pm in the evening, at times, 2 of the 4 members of staff on site are also trustees of the organisation. During the evening and at night 2 members of staff are in attendance from 5pm until 9/10am the following morning. All staff members are fully trained for their role and regular training courses are undertaken by these staff. In addition, all staff must undergo a Criminal Records Bureau (CRB) check and are governed by an employee's code of conduct.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised

**CONSULTEES:**

Health, Housing and Adult Services  
Director Of Health, Housing And Adult Services  
Director of Community and Cultural Services

Final Date for Receipt of Representations: **08.01.2010**

**REPRESENTATIONS:**

As a result of the public consultation process 29 letters of representation and a petition containing 63 signatures were received. The vast majority of the letters and the petition were in objection to the application, and no letters of support were received. A number of the signatories of the petition have additionally submitted letters of objection. In addition there have been a numerous objectors who have submitted multiple letters. The following concerns raised by objectors, which can be considered as material considerations in determination of the application, are in the concerns can be summarised in 5 points;

- The principle of the development in this area;
- Adverse residential amenity issues;
- Various antisocial behaviour issues;
- Impact upon the character of the conservation area;
- Parking and road safety issues.

These concerns are considered in more detail in the comments section below.

Many of the letters contained objections about matters which are not material considerations in the determination of a planning application, are unrelated to a planning application or referred to a nearby property at 4 Brookside Terrace, a premises in the vicinity of Ingleside which is also ran by SR2 Housing as accommodation, but which is not under consideration as part of this application.

A further respondent, who wished to remain neither for nor against the proposal, raised a concern regarding underlying homophobic tone contained within a few of the objection letters. The views of the respondent are accordingly noted, however it should be further noted that the personal circumstances (i.e. gender, age, race, religion, sexuality and disability) of the applicant or residents are not material considerations in the determination of an application for planning permission and consequently have played no part in formulating the following recommendation/decision.

**POLICIES:**

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

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

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
B\_4\_Development within conservation areas  
H\_18\_Proposals for provision/ conversion of dwellings for multiple occupation  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

## **COMMENTS:**

The main issues to be considered in determining this application are:-

- 1) Principle of the development.
- 2) Residential amenity.
- 3) Antisocial behaviour issues.
- 4) Impact on the character of the conservation area.
- 5) Highway issues.
- 6) Additional issues.

- 1) Principle of development.

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. Housing in this area is a mix of terraced residential dwellings, a number of which have been converted into flats and houses of multiple occupancy. Policy H18 which deals with the provision of self contained flats and multi occupancy dwellings, highlights within the policy that there are 1,500 houses in multi-occupancy (HMO's) in the city. These HMO's are concentrated in a number of areas, of which the Ashbrooke conservation area is defined as one. The building in question is unique in the immediate area as it is a large detached property which was previously occupied by a similar number of residents. As the area is predominantly residential and an area with high incidence of HMO's, it is considered that that the use, being residential in nature, if not actually being within use class C3 (dwellinghouses), accords with the requirements of policy EN10 in this instance. Therefore the proposal is not in conflict with the Unitary Development Plan. The proposal is also in accordance with Regional Spatial Strategy Policy 2.2, "Social Objectives", of which the aims are;

2.2a to tackle the social, economic and environmental impacts of multiple deprivation and;

2.2c to ensure everyone has the opportunity of living in a decent and affordable home;

It is further considered that the use of this building as supported housing would not set a precedent for the change of use of terraced residential properties in the area to similar uses due to the individual nature of this property.

While the proposal accords with Development Plan Policy in this respect, the issues of residential amenity and anti- social behaviour are also material considerations.

## 2) Residential amenity.

UDP policy B2 requires new development to be acceptable in terms of levels of privacy and relating harmoniously to adjoining areas. As there are no physical changes proposed to the building the proposal will not adversely affect the privacy of adjacent residential premises. The adjacent residential properties are situated in Brookside Terrace and Humbledon View and are located approximately 20 and 15 metres from Ingleside respectively. In this case, the main facing windows of these premises are situated at an oblique angle from those of Ingleside and thus will not be directly overlooked.

The nearest property to Ingleside is at 1 Valebrooke Terrace. The windows situated in the elevation which face toward the rear yard of 1 Valebrooke Avenue all contain obscure glazing, with the exception of the kitchen window at ground floor level. The high wall surrounding the rear yard of Ingleside will mitigate any overlooking from this kitchen window. Should members be minded to approve this application, it is recommended a condition is imposed stating the existing obscurely glazed windows in the elevation facing 1 Valebrooke remain so, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

In addition, Ingleside is located on a busy classified road. The main entrance to the property is taken from this road. Whilst the use of the property as supported housing may be considered to generate a greater number of journeys by vehicle and foot, than the extant use, it is considered that any added noise and disturbance created by the additional journeys will not be significant against the existing noise associated with this road.

There are concerns expressed within the letters of objection regarding congregation of existing residents in the front garden and rear yard of the premises and the noise associated with such congregation. It is reasonable to suggest that during the previous operation of this building as a residential care home these outdoor areas were used for the congregation of both residents and staff. Should this application be refused and the premises return to its authorised use as a residential care home or a similar use with the same use class, it is rational to expect that these areas could again be utilised as areas of congregation. It was further clarified by the applicant that the residents are not allowed to congregate in outside areas of the premises in groups of more than two. Whilst this measure does not form part of the contract or rules and regulations submitted as additional information, this is a procedure which has been undertaken voluntarily by the applicant and is intended to limit any disturbance to neighbouring properties. The use of these areas as part of the proposed use is therefore not substantially different to the existing authorised use in this respect. It is therefore considered for the above reasons the use accords with policy B2 of the UDP.

A number of the objections highlighted the antisocial behaviour considered to be perpetrated by the residents of Ingleside, whilst this behaviour may adversely

affect the residential amenities of the neighbouring residents and thus be considered in this section, due to the number of objections, it is felt it should be considered separately in the section below.

### 3) Antisocial behaviour issues

The vast majority of objections focused, in part, upon antisocial behaviour incidents which are attributed in the letters to the existing residents of Ingleside and 4 Brookside Terrace. These incidents include antisocial behaviour such as noise, vandalism, fighting which have had an adverse impact upon the residential amenity of the neighbouring properties. A number of the objections also referred to disorder at 4 Brookside Terrace, however as stated earlier, this planning application solely related to Ingleside and therefore the incidences attributed to Brookside Terrace should not be taken into account. Notwithstanding this, the applicant has stated the operations by SR2 housing at Brookside Terrace will cease within the next two months.

Consultations were undertaken with Northumbria Police and the Council's Anti-Social Behaviour Officer as to the frequency and types of incidences that had occurred since the premises had been occupied by SR2 Housing. A report received on 13th January 2010 from Northumbria Police provided statistics on this matter. The report states that between June 2009 and January 2010 there were 21 incidents reported to police regarding Ingleside. From the 21 incidents reported, 16 of the incidents regarded anti social behaviour namely complaints about noise. Of the 16 complaints, 7 incidents reported were related to the noise arising from abusive behaviour and 4 of the 16 incidents refer to alcohol and possibly drug use as well as the noise.

From the 21 incidents reported there are 4 incidents of arguing and fighting between persons in the street believed to involve residents from Ingleside. Of the overall incidences reported 1 incident is reported as inconsiderate and distressing behaviour reported by a resident of a neighbouring home. Of the 21 incidents 18 were reported by residents of a single neighbouring property on Valebrooke Avenue, Sunderland. These incidents have also mainly been reported in un-social hours between 11pm and 3am when it is believed by the police that supervision in the residential home has not been in place.

The City Council's Anti-Social Behaviour officer has been contacted by only one local resident regarding anti-social behaviour arising from the property. The anti-social behaviour in this case consisted of noise late at night and in the early hours of the morning. The Ingleside Management informed the ABO that they had removed tenants from their property due to unacceptable behaviour. The ABO has also visited the premises to speak to the residents about anti-social behaviour. As a result of the ABO's involvement, mediation between the project and local residents was arranged with an independent mediator and took place on 18th December 2009 with a view to resolving any outstanding anti-social behaviour issues. All residents and staff of Ingleside attended this meeting along with a number of local residents. An agreement was reached as to measures which could be implemented to further reduce any anti-social behaviour and a contract was signed by both parties. An example of a measures agreed by both parties was for the residents to be given a direct contact number for the premises, in order to raise any issues directly. The residents of Ingleside also



offered to send a representative to the Ashbrooke Residents Association to liaise directly with other residents.

Since the deferral of the application by the sub committee in January, further clarification was sought from the police and ABO as to their current opinion of the anti-social behaviour issues surrounding Ingleside. The local beat manager for Northumbria police (PC Kirkup) provided a further in depth breakdown of the events mentioned above;

- 11 calls were received between 7th June 2009 and 2nd July 2009. All calls made between 8pm and 3am, relating to noise and music emanating from Ingleside, all calls bar one were made from the same nearby resident.
- On 2nd July 2009 PC Kirkup paid a visit to the premises and spoke to member of staff who apologised for noise levels and stated they would be turned down and monitored.
- 1 call was made at 1826 hrs on 30th July 2009 relating to a disturbance at the rear of Ingleside, police officers attended and found nothing apparent.
- 2 calls were made on 8th September 2009 and 14th September 2009, the call made on 8th September 2009 related to 2 ex residents of Ingleside fighting and arguing in the street and the on 14th a further complaint of noise coming from Ingleside.
- 23rd September 2009 PC Kirkup attended Ingleside and had a meeting with David Scoon, manager at Ingleside, in order to discuss anti-social behaviour issues. Mr. Scoon stated that policies and procedures were in place and that he had recently evicted two residents who had been causing problems at the premises.
- 9 further calls received between 12th October 2009 and 16th December 2009 made by the same resident nearby, these relating to loud music/noise/behaviour of residents in Ingleside.
- In summary, there were 11 calls were made to the police in 3 weeks during June relating to Ingleside, and 9 calls were made in the final 9 weeks of the year, with no calls being made since mediation took place between parties on the 18th December 09. Since the intervention of police and the ABO, calls relating to disturbances in the street have ceased, there have been calls in relation to noise complaints since then but have lessened in frequency and then ceased since mediation.

The management plan submitted by the applicants as additional information provides details of the organisation of the project. Both the police and ABO have confirmed that the applicant is always open to suggestions to improve the running of the premises and any suggestions which have been made by either party have been responded to by the applicant. This has included a number of responses which have included;

- Residents not being allowed to congregate outside of the premises in groups of more than two.
- A curfew is imposed of 12midnight.

- Signs placed throughout the building listing the rules which must be followed.
- An incident log has been implemented.

It is considered the police and ABO can liaise with the management of the project on this matter in the future, without the need for imposition of a planning condition which would be almost impossible to enforce and therefore may not meet the six tests of a planning condition, as outlined in, "Circular 11/95: Use of conditions in planning permission".

As a result of the above complaints, the Environmental Health Section has conducted investigations following allegations of a noise disturbance emanating from the premises. The result of these investigations has shown that there is not enough evidence to suggest that a statutory noise nuisance was being created as a result of activities within the curtilage of the premises. Therefore they have no objection to this application. Should further complaints be received they will be investigated and if appropriate, action will be taken by the Environmental Health service under the Environmental Protection Act 1990.

The general approach to planning is that it is concerned with the use and development of land and buildings and not the identity and particular purpose of any particular occupiers of any existing or proposed building. This is made clear in Planning Policy Statement 1 (PPS1), Circular 3/05 (Changes of Use) and Circular 11/95 (Use of Conditions). Recent case law (N Smith v First Secretary of State and Mid Bedfordshire DC, Court of Appeal July 2005 and West Midlands Probation Committee v SSE Court of Appeal 1997) has clarified the situation as to when concern and fear amongst local residents regarding the impact of a proposed use is a material consideration. The Court of Appeal has held that the public's fears and concerns had to have some reasonable or evidential basis. Further, it was necessary for these fears and concerns to be attributable to the proposed use of the land in planning terms, and not merely to concerns about the potential behaviour of particular residents, i.e. whether the proposed use of the land by its very nature is likely to cause difficulties for its neighbours. On this point, the Court of Appeal drew a distinction between types of uses such as a bail/ probation hostel or a polluting factory which by their very nature inherently create real concerns for their neighbours, compared with the proposed use of a site for travellers which does not create inherent and real concern and does not necessarily produce difficulties for its neighbours. The fears should arise from the inherent nature of the proposed use, not the potential idiosyncratic behaviour of particular future residents. If the concern for the future rests not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the potential future occupiers, then it should not be taken into account.

In summary, it is acknowledged there have been a number of anti-social behaviour incidences surrounding Ingleside which can be directly related to the premises, however police statistics show that since the intervention of the police and other partner agencies, calls to the police have decreased with the applicant willing to work with the agencies and make changes to improve the running of the premises. The police and ABO have been in regular contact with the applicant and since the mediation has taken place with local residents Northumbria Police have confirmed that up until 26th January 2010 no more complaints have been made. In addition, after the undertaking of investigations by the Environmental Health team, there is no evidence to suggest Ingleside poses a statutory noise

nuisance to neighbouring properties. As such, it is subsequently considered the use of the premises for supported housing will be consistent with the aims of policy B2 of the Unitary Development Plan in terms of its impact on residential amenity.

#### 4) Impact on the character of the conservation area.

Policy B4 of the City of Sunderland UDP states that: "All development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance". The features characterised by the City Council's Supplementary Planning Guidance: Ashbrooke Conservation Area Character Study details the fundamental characteristics of Ashbrooke Conservation Area as;

- Extensive concentration of fine Victorian terraced housing.
- Attractive variety of late 19th and early 20th century villas and churches.
- Abundance of mature trees, historical parks and other green spaces.
- Surviving historic street pattern of irregular linear form.
- Distinctive townscape created by consistency of built form.
- Impressive range of architectural styles and influences.
- Complementary mix of high quality natural materials.
- Abundance of heavy timber features and use of Welsh slate.
- High level of craftsmanship and ornamentation in relation to architectural features.
- All of the above combine to give high degree of local distinctiveness.

As there will be no development undertaken to the outside of the property, it is considered the use of the building as proposed, will differ little in character from that of its authorised use and therefore will not serve to undermine the fundamental character of the conservation area.

Objections additionally refer to the storage of refuse in the lane to the rear of the premises. The storage of refuse in this area may have adverse impact upon the character of the conservation area. Refuse should be stored within the site and this can be controlled by the use of condition requiring any waste bins to be stored inside the curtilage of the premises, except on the day of collection. Should members be minded to approve this application, it is recommended a condition is imposed stating the refuse bins should be stored within the curtilage of the premises to comply with policies B2 and B4 of the UDP.

#### 5) Highway Issues.

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

Concerns have been raised by objectors as to the parking arrangements for the premises. Parking spaces are to be provided in the rear yard of the property and due to the nature of the occupancy of the building, it is considered car ownership of the residents will be minimal. Furthermore, the extant use as a residential care

home is considered to have a similar level of parking requirements. As such the Council's Transportation Section have made no adverse observations or recommendations. Therefore it is considered the use will accord with policies T14 and T22.

#### 6) Additional issues.

It emerged through initial consultation with the City Council's Adult Services team that they did not support this application. This issue was also raised by a number of objectors. Further clarification was sought from the department as to the reason behind their response. It would appear Adult Services have not been contacted by the project to discuss their intended use and style of support. They are therefore not able to add their support to the application. However, the City Council's Diversity and Inclusion team state that this is the only voluntary sector Lesbian/Gay/Bi (LGB) project in the city and provides for a real need. They have offered support to the project and are in the process of setting up meetings with the view to addressing this support and the strengthening of the management structure, policies and procedures.

#### Conclusion

The use has been in place since June 2009 and it is evident incidences of anti-social behaviour have occurred since then. However, using the statistics submitted by the police it is not possible to attribute all incidences described within the objection letters directly to the use of the premises as supported housing. Nevertheless, it is recognised that there have been a number of anti-social incidences originating from the individuals housed within the premises. The relevant authorities and applicant have dealt with the issue and as a result the management of the supported accommodation have introduced a number of measures in direct response to police and Anti-Social Behaviour Officer intervention. Consequently, incidences of anti-social behaviour are subsequently in decline. There is also not enough evidence to suggest that a statutory noise nuisance is being created as a result of the use of the premises. It is therefore considered that there is not adequate substantiation to suggest the use of this building as supported housing will give rise to excessive anti-social behaviour which would unduly compromise the residential amenity of the neighbouring properties. It is therefore recommended that if permission is to be granted it be subject to a time limit to allow this consideration to be monitored further and taken into account in any future application for a permanent permission. The proposed use will therefore accord with Unitary Development Plan policy B2 in this respect and also Regional Spatial Strategy policy 2.2 'Social Objectives'.

Residential amenity and anti-social behaviour are material considerations and while on balance the recommendation is to approve, it is considered that safeguards need to be in place in the form of conditions should the management of the project deteriorate. It is therefore recommended that the use be for a limited period of one year and the permission to be personal to the applicant organisation so that if the organisation ceased to function the project could be closed through planning enforcement.

For the reasons stated above, it is further considered the proposal will accord with UDP policies EN10, B4, T14 and T22.

For the reasons given above it is recommended that Members grant permission for the proposal subject to the conditions listed below;

**RECOMMENDATION: Approve**

**Conditions:**

- 1 This permission shall be granted for a limited period of one year from the date of approval and the use authorised shall be discontinued and the premises reinstated to their former condition at or before the expiry of the period specified in this permission unless the permission is renewed, in order to review the situation in the light of experience and to comply with policy B2 of the UDP.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority the development hereby granted permission shall be carried out in full accordance with the following approved plans:  
  
Location Plan received 22.10.2009.  
Site Plan received 22.10.2009.  
Existing and Proposed floor plans received 22.10.2009.  
  
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 This permission shall enure to the benefit of Wear Body Positive only, in order that the Local Planning Authority may retain control over the development, and to comply with policy B2 of the UDP.
- 4 Notwithstanding the submitted drawings hereby approved the number of residents shall not exceed thirteen, at any one time, in the interests of the amenities of adjoining residential occupiers and to comply with policy B2 of the UDP.
- 5 Notwithstanding the submitted drawings, the windows in the eastern elevation of the building, facing 1 Valebrooke Avenue, with the exception of the kitchen windows, shall be fitted with non-opening or top opening obscure glazing and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 6 Notwithstanding the submitted drawings, refuse should at all times be stored fully within the curtilage of the site, except on the day of collection, in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.

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**Reference No.:** 09/04379/OUT Outline Application

**Proposal:** **Outline planning application for the erection of 66no residential dwellings and creation for new access from Neville Road.**

**Location:** Site Of The Forge Neville Road Pallion Sunderland

**Ward:** Pallion

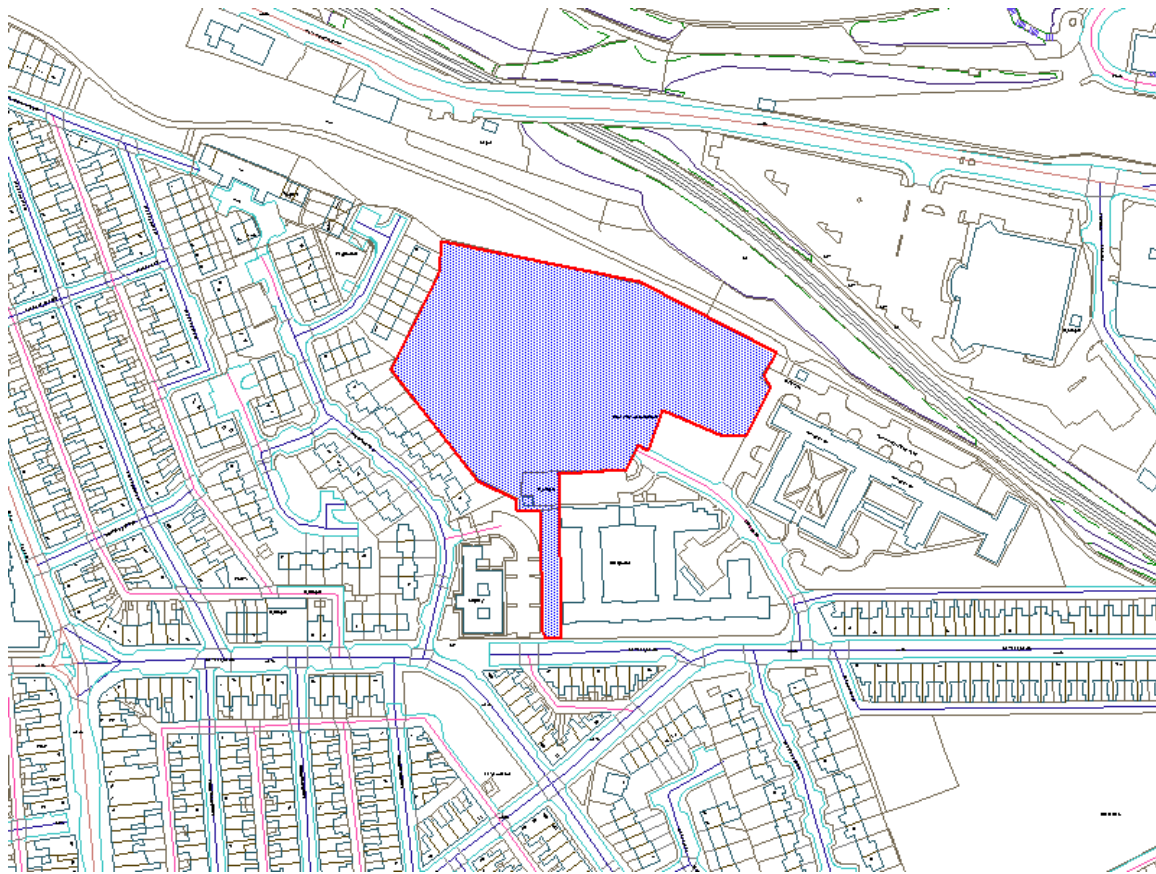
**Applicant:** University Of Sunderland

**Date Valid:** 4 December 2009

**Target Date:** 5 March 2010

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### Location Plan



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### PROPOSAL:

Outline Planning permission is sought for the erection 66 dwellings on a presently undeveloped area of grass land at The Forge, Neville Road Pallion. The site lies adjacent to two blocks of student accommodation which are built over four storeys and is located in a predominantly residential area characterised by a mix of house types, with two storey semi-detached and terraced properties in

evidence to the west of the site in Pallion Park and single storey terraced cottage properties to the south of the site on Neville Road and the surrounding area.

Members may recall that at the committee meeting on 6 February 2007, outline planning consent was granted for a similar proposal (Planning reference: 06/04517/OUT). The scheme for which consent was granted involved the demolition of the existing student accommodation at Jobling and Marr Houses and the erection of an unspecified number of dwellings on the cleared sites, as well as the currently vacant site to the north-west of these buildings.

Since this consent was granted, the University of Sunderland has entered into a partnership with a private company, who are in the process of renovating the existing student accommodation and providing an increased range of facilities, with the aim of creating a secure, gated student village. An application for the fencing, gates and turnstiles and a building to provide communal facilities including a bar and convenience store for the students was recently approved under delegated powers (application reference 09/04313/FUL).

As the existing student accommodation is now to be retained and improved with the site to become a secure student village, it is now only proposed to erect dwellings on the presently undeveloped land to the north-west of the student accommodation. The student village concept requires security and consequently a dedicated access and, therefore, it is now proposed that the residential development be accessed separately via a new road indicated on the submitted plan as running between the western gable of Marr House and the Old Forge Surgery.

As the proposal is for outline planning consent, the applicant is able to reserve matters for future consideration and in this case, appearance, landscaping, scale and layout are reserved for future consideration with access to be considered at the current time. Notwithstanding this, an indicative site layout has been provided with the application showing the proposed new access road, the internal road layout and 66 new dwellings, which are a range of semi-detached and terraced dwellings, mainly two storeys in height, with some three storey properties proposed in key positions to provide visual end stops. It is indicated that these properties will be designed so as to incorporate key architectural features, but as appearance and scale of the dwellings are reserved for subsequent consideration, no elevational details of these dwellings have been provided at the current time.

To the north of the application site is a cycleway and footpath allocated in the Council's Unitary Development Plan as a Multi User Route and it is proposed that there will be a link from the proposed new development to this route.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Director of Community And Cultural Services  
Northumbrian Water  
Director of Children's Services  
County Archaeologist  
Environment Agency  
ARC  
Force Planning And Police Architectural Liaison Officer  
Northern Electric

Final Date for Receipt of Representations: **05.01.2010**

## **REPRESENTATIONS:**

Neighbours

To date, no representations have been received following the neighbour consultation or wider publicity processes.

Consultees

The Environment Agency initially objected to the proposed development as the flood risk assessment accompanying the application was lacking in detail with regard to surface water management and also as adequate information was not supplied with regard to demonstrate that the risks of pollution posed to controlled waters can be safely managed. Subsequently, discussions between the applicant and Environment Agency Officers resulted in the withdrawal of these objections, but a recommendation that any planning consent should be subject to conditions relating to surface water management and also measures to be taken should the land be found to be contaminated.

Northumbrian Water advised that there is no objection in principle to the proposed development, subject to the imposition of a condition on any planning consent to be granted requiring the submission and approval of a detailed scheme for the disposal of surface water.

The Tyne and Wear Archaeology Officer was consulted on the application as the site is of industrial archaeological importance due to the presence of Sunderland Forge, a pottery, iron foundry and engine works in the late 19th Century. The application was accompanied by an archaeological desk based assessment which concluded that it is highly unlikely that any buried remains will be encountered during construction of the proposed dwellings. There was a clay quarry in the north-west corner of the site and during the demolition of the former industrial buildings to make way for Jobling and Marr Houses, ground levels were considerably reduced, which will almost certainly have destroyed any industrial archaeological remains. Consequently, no further archaeological work is required.



## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
SA\_48\_Identification / protection of strategic multi-user routes  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to be considered in determining this application are:-

- 1) Principle of the Development.
- 2) Highways and Car Parking.
- 3) Design and Layout.
- 4) Noise and Disturbance.

- 1) Principle of the Development.

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 the adopted development plan be regarded as the primary consideration in determining a proposal for development unless material considerations dictate otherwise.

The site lies within an area governed by policy EN10 of the Unitary Development Plan (UDP), which dictates that where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain, therefore proposals for development in such areas must be compatible with the principal use of neighbourhood.

In this regard, as the prevailing land use within the area is residential, with a mix of house types in evidence, the proposed residential development is considered to accord with the principle of UDP policy EN10 as detailed.

UDP policy H16 notes that the City Council will negotiate with developers, on the basis of local needs and site suitability for elements of affordable housing on major new housing sites.

As the proposal is for outline consent on a site within an established residential area with a mix of house types, tenures and values in evidence, where a previous outline planning consent has been granted, without any specific requirement for affordable housing, it is not considered that there is a specific demonstrable need for affordable housing in this area and thus, the proposal is in accordance with UDP policy H16.

Policy H21 of the UDP relates to the provision of open space in new residential developments of more than 40 bed spaces and notes that amenity open space and casual play space should be provided at a minimum of 0.9 hectare per 1,000 bed spaces where the site is not within 0.5km of an existing neighbourhood or larger open space. Additionally, where the proposal is for family dwellings, formal (equipped) children's play space should be provided at a minimum of 0.2 hectare per 1,000 bed spaces.

The indicative layout and scale parameters of the development indicate that the proposal will provide in the region of 185 bed spaces and as such, policy H21 is relevant. An area of open space, 0.033 hectares in area is shown on the indicative site plan, which is slightly below the standards required by policy H21 and discussions were held with the applicant in this regard. Whilst it would be possible to incorporate a larger area of open space to the north-western boundary of the site, the proposed position is central to one of the residential courtyards and as such, more usable for residents of the proposed dwellings. In order to secure suitably equipped children's play space, it is permissible for applicants to opt to make a financial contribution towards the provision of new or upgrading of existing off site play equipment, via an agreement under section 106 of the 1990 Town and Country Planning Act. Consequently, it is considered that a note should be put on any consent granted requiring a section 106 agreement on the basis of a contribution of £701 per dwelling (current rate subject to increase) to be completed before any consent is granted on any subsequent reserved matters application. The open space shown on the indicative site layout and the potential for a future developer of the site to enter into a financial contribution for children's play space, it is considered that the proposal accords with UDP policy H21.

In light of the above, the proposal is considered to accord with UDP policies EN10, H16 and H21 and is considered to be acceptable in principle.

## 2) Highways and Car Parking.

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. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

The key issues to be assessed in this regard relate to the positioning of the proposed new access to the site from Neville Road and the highways layout within the site as shown on the submitted indicative plan, which includes details of parking for the dwellings.

In this regard, the new access road is shown as 5.5 metres in width, incorporating a speed table traffic calming feature, the estate roads are 4.8 metres in width and access to courtyards is a minimum of 4.1 metres in width. Turning facilities are provided in the shared surface courtyards, sufficient for pantechnicons and refuse vehicles. Details of a scheme of traffic calming would need to be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development.

The submitted plan indicates a parking space to be provided for each dwelling with 15 parking spaces distributed across the site for visitors. This is considered to be satisfactory for the number of dwellings proposed, particularly given the location of the site and ease of access to public transport in the form of bus routes at Saint Lukes Terrace and Pallion Metro Station by way of the adjacent Multi User Route, identified by UDP policies SA48.2, T8 and T10.

The footpath/ cycle link to the multi user route to the north of the site is considered to be an important means of access for the permeability of the site and access to public transport, including Pallion Metro Station. Details of the proposals will be required at the reserved matters stage and this can be secured by condition.

As consent is sought for access at the present time, due regard has been given to this element of the proposal and as detailed above, the proposed access road from Neville Road is considered to be appropriate as are the levels of car parking provision shown on the indicative site layout.

It is considered that the proposal accords with UDP policies SA48, T8, T10, T14 and T22 and is acceptable in terms of highway safety and accessibility.

### 3) Design and Layout.

Policy B2 of the adopted UDP seeks to ensure that large schemes relate harmoniously to their surroundings and retain acceptable levels of privacy.

Policy H4 dictates that housing development should normally at least reflect the density of the locality, consistent with protecting and enhancing the character of the area.

With regard to the siting of the proposed apartments in relation to surrounding dwellings, due regard has been given not only to the requirements of UDP policy B2 as detailed but also section 10C of the Residential Design Guide Consultation Draft Supplementary Planning Document (SPD).

This document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard a

minimum distance of 21 metres is required to be maintained between main facing windows (habitable window to habitable window) for two storey properties, increasing to 26 metres for three storey properties, this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties, increasing to 19 metres for three storey properties.

As the details of the position, scale and appearance of buildings on the site are reserved matters, it is not possible to fully assess the impact of the development on residential properties. Notwithstanding this, the submitted indicative layout plan indicates that the properties will be mostly two storey dwellings, with some three storey properties included in the scheme.

The dwellings proposed along the western boundary of the site adjacent to the existing properties in Pallion Park are two storey and meet the required spacing standards. Within the development site, the indicative layout shows spacing standards compliant with the Council's guidelines, with slight reductions in spacing between the dwellings in the proposed courtyards. This has been done with the aim of creating a tighter urban grain within the courtyards and although spacing between some of these dwellings is reduced to a minimum of 16 metres, it is considered to be acceptable as there would be no detriment to existing occupiers around the site. Through innovative design, it will be possible to ensure the privacy of the occupiers of these dwellings whilst achieving the tighter urban grain desired by the applicant, but this can only be fully examined at the Reserved Matters stage, where appearance, layout and scale will be fully considered.

The indicative layout is considered to be satisfactory both in terms of the number of dwellings proposed, the siting of the properties and the spacing between the properties. It is therefore considered that the proposal complies with UDP policies B2 and H4 as detailed.

#### 4) Noise and Disturbance.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, 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 the design of the development.

As the site adjoins the University of Sunderland accommodation, which when the site is developed, will likely include the communal bar facilities approved under delegated powers and currently under construction, it is possible that future residents of the dwellings for which consent is sought, particularly those closest to the new university amenity building may be adversely affected by noise. It has been demonstrated that the proposed university amenity building is capable of achieving the Council's inaudibility criteria in respect of music noise, but it is considered that disturbance to occupiers of the new dwellings may result from patrons using the proposed building and terraced area. However, as the new amenity building is not yet erected, it is not possible for the applicant to demonstrate what impact there will be on the residents of the new dwellings once the university amenity building is operational.

It is therefore recommended that a condition be imposed requiring the submission and approval of a noise assessment at the time of a reserved matters application in order to accord with UDP policy EN6.

## Conclusion

It is considered that the proposed development is acceptable in principle subject to the imposition of appropriate conditions on any consent issued. Members are recommended to approve the proposal subject to the conditions set out below.

## **RECOMMENDATION: Approve**

### **Conditions:**

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed. Imposed pursuant to the provision of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Details of the following matters (hereinafter referred to as the reserved matters) - Appearance, Landscaping, Layout and Scale shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies B2 and T14 of the Unitary Development Plan.
- 3 Notwithstanding the information and indicative site plan (plan number) submitted in support of this Outline Planning Approval, precise details of the siting, height, design and external appearance of the proposed dwellings shall be submitted for the consideration of the Local Planning Authority at the Reserved Matters planning application stage. In order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the Unitary Development Plan.
- 4 Unless otherwise first agreed in writing with the Local Planning Authority or varied at the Reserved Matters stage, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Indicative Site Layout - Drawing Number 1628-102-D, received 10 February 2010 and

The Proposed Access Road Plan - Drawing Number 83996/01, received 27 November 2009 and

The Site Location Plan, received 27 November 2009.

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.

- 5 No construction works required for the development hereby approved shall be carried out other than between the hours of 08.00 and 19.00 Monday to Friday and 08.00 and 14.00 on Saturdays and with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 Throughout the construction period, no deliveries shall be made to the site except between the hours of 08.00 and 19.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 7 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 10 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 11 Details of the proposed location of the sales/site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.

- 12 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved Unitary Development Plan.
- 13 Notwithstanding the content or findings of the submitted Planning Noise Assessment (dated October 2009) a revised noise assessment shall be undertaken and a written report submitted to accompany any future submission for approval of Reserved Matters in connection with the development hereby approved.

For the avoidance of doubt the revised noise assessment report required to accompany any future submission for reserved matters shall contain the methodology used to undertake the assessment, the results of the assessment and precise details of noise mitigation measures proposed (if any) and a timetable for the implementation of those measures. The required noise assessment shall be undertaken in full accordance with the guidance contained in the World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:1999, Sound Insulation and noise reduction for buildings - Code of practice and shall include an assessment of the impact of noise originating from the use of the University Amenity Building (located adjacent to plots 54-60) upon the nearest residential properties (shown as plots 54-60 on indicative plan 1628-102-D, received 10 February 2010 or if the layout is varied at the Reserved Matters Stage, the nearest proposed dwelling to the site of the University Amenity Building).

Once approved in writing by the Local Planning Authority, the noise mitigation measures detailed in the submitted report shall be fully implemented in accordance with the approved details and retained as such for the lifetime of the development unless first agreed in writing with the Local Planning Authority in the interests of residential amenity and to comply with the requirements of policy EN6 of the Unitary Development Plan.

- 14 No development shall commence on site until precise details of visual screening to be erected between the side boundary of plot 54 and the rear boundaries of plots 55-60 and the University Amenity Building (or if the layout is varied at the Reserved Matters Stage, any dwellings on the site of these plots as shown on indicative plan 1628-102D, received 10 February 2010) have been submitted to, and approved in writing by, the Local Planning Authority. The approved screening shall then be fully erected in accordance with the approved details prior to the occupation of plots 54-60 (or any dwelling on these sites, if the layout is varied at the Reserved Matters Stage), and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in the interests of visual and residential amenity and to

comply with the requirements of policy B2 of the Unitary Development Plan.

- 15 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.
- 16 Prior to the occupation of the first dwelling hereby approved, the boundary wall and railings to be erected to the eastern side of the approved access road (as shown on drawing number 83996/01) shall be fully completed in strict accordance with the approved plans and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the Unitary Development Plan.
- 17 Prior to the occupation of the first dwelling hereby approved, the approved access road (as shown on drawing number 83996/01) and the areas approved for the parking of private vehicles shall be laid out fully in accordance with the approved plans and shall be made available for use in connection with the dwellings on site, in the interests of highway safety and residential amenity and to comply with the requirements of policies B2 and T14 of the Unitary Development Plan.
- 18 Prior to the commencement of development approved by this planning permission, other than site investigation works, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required (i.e. the removal, containment or otherwise rendering harmless any contamination) and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and



identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the approved details require the express consent of the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority as the information provided with this planning application indicates that the site has been subject to a potentially contaminative land use i.e and iron foundry. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development in order to accord with policy EN14 of the Unitary Development Plan.

- 19 Prior to the occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority as the information provided with this planning application indicates that the site has been subject to a potentially contaminative land use i.e and iron foundry. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development in order to accord with policy EN14 of the Unitary Development Plan.
- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an additional method statement detailing how this unsuspected contamination shall be dealt with and obtained written approval of the additional method statement from the Local Planning Authority in order to ensure the safe development of the site to accord with policy EN14 of the Unitary Development Plan.
- 21 No development shall commence on the site until precise written details of a scheme for the management of the disposal (and storage, where appropriate) of surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the scheme shall be fully implemented in accordance with the approved documents and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority. In order to ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers and to ensure the satisfactory storage and disposal of surface water from the site and to accord with the requirements of policy EN12 of the Unitary Development Plan.

- 22 Prior to the commencement of development, precise details of the proposed pedestrian link from the development site to the multi user route to the north shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the pedestrian link shall be installed in accordance with the agreed details, prior to the occupation of the first dwelling and maintained as such thereafter unless first agreed in writing with the Local Planning Authority in order to achieve a satisfactory form of development and to accord with policies SA48.2, T8, T10 and T14 of the Unitary Development Plan.
- 23 Prior to the commencement of development, precise details of the proposed traffic calming on the access road to the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed scheme shall be installed in accordance, prior to the occupation of the first dwelling and maintained as such thereafter unless first agreed in writing with the Local Planning Authority in the interests of highway safety and to accord with policy T14 of the Unitary Development Plan.

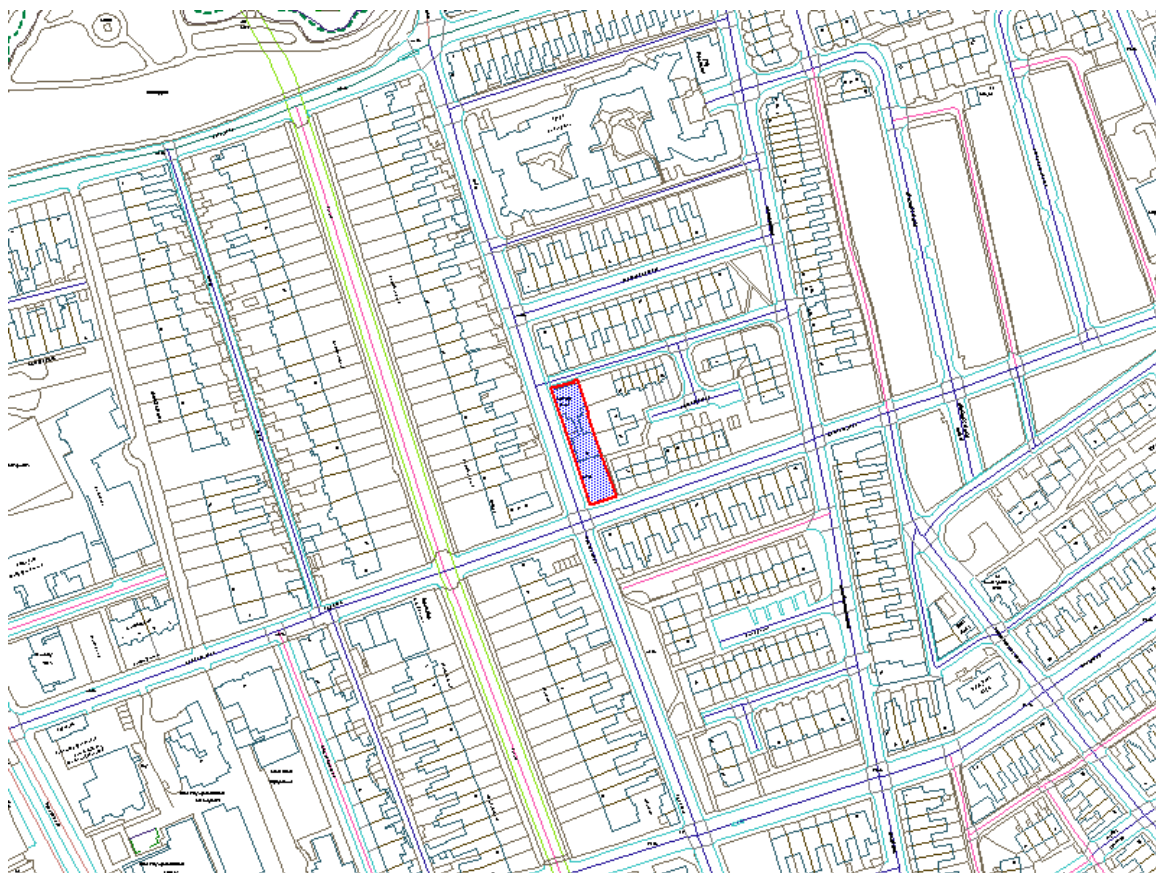
Reference No.: 09/04607/REN Renewal

**Proposal:** **Renewal of planning application 07/05332/FUL to continue temporary use as supported residential accommodation.**

**Location:** Oakwood House 17 Mowbray Road Sunderland SR2 8EW

**Ward:** Hendon  
**Applicant:** Centrepont  
**Date Valid:** 11 December 2009  
**Target Date:** 5 February 2010

### Location Plan



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### PROPOSAL:

#### INTRODUCTION

Planning permission is sought for a renewal of temporary permission for the use of 17 Mowbray Road as supported residential accommodation for a further period of 15 months. Planning permission was originally given in March 2008 for the use for a period of two years (ref: 07/05332/FUL), although the actual use did not

commence until December 2008. The renewal is needed while permanent purpose built accommodation is secured.

The property is situated within a predominantly residential area. It is rectangular in shape and is located between St. Lucia Close to the north and Mowbray Road to the south. The site location plan submitted with the application indicates an area of land to the north east of the site that forms part of the site and that is available for car parking. The building is in two halves linked by a corridor at first floor level. The older part was previously occupied as student accommodation whilst the more modern extension was formerly a nursing home.

The applicants have submitted a supporting statement with the application that describes the proposed use. It can be summarised as follows:-

- 17 Mowbray Road will be an intensively supported housing scheme, with round the clock staffing on site for young people aged 16 to 21 leaving the care of the local authority and vulnerable young people up to the age of 21 from Sunderland.  
Centrepont provide accommodation at the service for up to fifteen young people from the City of Sunderland. Referrals are taken from the Local Authority. Young people stay for an initial 56 days, followed by a possible 3-month extension if they meet extension of stay conditions.
- It will provide a safe place to stay, emergency shelter for local young people to prevent them, for example, having to live on the streets or stay in unsafe B&B accommodation.
- The staff team of nine led by a Service Manager, will work on a shift system round the clock, with at least two members of staff on hand 24hrs per day to manage the service/building and provide support to young people.
- The service will be run by Centrepont, which has almost 40 years of experience of providing similar services for vulnerable young people in their local communities.
- Centrepont will be seeking to work closely with the local community and attend their neighbourhood forums.
- Centrepont has submitted a planning application to undertake a new build project on Dundas Street in the city centre. Subject to planning, the new service will open in April 2011, replacing the service at 17 Mowbray Road and providing 18 en-suite bedrooms within a purpose built facility.
- Centrepont therefore wish to extend the use of the property at Mowbray Road by 15 months, to tie in with the completion of this new service.

Notwithstanding the above, some of the young people may have drug or alcohol related problems or are on bail. Generally, as a client group young people in these circumstances require strict but sensitive management but it is likely that some anti social behaviour will occur. It is also accepted that Oakwood House is not ideal accommodation for this use in terms of management and that is why purpose built accommodation is being sought.

Centrepont were selected to provide the Young Persons Immediate Access Supported Housing project following a procurement exercise. Centrepont received confirmation of a contract award on 23 August 2005 - in relation to the Supporting People contract (£360,000 per annum) for the provision of a 15 unit "Young Person's Immediate Access Unit".

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Director of Health, Housing And Adult Services  
Director of Community And Cultural Services  
Force Planning and Police Architectural Liaison Officer

Final Date for Receipt of Representations: **05.01.2010**

## **REPRESENTATIONS:**

### **NEIGHBOURS**

11 letters have been received as a result of the neighbour consultation process.

The objections relate, in summary, to the following:-

1. The facility has been nothing but trouble and there is continuous verbal abuse and anti social behaviour and police presence since it opened. There has been an increase in reported crime of at least 400% since the centre opened. In response, see comments in the concluding section.
2. The residents do not adhere to any curfew and sanction policy and problems spill out onto the surrounding streets. There are many residents who are offenders or drug/alcohol users.
3. Problems occur day and night and some elderly neighbours are terrified to go outside during the day.
4. There have been almost 200 complaints made to the police and this in itself shows the planning permission should not be extended.
5. Large groups of aggressive residents often congregate and cause noise nuisance by screaming and shouting outside the premises day and night.
6. Litter/rubbish such as beer cans, food and broken bottles, drug related paraphernalia often accumulate around the premises.
7. Eggs have been thrown at neighbouring property.
8. The building, residents and care workers are poorly managed and the Police are often in attendance, which is blighting the area.
9. The use causes on street parking problems and should not have been approved without on site parking facilities to accommodate the residents and their visitors, staff, Police, councillors, outreach workers, etc. In way of a response to this see Highways and Transportation comments below regarding parking.
10. No planning permission is in place for the replacement facility north of the river and this may prolong the facility in Hendon indefinitely.
11. Lack of supervision at the premises allows residents to drink in the grounds of Sunderland High School and intimidate passers by in Mowbray Road and The Oaks.
12. The premises are unfit for purpose and should be closed down. In response to this issue it must be noted that whether or not the premises are of an acceptable standard for this particular use is not a planning

matter but one that must be addressed under the relevant (housing) legislation.

13. The facility was only supposed to be required for two years but there is still no sign of a new facility being built in Dundas Street. In response, see comments from Health, Housing and Adult Services, below.

Back on the Map have expressed concern over the renewal due to anti social behaviour issues that have been evident since the facility opened. Hendon has become a much improved area and the location of schemes such as this reinforce negativity and undermine confidence in people's choices to invest and live in the neighbourhood. Minimum management standards should be applied and regularly checked and enforced should planning permission be granted for a further temporary period. This aspect is being addressed as detailed below.

## CONSULTEES

HIGHWAYS AND TRANSPORTATION have no objections to the current application. Previously concluded that developments of this type would normally be asked to provide in the region of seven car parking spaces. However it is recognised that the previous use of the site as student accommodation/nursing home did not provide any on-site car parking, despite usually requiring in the region of 21 spaces. It is therefore recognised that this change of use represents a less intensive use of the site; it falls just outside of the Central Parking Area boundary; and there is on-street parking available. As such the lack of on-site parking provision is considered acceptable in this case.

### ENVIRONMENTAL HEALTH - Comment as follows:

This department has received complaints from members of the public with regard to noise and anti social behaviour associated with the occupants of the premises. Officers of this department have investigated allegations of noise disturbance, emanating from within the curtilage of the property, affecting neighbouring residential properties.

The result of these investigations has determined that there was insufficient evidence to suggest that a statutory noise nuisance was being created as a result of activities within the curtilage of the premises. For this reason Environmental Health have no objections to the granting of retrospective planning permission. Continuing investigations will be undertaken by officers of this department should further complaints from residents be received. Should a statutory noise nuisance be found to exist action may be taken under the Environmental Protection Act 1990.

HEALTH, HOUSING AND ADULT SERVICES - support the planning application and want the service to continue until an alternative property is established. An action plan group has been set up to address a variety of issues relating to the premises, such as standards within the property, and engagement with the community in relation to complaints received from neighbours.

The Directorate and the wider Council and external colleagues accept that this client group is one of, if not the most challenging group, to accommodate and support due to the problems that can arise amongst young people needing this type of service.

Centrepoint supported 94 homeless young people from December 2008 to December 2009 (with 5 repeat cases). This scheme ensured that these vulnerable young people had accommodation and support provided and were not rough sleeping or in bed and breakfast accommodation. Health, Housing and Adult Services support for the Centrepoint project and the accreditation process is detailed in Appendix 3.

In response to local concerns Health, Housing and Adult Services Directorate has set up an action plan group to address a variety of issues relating to the premises, such as standards within the property, and engagement with the community in relation to complaints received from neighbours. The group includes the Police, Children's Services, Anti- Social behaviour team, as well as representatives from Centrepoint.

The action plan meetings have taken place every fortnight. Centrepoint have been very co-operative in relation to this and have made a large number of changes to both the staffing, support and repair within the accommodation. Any issues of potential disrepair were resolved immediately and contracts are now in place with maintenance contractors. The issues of staffing have been a more difficult prospect due to the legal nature of any changes that are needed to take place. However Centrepoint have from the outset made a number of temporary changes to try and manage any issue until a point where they can fully consult with their staff over proposed changes to their working shifts and practices. This has now commenced and it is hoped that this will ensure a more stable staff base for the project.

Additionally, Centrepoint have attended every local residents meeting and tried to work at building a relationship with the local community.

A further issue that the group have had to consider surrounds the number of incidents that Police are responding to at the scheme. This came to the attention of the LMAP (Local Multi - agency Action Planning Meeting) on the 16th October 2009. At this point it was agreed the Police should be involved in the meetings taking place. This has been a difficult issue to resolve but all partners have worked closely together to make progress on this. It has involved raising awareness of both the Police and Centrepoint over each others roles and limitations. The relationship has certainly improved but the group has felt that until the staffing issue are able to be resolved then that will be when the real headway will be able to take place in relation to this problem. At the outset of the project all staff and local residents have been encouraged to report all incidents to the police irrespective of the severity of the alleged incident, therefore, enabling a full and clear picture of all activity within and around the project.

Throughout this action plan process the purpose has been to support Centrepoint to deliver a service that is greatly needed within the city while at the same time balancing the variety of issue that have been raised.

Centrepoint have been receptive to everything that has been asked of them by partners and been very open about issues that they may have faced as an organisation while working in Sunderland. In the event that planning permission is granted the Council will continue to help Centrepoint to manage this resource on a temporary basis until such time as they are able to relocate to a new purpose built facility which will also resolve a number of the physical limitations they have to deal with at 17 Mowbray Road.

**CITY COUNCIL'S ANTI SOCIAL BEHAVIOUR TEAM** - The Anti Social Behaviour Team first became involved with Centrepont in January 2009 when complaints were received from residents who lived near the project. Leaflet drops were undertaken in St Lucia Close, St Vincent Street, Harold Square, Mowbray Road and the Oaks. The purpose of the leaflet drop was to encourage residents to come forward with any information and the leaflet explains that any information will be treated in the strictest confidence. The ASB Team are keeping in touch with seven complainants who have been issued with diary sheets to complete, regular contact is being made via the Senior Technical Support Assistant within the ASBU and reassurance is given to residents.

To alleviate some of the problems and implement appropriate measures to prevent further complaints being received representatives from HHAS, Centrepont and Northumbria Police attend regular action plan meetings. In addition, when an individual moves into the project, an Anti Social Behaviour Officer and a member of the Neighbourhood Police Team attend Centrepont and obtain an Acceptable Behaviour Agreement with appropriate conditions agreed with the individual. Since this process was introduced the frequency of complaints from residents has reduced compared to when the project first opened. It also gives individuals responsibility for their actions whilst residing at the project and when they are in the neighbourhood. This action however is not normal practice as you would expect someone to only require an ABA when it is found that they have acted in an anti social manner. These agreements are designed to give the individuals responsibility for their actions whilst residing at the project and when they are in the community.

Over the past months the calls to the ASBU from residents have all but stopped. Contact is kept between ASBU and residents who are spoken to on a regular basis for updates. The residents were last contacted in December 2009 and January 2010 and early indications reveal that anti social behaviour has been infrequent during this period.

NORTHUMBRIA POLICE have provided an incident report relating to the site, which is reproduced at Appendix 1.

## **POLICIES:**

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

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

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

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

## **COMMENTS:**

The main issues in this case relate to land use, impact on residential amenity and highway safety. Clearly, the premises have been in operation since December 2008 the report is written with the benefit of experience gained since then.



## LAND USE

Policy EN10 of the UDP is applicable to the application and this states that where the plan does not indicate any proposal for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood. The former use of the premises to which the application relates was a nursing home. The adjoining half of the building is used as accommodation for students. Both uses are residential in nature and in this respect the proposed use is acceptable in principle as it remains within a residential use category.

## RESIDENTIAL AMENITY

The use involves supported accommodation for young people. As may be seen from the letters received there has been strong objection by at least 10 neighbours to any renewal of planning permission as the residents of the centre are considered to be 'anti social' in nature, causing problems in the neighbourhood relating to noise, disturbance, vandalism, intimidating behaviour, etc. The behaviour of residents on site, and to an extent beyond the site must be managed and supervised by the applicants, Centrepont. To this end 24 hour supervision of the site and CCTV cameras has been provided on site. Also, there is a Management Plan in place, which is updated, that seeks to control all aspects of the supervision and behaviour of the residents to minimise the impact of the use on the neighbourhood.

The general approach to planning is that it is concerned with the use and development of land and buildings and not the identity and particular purpose of any particular occupiers of any existing or proposed building. This is made clear in Planning Policy Statement 1 (PPS1), Circular 3/05 (Changes of Use) and Circular 11/95 (Use of Conditions). Recent case law (N Smith v First Secretary of State and Mid Bedfordshire DC, Court of Appeal July 2005 and West Midlands Probation Committee v SSE Court of Appeal 1997) has clarified the situation as to when concern and fear amongst local residents regarding the impact of a proposed use is a material consideration. The Court of Appeal has held that the public's fears and concerns had to have some reasonable or evidential basis. Further, it was necessary for these fears and concerns to be attributable to the proposed use of the land in planning terms, and not merely to concerns about the potential behaviour of particular residents, i.e. whether the proposed use of the land by its very nature is likely to cause difficulties for its neighbours. On this point, the Court of Appeal drew a distinction between types of uses such as a bail/ probation hostel or a polluting factory which by their very nature inherently create real concerns for their neighbours, compared with the proposed use of a site for travellers which does not create inherent and real concern and does not necessarily produce difficulties for its neighbours. The fears should arise from the inherent nature of the proposed use, not the potential idiosyncratic behaviour of particular future residents. If the concern for the future rests not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the potential future occupiers, then it should not be taken into account.

Furthermore in a similar case an appeal decision against North Warwickshire B.C. on 01/08/1997, the council refused permission for a homeless persons

hostel on the grounds of general disturbance to local residents. In allowing the appeal and awarding full costs against the council, an inspector noted that undue reliance upon local opposition had been made which was not founded upon sound planning reasons. No independent evidence from the police concerning crime or the fear of crime had been submitted.

In order to assess the nature and frequency of incidents associated with the accommodation Northumbria Police and the City Council's Anti Social Behaviour Unit and Environmental Health section have been consulted to provide any evidence of reported incidents relating to the premises. This is essential in order to assess whether the use is unduly prejudicial to the living conditions and amenities of surrounding residential occupiers and to determine whether the Management Plan submitted as part of the original planning application is being adhered to.

It is an important to note that Northumbria Police do not object to the proposed development. The Police have noted a high number of call-outs to the Mowbray Road service since it opened in December 2008. However, the Police have commented that a significant number of these calls-outs were considered to be unnecessary. In addition, statistics provided show that a large proportion of recorded incidents involved matters inside the building rather than incidents raised by neighbouring residents. It is worth noting that the original planning application for Mowbray Road in 2007 attracted over 200 letters of objection; however, only a dozen or so have been received in response to the consultation exercise carried out in relation to the currently pending application (application reference 09/04607/REN) for a renewal of the temporary permission, indicating that experience has demonstrated a lessening of the concerns of residents over the wider area.

It is considered that the proposed development does not raise any significant concerns on planning grounds in relation to residential amenity, provided that Centrepont continue to improve the management of the facility and this is effectively enforced by staff, and the regular meetings between Centrepont, City Council staff and the local policing team are continued, there is no reason to presume that the presence of the facility will result in a significant increase in noise, disturbance, crime or anti-social behaviour in the vicinity of the application site. Northumbria Police has also assessed the proposal with regard to potential crime and anti-social behaviour issues and raised no objection to the further temporary consent for the premises.

Whilst the concerns raised by residents in the locality of the application site are fully acknowledged, it is considered that, on balance, for the reasons outlined above, the proposed facility is unlikely to impact adversely on the amenity of nearby residents. Therefore, it is considered that these public concerns are not of sufficient weight to justify a refusal of planning permission for this temporary use of the premises. The proposal is considered to comply with the requirements of policies EN10 and B2 of the UDP in this regard.

## HIGHWAY ISSUES

There is no objection to the proposal from a parking point of view and the view remains that the use of the premises is less intensive than the previous uses as a nursing home and student accommodation. Notwithstanding this there is a small

car park to the north east of the site accessed off St. Lucia Close that is available for staff and visitors and this should be used to reduce the need for on street parking in surrounding streets.

## CONCLUSIONS

The applicants, Centrepoint, have submitted a response to address the above issues and the concerns raised by neighbouring residents, which is at Appendix 2.

In addition, Centrepoint have provided an updated Management Plan entitled the 'Sunderland Service Action Plan' which has been produced specifically for the subject site and its specific problems. This outlines the procedures that will be put in place to tackle specific issues such as anti social behaviour, community relationships, physical condition of the service and any inconsistent staff approaches to these issues.

It is acknowledged that the use has raised much concern and consternation amongst the local community. This is evidenced by the number of individual letters of objection received and the record of incidents that have been provided by the Police and other bodies since the service was opened. To a large extent, the problems that have occurred at the premises result from some failures in the management of the accommodation and the physical limitations of the premises themselves, which has on occasion led to anti social behaviour spreading out into the immediate surroundings. Such failings are being addressed via a new Management Plan that has been tailored to the specific problems of the premises and the setting up of regular meetings of staff, residents, the Local Authority and Police to address issues arising. It is expected that such measures will lead to a reduction in the number of incidents reported by neighbouring residents now and in the future.

When planning permission was originally granted for the use during March 2008 over 200 letters of objection were received compared with eleven received as part of the current proposal. A large proportion of the incidents recorded by Police have involved internal matters having been raised by staff rather than by neighbouring residents. In addition a significant number relate to checking whether persons reported as missing were staying at the accommodation. The applicants recognise that the premises are not suitable in the long term for supported residential accommodation and have been trying to secure a more permanent purpose built facility within the City since the subject site opened. A planning application for a permanent proposal at Dundas Street has been submitted. Regardless of any decision on that application the temporary accommodation at Oakwood House will be required until Dundas Street or another alternative is in place.

On balance the proposal to extend the temporary period of time for the use of the premises for a further 15 months is considered to be acceptable and complies with current planning policy. This should be subject to a condition requiring adherence to the latest Management Plan for the duration of the use.

## **RECOMMENDATION: Approve**

## Conditions:

- 1 Unless otherwise first agreed in writing with the Local Planning Authority the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site location plan received 11th December 2009 and floor plan drawing no. 3000A received 3rd December 2009.

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.

- 2 This permission shall be granted for a limited period of 15 months from the date hereof and the use authorised shall be discontinued and the premises reinstated to their former condition at or before the expiry of the period specified in this permission unless the permission is renewed, in order to review the situation in the light of experience and to comply with policy B2 of the UDP.
- 3 The Sunderland Service Action Plan submitted on 4th February 2010 by the applicant to ensure the proper supervision of the residents of the premises and to minimise the impact on surrounding residents by virtue of noise, disturbance and general behaviour shall be fully implemented and adhered to at all times, in the interests of residential amenity and the character of the area and to comply with policy B2 of the UDP.
- 4 Notwithstanding the submitted drawings hereby approved the number of bedrooms provided in the premises for residents shall not exceed fifteen, in the interests of the amenities of adjoining residential occupiers and to comply with policy B2 of the UDP.

## APPENDIX 1

### RECORD OF NORTHUMBRIA POLICE ACTIVITY IN CONNECTION WITH OAKWOOD HOUSE

This report is a summary of activity, recorded by Northumbria Police, at or around the application site up to Thursday 4th February 2010.

'These premises were recorded as vacant between 26th June 2008 and 2nd July 2008; and were recorded as under constructive renovation on 28th November 2008, therefore no information will be included in the report prior to that date.

Reports made to the police.

Between 1st December 2008 and 12th January 2010 a total of 122,138 calls / reports were made to Northumbria Police originating in the Sunderland area.

Of these, 189 relate to the premises, Centre point (0.15%).

A report to the police would not in all circumstances automatically cause resources to be dispatched to the location, however it would cause an incident to be created.

All incidents are investigated to ascertain if:

- Any life / property are at risk.
- Antisocial social behaviour is taking place.
- Critical infrastructure is affected.
- Offences have been committed.

Incidents reported at or around Centre Point (01/01/2009 to 31/12/2009) are recorded in the table below:

Administration (Created by police for pre planned action or events)	15
Anti-Social Behaviour (Breach of the peace rowdiness, drunkenness etc.)	67
Crime (Specific call reporting crimes or investigating potential crimes)	38
Domestic Related (Disputes between family members, partners etc)	1
Public Safety / Welfare (concerns for persons Missing from home etc)	56
Transport (Issues relating to the highways and or footpaths )	1
Other (All other calls e.g. Lost property litter, public nuisances etc. )	11
Total 189 - of which 56 (29.6% related to checking that missing persons were not amongst those staying at the premises.	

#### Frequency

The recent rises in recorded incidents are prominent with 43 in December. Police attended to check adherence to court bail conditions on 9 occasions in December.

#### Crimes

38 incidents were recorded and after investigation 19 crimes were recorded (listed below). Most of these crimes are internal damage to the premises or minor assault.

14/12/09 ASSAULT reported by a resident of premises

12/12/09 DAMAGE to premises by resident  
08/12/09 ASSAULT By resident on police  
20/11/09 ASSAULT Between residents  
20/11/09 ASSAULT by other persons at premises  
26/10/09 DAMAGE to premises by resident  
09/10/09 DAMAGE to premises by residents  
19/08/09 Resident found in possession of CANNABIS  
19/08/09 Resident found in possession of offensive weapon  
25/09/09 ASSAULT Between residents  
08/09/09 DAMAGE to premises by resident  
02/09/09 THEFT FROM MOTOR VEHICLE outside premises  
11/05/09 POSSESS CANNABIS by resident  
06/04/09 DAMAGE to premises by resident  
27/03/09 09 ASSAULT Between residents  
09/03/09 DAMAGE to premises by resident  
17/02/09 DAMAGE to premises by resident  
12/02/08 DAMAGE to premises by resident  
01/01/09 ASSAULT Between residents

Centre point dwellings have been subject to search on 9 occasions in the previous 13 months. 12 incidents relate to missing persons investigations.

## **APPENDIX 2**

### **CENTRPOINT RESPONSES**

Sunderland Short Stay Service:

*"We have made significant progress improving our relationship and reputation with Sunderland Local Authority (LA). We meet fortnightly with Local Authority representatives to update progress against a number issues identified by them, 90% of which are complete. Because of the issues identified by the LA as well as the staff team, we are planning a restructure of the staff, which will mean staff entering into a consultation period. There are still a high number of incidents in the service, the majority of which are due to the significant support needs of the young people. We are working closely with the Police on how best to manage these without relying on their services".*

The following comments have also been made to the main points of objection received:

1. Youths drinking in streets/shouting /arguing / noisy

*We have Anti social behaviour agreements (ABA'S) to capture behaviour of Centrepont young people outside of the service. We liaise with Stephen Kell of the Anti social behaviour team which provides weekly updates of the young people. If a young person gets three strikes on their agreement then they are asked to leave the service.*

2. Bottles smashed / litter / rubbish

*Staff cleans up any rubbish twice a day. We have a daily task sheet which has staff to go around outside of the service twice a day every day to collect rubbish on there.*

3. Police constantly at property. Police called out 200 times

*Police not always present for complaints. We have an open door policy with Police to discuss other issues such as a missing young person or even to have a cup of tea.*

4. Large groups congregating / feel threatening

*We move on any groups of young people. If they do not disperse or move on, we call police. CCTV is in operation at the service and camera can be viewed by all staff so they are aware if gangs of youths are hanging around the outside of the service.*

5. Called Public Health to remove used syringes.

*We have sharp boxes in service. However, they are always empty. Never been an incident over of intravenous drug use in service. When we first moved in a syringe found in garden.*

6. Not enough parking.

*No parking restrictions in surrounding road. Generally only two to three cars parked during the day on week days at the service. All other times there is usually only one or two cars parked there.*

7. What if new site does not get planning / go on indefinitely.

*Sunderland would lose this service which would result in the risk of 16/17 year olds rough sleeping; an increase in the use of bed and breakfast accommodation for 16/17 year olds.*

## **APPENDIX 3**

### **HEALTH, HOUSING AND ADULT SERVICES SUPPORT FOR THE PROJECT**

One of the key challenges identified within the Sunderland Strategy 2008-2025 and the City's Housing Strategy 2006-2011, is that the Council and its partners will provide accommodation and support which meets the needs of Sunderland's large and increasingly diverse population.

The Council will ensure vulnerable people (e.g. those at risk of homelessness) have access to safe, appropriate accommodation and support. In relation to homelessness parents no longer willing or able to accommodate a young person is the main reason for homelessness, and in Sunderland for the period between 1st October to 31st December 2009 this equated to 35.9% of all homelessness acceptances. Domestic violence is the second major cause of homelessness and for the period between 1st October to 31st December 2009 this equated to 26%

of all homelessness acceptances. If you look at the P1E statutory returns for the year 1 January 2009 to 31 December 2009 (removing the asylum support figures) the annual figure for parents no longer willing or able amounts to 46% (37 cases out of 81) and for domestic violence it is 36% (29 cases out of 81).

Children's Services utilise Centrepoint and place "Children Leaving Care" with Centrepoint, however, due to the delayed opening of the project in Mowbray Road care leavers were placed in Bed and Breakfast accommodation. In the year 2008 to 2009 due to the lack of suitable provision within Sunderland 59 homeless young people had to be accommodated in bed and breakfast accommodation, often outside of Sunderland.

Closure of the project would result in an increase in the risk of 16/17 year olds rough sleeping and would increase the use of bed and breakfast accommodation for 16/17 year olds.

Closure of the project would result in the Council failing to meet Government targets in relation to young people and this would negatively impacting on assessments of the Council's performance. It would also increase costs to the Council for the use of Bed and Breakfast accommodation.

Also to disperse 15 young vulnerable people across the City without the necessary accommodation and support is considered not the best option. None of these are recommended as they are not accordance with the Cabinet decision of 16 March 2005.

#### Accreditation

All providers contracted under the Supporting People programme have to be accredited by the City Council before they can obtain a Supporting People contract for the provision of funding for housing related support. The accreditation process revolves around five key areas:-

- Criteria 1 Financial viability
- Criteria 2 Competent administrative procedures
- Criteria 3 Effective employment policies
- Criteria 4 Robust management procedures
- Criteria 5 Competence / Track record

#### 1. Financial viability.

The requirements for this include that the provider have the following in place:-

- Business plan
- Financial projections
- Annual budget and financial accounts
- Banker's reference
- Annual accounts
- Auditors management letter
- Risk assessment

#### 2. Competent administrative procedures.

The key requirements include the provider demonstrating that they are:-



- Operating within legal powers
- Bank account, proper recording of transactions and minimisation of fraud
- Spending the Supporting People grant on its intended purpose - this will require an audited statement

### 3. Effective employment policies.

The key requirements here are that as a provider :-

- Operate an equal opportunities policy
- Operate a health and safety policy
- Induction programme for all staff and volunteers
- Operational policies made clear to staff and volunteers
- Access to regular support and supervision
- Performance monitored and managed

### 4. Robust management procedures.

Provider has to demonstrate that it is:-

- Properly constituted
- Has an experienced and competent governing body
- Clear internal accountability
- Respective roles of staff and governing body are clearly defined

### 5. Competence / Track record.

The final element of the process requires the provider to have:-

- Adequate understanding of service users
- Understanding of Supporting People aims
- Positive attitude to service users / people with support needs generally
- Experience at suitable levels within the provider of working with people with similar needs to the service users
- No reasons why the provider is unsuited to work with vulnerable people

Centrepont have a Supporting People Block Gross Steady State Contract that was signed on 26th March 2009 and is due to terminate on 31st March 2011 along with most of the other Supporting People contracts in Sunderland. The funding provides housing related support to young people who need it. The current programme is being reviewed and future commissioning intentions are under review and other issues that have become apparent since 2009 will be picked up under any new contracting arrangements.

The current contract is between “The Council Of The City Of Sunderland” and “Centrepont” and contains all of the normal contract clauses including amongst others:-

- Support Services Standard
- Statutory duties
- Complaints
- Staff

- Equality and Diversity
- Records and information
- Data protection
- Health and Safety
- Confidentiality
- Insurance
- Liabilities and indemnities
- Defaults, trigger review and contract suspension
- Termination
- Force majeure
- Conclusion of contract

Centrepont, through the implementation of the contract are also tied into the performance management framework, along with all of the providers contracted under the Supporting People programme. The information supplied relates to availability of service, utilisation of the service, staffing, through-put of service users. Triggers for reviews are also monitored so if availability, utilisation, staffing falls below 90% this can trigger a review.

The target for through-put within the contract is set at 100% and for all of services there are warning targets which would indicate that a service could be under performing.

The warning targets are all set as 85% except throughput which has a warning target of 80% (if under) or 120% (if over).

All of Centrepont's policies and procedures (such as risk management, complaints, equal opportunities, data protection/freedom of information, health and safety, insurances, safeguarding) are assessed and monitored on a continuous basis by the City Council and failure to achieve the minimum standard for service quality would ensure that Centrepont would not be re-contracted.

The service also has to complete the annual Quality Assessment Framework (QAF) which ensures that continuous service improvement and development is achieved. The QAF is part of the City Council's means of ensuring that all providers deliver services to high standards and in accordance with contractual obligations and expectations.

Performance Indicator workbooks are completed quarterly and these are based upon service availability, utilisation, staffing and through-put of service services. All linked to relevant service performance indicators, key performance indicators, LAA national indicators (NI141 and NI 142). All of which is reported to the Communities and Local Government department on a quarterly basis. If this did not occur future funding of the entire Supporting People programme would be at risk.

The Supporting People programme can also undertake spot checks on service providers outside of the normal review process to ensure contract compliance. Service reviews are undertaken by the Supporting People team and all contracts will be reviewed from 1st April 2009. Thus ensuring that Centrepont are complying with the contract and performing effectively.

**Reference No.:** 09/04585/FUL Full Application

**Proposal:** **Erection of new sports pavilion, 10 no artificial sports pitches plus associated fences and lighting. Re-use of existing car parking, new pedestrian links and landscaping.**

**Location:** City Of Sunderland College Wearside Tertiary College  
Durham Road Sunderland SR3 4AH

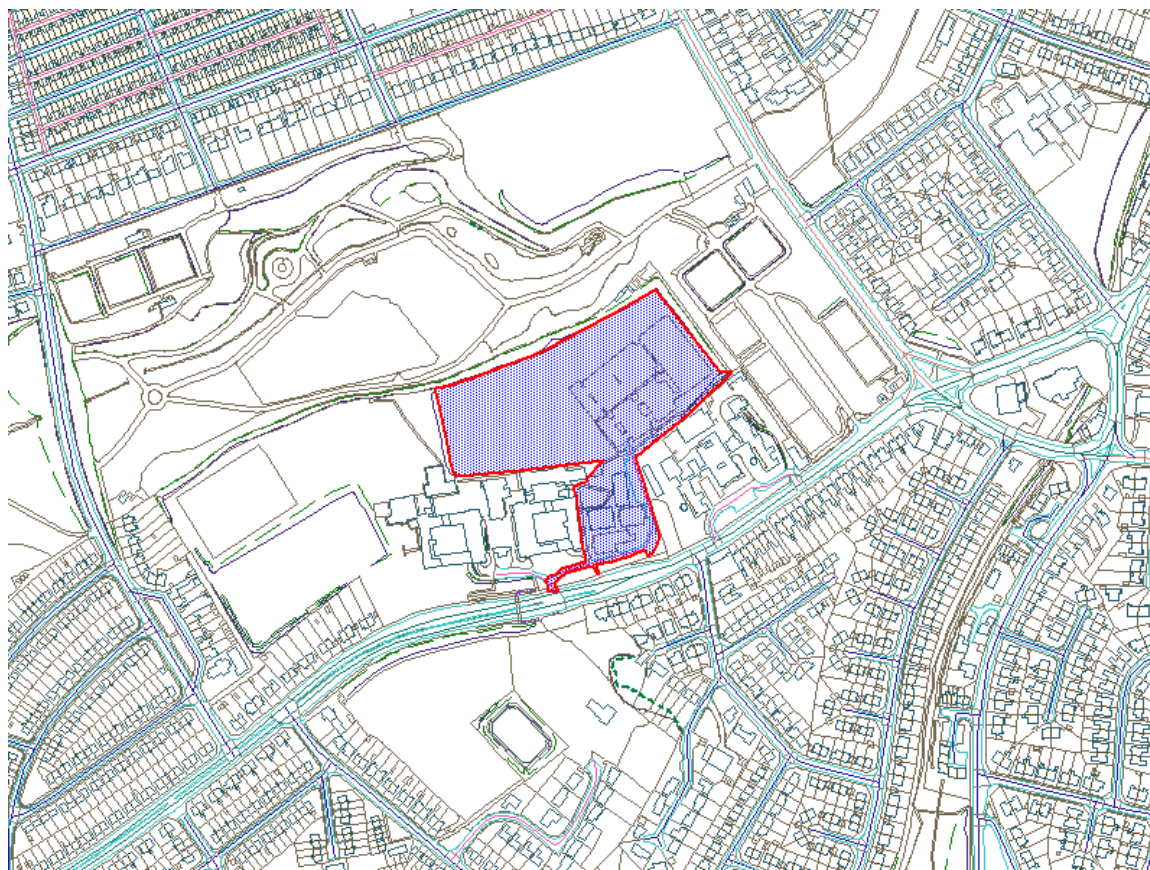
**Ward:** Barnes

**Applicant:** City Of Sunderland College

**Date Valid:** 23 December 2009

**Target Date:** 24 March 2010

### Location Plan



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### PROPOSAL:

The site is accessed from Durham Road (A690) and comprises existing College buildings, a car park and open space. There are a number of trees on the site, which are protected by TPO (No. 120). The site is largely surrounded by land and buildings forming part of the existing College complex.

Planning Permission is sought for development comprising of two main elements: a pavilion, and eleven all-weather sports pitches with associated fencing and 8 metre high floodlight columns. It is proposed to retain the existing trees on the site.

The proposed multi-sport centre development consists of 11 all-weather synthetic grass pitches with artificial lighting. The proposed hours of operation of the pitches are as follows:

Monday to Thursday: 9 am to 11.00pm

Friday to Sunday: 9 am to 10.30pm

Within the above operational hours, the proposed facilities will be used by the College, its partners and key user groups during term time. The centre will operate as a commercial facility by clubs and members of the public in the evenings and at weekends. Outside term time some of the pitches will be made available at agreed times for use by the local community. The College has indicated that further community use can be negotiated with the Council as appropriate.

The applicant has offered the option to secure community access can be achieved through an appropriate planning obligation signed pursuant to S.106 of the Town and Country Planning Act (1990) or possibly by imposing a suitable planning condition.

In addition to the above the required usage by the College is:

Term Time - all the pitches Monday to Friday 9.00am to 5.30pm, outside of term time half the pitches between 9.00am to 5.30pm. This is subject to further discussion with the local authority and availability for other key users who will benefit from the arrangements.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

County Archaeologist  
Durham Bat Group  
Environment Agency  
Sport England  
Director of Children's Services

Final Date for Receipt of Representations: **18.02.2010**

## REPRESENTATIONS:

Consultees

Sport England

The site forms part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453), in that it is on land that has been used as a playing field within the last five years and the field encompasses at least one playing pitch of 0.2 ha or more.

When Sport England was consulted about this proposal at pre-application stage it was the case that the existing grass pitch to be lost to the development of the artificial sport pitches, would be replaced by the creation of a new pitch on the site of the redundant all weather pitch that has been out of use for at least ten years.

Sport England has since received confirmation from the agents for the scheme that the redundant all weather pitch will be replaced with a grass playing pitch meeting Sport England standards. Therefore there will be no net loss of usable pitches on the college site as a result of the development. The proposal will now result in an increase and improvement of the sport facilities on the college site. The changing accommodation includes an accessible changing room and it is considered this will contribute to a more inclusive development.

Given the above, Sport England is satisfied that the proposal meets both of their policies E4 and E5 of their playing fields policy, in that:

E4 The playing field or playing fields that would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

E5. The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

This being the case, Sport England supports the proposal subject to the attachment of the following conditions if the Sub-Committee is minded to approve the application:

1. Before the development is commenced a detailed assessment of ground conditions of the land proposed as replacement grass playing field (including drainage and topography) to identify constraints which could affect playing field quality is carried out; and based on the results of this assessment , a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
2. The approved scheme shall be complied with in full before the development hereby approved is brought into use to ensure that site surveys are undertaken for new or replacement playing fields and that any ground

condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy L7 of the UDP.

In addition the proposal is offering free or discounted rates for some of the pitches to the community (paragraph 4.0.5 of the Planning Statement). In order to secure this community use of the proposal to satisfy one of the criteria of E5, Sport England would wish to add the following condition:

3. Prior to the commencement of the development, a Community Use Scheme for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development. In order to secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policies CF14, L1, L4 and L7 of the UDP.

If the Sub-Committee decides not to attach the above conditions, Sport England would wish to maintain/lodge a statutory objection to this application and under the Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Government Office.

Durham County Football Association.

D.C.F.A has written in support of the proposal as an asset to the community.

Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) the EA objects to the grant of planning permission and recommend refusal on this basis for the following reason:

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore provide a suitable basis for an assessment to be made in respect of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to confirm the satisfactory management of surface water as the FRA refers to the use of soakaways which EA do encourage. However it is not known if soakaways are appropriate at this location and the applicant needs to confirm that they are feasible, or an alternative proposal provided.

This matter is receiving further consideration and discussions are underway between the agent and the Environment Agency.

## Neighbours

One letter has been received from a householder in Barnes View which is sited beyond Barnes Park concerned about the glare from the floodlights and any possible impact on their residential amenity.

A further letter raises concerns about the application which relate to the nature of the proposals and the information provided in support of the application. The writer does not object to the proposal to provide improved sporting facilities for students and residents of the Sunderland area. However, the following issues cause us particular concern: -

1. The proposals as they currently exist will have a significant impact due to a perceived significant loss of amenity in terms of light pollution, increases in traffic and pedestrian noise very late into every evening and increased risk of anti-social behaviour from those who will be able to take advantage of the sale of alcohol in the proposed pavilion.
2. Statements made in the planning application demonstrate misrepresentations as to the layout of the site and its impact on local residents. Much is made of the slope that exists across the College site. This is true in relation to residents who live to the west of the site, at the very top of Humbledon Hill, as the hill slopes from west to east. This is not the case in respect of those residents, who live opposite the site. The representations as to the significance of the slope on the site do not apply to the objectors or adjacent properties. The objector's home is directly in line with the proposed development and on or about the same level. The view from the objector's home will therefore be of the proposed pavilion, pitches and numerous floodlights. Any fundamental understanding of the development site, in association with consideration of the planned layout, demonstrates this. It is not true to state that "the lighting including the top of the light stands is below the ground level of the nearest residential properties which also significantly reduces impact." This is not the perceived case for any residents in the homes at the upper end of Humbledon Park.
3. During the consultation process the objector discussed the planned development at considerable length with representatives from the College and the developing company. The objector asked many questions and was provided with answers. Unfortunately, much of the detail set out at that time was different to that submitted in the planning application. The objector repeatedly expressed reservations as to the degree of screening that would be provided by the existing tree cover. Assurances were given that additional tree planting would form an integral part of the development so as to take account of concerns. However, toward the end of the discussions the objector was informed, that the College intend to remove the portacabin that currently screen a significant proportion of the proposed development site from the dwellings opposite on Durham Road. This would immediately open up clear sight lines over almost the whole development. The objector does not wish to view a pavilion that is not in keeping with the remainder of the College site, plastic football pitches and multiple high intensity floodlights. The objector requires that any development ensures that tree planting and landscaping is undertaken to take account of and neutralise the proposed demolition of the portacabins

in addition to the proposed screening of the site currently set out in the planning application.

4. Part of the planning proposal is for 8m high controlled luminaries. This is not what was set out to during the consultation process where the objector was assured that the pavilion would be little higher than one storey and lighting would be of a similar level. Proposals for 8 metre high floodlights in the direct view of the opposite dwellings are not considered a low impact development. A visit to any similar development would make clear that such floodlighting does impact on the local community, irrespective of the lights being downward pointing. Further, with the incorrect representations as to the slope of the site and the stated impact on residents, the proposal is perceived as a considerable eyesore. The objector disputes the claim that the proposal mitigates any potential for harmful lighting pollution by careful design and location.
5. Reference is made in the application to new rights of way. It is not entirely clear what these are proposed to be and how they will be developed. Discussions during the consultation evening gave assurances that no additional or amended access to the College site was proposed.
6. During the consultation the objector queried the proposed operating hours of the development and was informed that the closing time would probably be 10 p.m. It is proposed that the final game of weeknight evenings is 11.00 p.m. and 10.00 p.m. on other evenings. The writer objects to the development being open beyond 9.00 p.m. on any evening. Further, no clarification is given as to the time the pavilion and College site will be closed and made secure. This heightens concerns over proposed closing times, the impact of floodlighting until such a late time and the significantly increased traffic and the noise that would be experienced by local residents at such a late time of night. Allied to these concerns is the proposal that the development obtain a license to serve alcohol. No reference has previously been made to this proposal. The writer objects to this proposal on the basis that an alcohol licence is not required for a development primarily sold on the basis of its benefits to school children and other students. If users of the premises wish to drink alcohol there are large licensed premises within short walking distance. Any alcohol licence will result in significantly increased noise and disturbance, particularly late into the evening. The completion of games at 11.00 and licensed premises will result in noise and disturbance until nearer midnight every weeknight. It is not accepted that the sale of alcohol on the premises in any way assists in educational development or physical fitness.
7. No reference is made to whether advertising of the development is proposed. The writer strongly objects to any signage or advertising that is not in keeping with the existing buildings and its subtle signage.
8. It is perceived that the proposal for a box shaped pavilion, screened plastic football pitches and significant floodlighting does not represent an opportunity to improve the appearance of the application site. Such a suggestion is, at best, misconceived in relation to the architectural merits of the College.



These matters will be addressed on the supplement to the main report.

## **POLICIES:**

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

CF\_14\_Standards of design in community facility development  
L\_4\_Standards for outdoor sport and recreation  
EN\_12\_Conflicts between new development and flood risk / water resources  
CN\_16\_Retention and enhancement of existing woodlands, tree belts and hedgerows  
CN\_17\_Tree Preservation Orders and replacement of trees  
B\_3\_Protection of public/ private open space (urban green space)  
B\_2\_Scale, massing layout and setting of new developments  
CN\_23\_Measures to conserve/ improve wildlife corridors  
L\_7\_Protection of recreational and amenity land  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues to consider in determining the application are:

- The principle of the land use
- The visual impact on the character and appearance of the area
- Effect on residential amenity
- Access and transport issues
- Flood risk

The principle of the land use.

The proposed development site is identified within Policy L7 of the adopted UDP and as such the existing pattern of land use is expected to remain. The primary land use (college). is to remain and the proposal is to develop an area of land to the rear of the college premises for 10 no. artificial sport pitches and assist in the increased provision of sports facilities for the college campus. The development is located within an area identified in on the UDP proposals map as a Wildlife Corridor, the redevelopment and intensification of the area for artificial sports pitches is not considered to cause a negative impact on the functionality and permeability of the Wildlife Corridor.

Through the intensification of land within the college campus, develop additional sport and educational purposes, and retain the existing land use the proposed development accords with UDP policy guidance and the principle of development is considered appropriate.

The visual impact on the character and appearance of the area.

It is considered that the scale, massing and layout of the proposal do not raise any significant urban design concerns and as such the proposal should be

assessed accordingly to policy contained within the Design and Access Statements and Supplementary Planning Document.

As stated above an objection has been received from the Environment Agency with regards to the Flood Risk Assessment submitted with the application. This has been passed to the applicant as a fundamental issue due to the siting of the proposal in a Flood Risk area.

The applicant has undertaken tests which suggest that soakaways will not be as effective as anticipated and are looking to send in a revised FRA which will look to store waters on-site for later discharge. The applicant appreciates the need to keep run off rates to acceptable levels to gain EA support and it is suggested this could be done by using a pond or a tank under one of the pitches. A further response is awaited.

It is anticipated a full report addressing all issues will be made on the supplement to this report.

**RECOMMENDATION: Deputy Chief Executive to Report**

**Reference No.:** 09/04738/FUL Full Application

**Proposal:** Temporary decant accommodation for existing GP surgeries from Pallion Health Centre during duration of construction work on new health centre building. Temporary accommodation to consist of a two storey modular building with external lift and entrance ramp located on site of existing car park. Parking provision for 40 parking bays and cycle storage included in development

**Location:** Pallion Health Centre Hylton Road Sunderland SR4 7XF

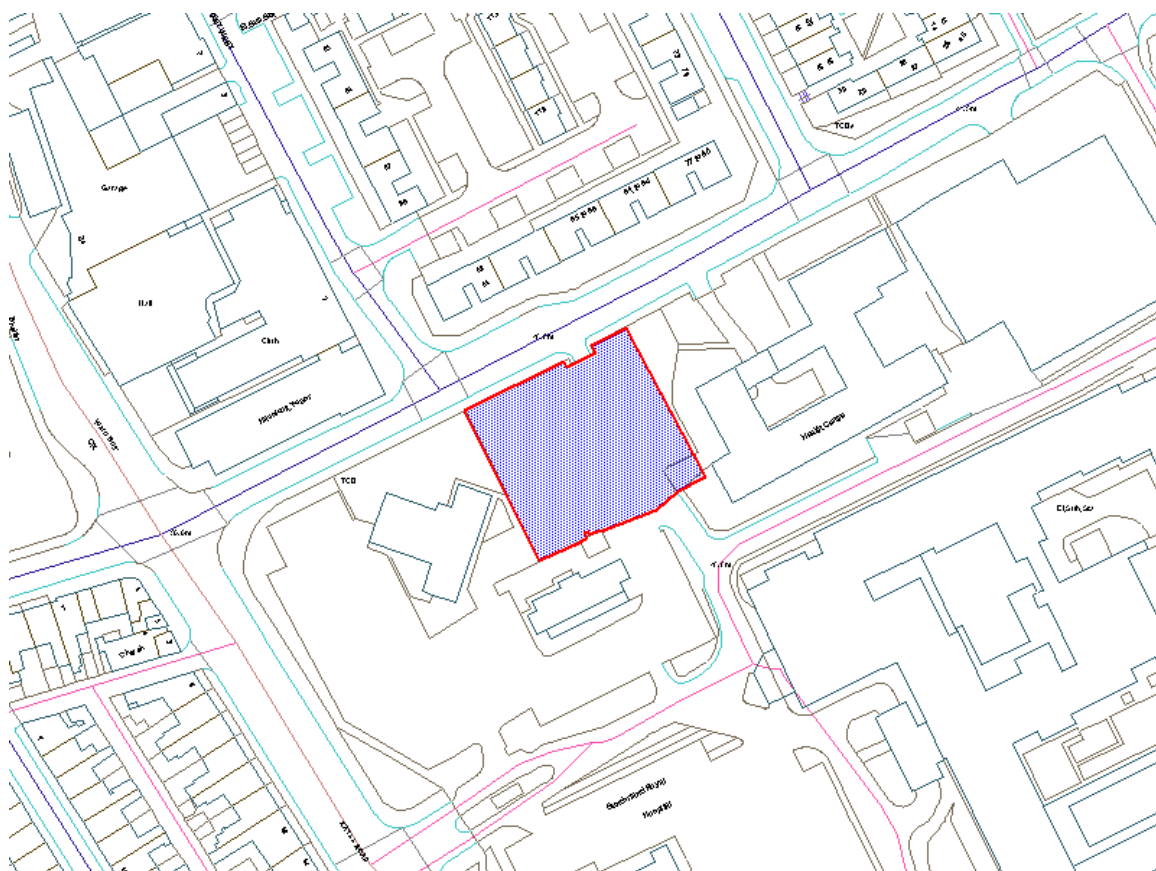
**Ward:** Millfield

**Applicant:** Sunderland Primary Care Trust

**Date Valid:** 18 December 2009

**Target Date:** 12 February 2010

### Location Plan



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## **PROPOSAL:**

The proposal is to erect temporary accommodation building to provide a health centre on the existing car park area and decant the 4no. GP practices from the existing health centre into the proposed temporary accommodation for the duration of the demolition of the existing building and the construction period of the new building. The proposed temporary accommodation building is intended as an out-patients facility with no overnight accommodation provision.

The existing pedestrian route through the site will be closed temporarily for the duration of the works but this is not a public right of way or adopted footpath and therefore is not subject to a stopping up order.

Over several months, the PCT have carried out an extensive survey of potential sites in which to relocate the existing services from the Pallion site during the duration of the construction works. Various other sites were discounted.

The site is located on land currently occupied by the Pallion Health Centre on Hylton Road, Sunderland, situated directly to the North-West of Sunderland Royal Hospital.

The overall site is currently occupied by a two-storey building which covers an area of 2450sqm and is presently used as a health centre with associated car parking.

The associated car park for the site is located directly to the West of the existing building and the site is accessed by vehicles through two entrances onto Hylton Road which are to be retained. It is on this area that the proposed temporary accommodation building is to be sited.

The total size of the proposed site area for the temporary accommodation as outlined on the redline drawing is 1 649sqm and involves the formation of a new temporary site boundary along the side of the temporary accommodation building and the construction site area.

The existing car park area will be redeveloped to accommodate the new two storey temporary accommodation with a footprint of 480sqm and a reconfiguration of the existing car parking layout to achieve 40 car parking spaces. Access to this car park will continue to be through one of the existing vehicle entrances from Hylton Road.

At the end of the construction period the GP practices will decant from the temporary accommodation into the newly constructed health centre and the temporary accommodation building will be dismantled and removed from site.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Director of Community and Cultural Services

Final Date for Receipt of Representations: **28.01.2010**

## **REPRESENTATIONS:**

City Services (Environmental Health).

The Geo Environmental Desk study is a Phase I Desk Study which provides a preliminary risk assessment based on the known historical land use of the site and its environs. Risks for human health may arise from previous land uses including demolition rubble containing for example asbestos or lead paint or from unregulated waste disposal which sometimes occurs on hospital sites. A fuelling station is located 65m from the site and may also be a source of pollution. The report concludes that there are reasonable grounds for undertaking a Phase II Investigation to address the risk from potential pollutant linkages on the site. The results of the Phase II assessment would be used to design the remedial strategy.

If temporary accommodation needs to be built in advance of the Phase II Investigation then a risk assessment should be provided to show how the potential pollutant linkages have been broken. The main human health risks for the temporary case appear to be exposure to contaminated soils during construction and soil vapours. These pathways could be mitigated by for example providing a separation layer e.g. hard standing and a ventilation layer below buildings.

However in principle it is not recommend that any planning conditions relating to contamination are discharged until the site has been sufficiently characterised to show that the site can be developed safely.

Transportation.

Parking and Accessibility

The existing ancillary services and pharmacy are to be temporarily relocated to other locations during the 18 month period required for the temporary accommodation. This will remove a proportion of the current demand for parking, leaving the remainder available to visitors to the four GP practices.

Based on the number of consulting rooms proposed, the temporary parking to be provided does not meet with the City Council's recommendations on parking guidelines. However, it is recognised that the forty spaces to be provided is the maximum that can be achieved to continue to operate from this site.

It is recommended that the use of these spaces is controlled during surgery hours to ensure maximum benefit of visitors to Pallion Health Centre. The usage of the car park will need to be monitored and reviewed within an initial period (3 months recommended) to ensure it can cater for demand and that parking is not displaced onto the surrounding residential streets.

In order to minimise staff parking on site the Primary Care Trust have approached City Hospitals Sunderland to share the Park and Ride facility for the Royal Hospital. This operates a direct service from the Sainsbury's car park at Silksworth and the Stadium of Light car park. This shuttle bus service uses the Chester Road entrance to the hospital, with a pick up / drop off point at the Chester Wing Out-patients entrance.

A public consultation has been undertaken by the City Council in relation to parking in residential streets associated with Sunderland Royal Hospital. This process commenced in November 2009, and detailed proposals for a permit based Parking Management Scheme in the Barnes, Millfield and Pallion areas surrounding the Royal Hospital. The responses to the consultation are currently being reviewed, and the findings along with a recommendation will be presented to the appropriate committee.

#### **Pedestrian Access and Public Transport**

Access for vehicles and pedestrians via Hylton Road will be maintained as per the current arrangement. The pedestrian link with the Sunderland Royal Hospital will be removed in the short-term but will be incorporated within the new scheme for the replacement Health Centre which has recently been submitted and will be considered at a future date. This is considered an important and well used route. During this period, signing should be provided in conjunction with the Royal Hospital to direct pedestrians to the most convenient alternative routes available.

The agent has stated that a large proportion of visitors live locally and will arrive either on foot or by public transport. They expect this situation to continue with the temporary use.

It is also recommended that additional provision is to be made for cyclists with ten cycle parking spaces provided.

A safe pedestrian route from Hylton Road should be given consideration, but this will need to be balanced against parking demand and subject to the recommended review.

#### **POLICIES:**

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

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

SA\_18\_Requirements for further redevelopment of Sunderland Royal Hospital

#### **COMMENTS:**

The proposed area of the existing site allocated for the location of the temporary accommodation building is currently used as a car park for the existing health centre.

This part of the site sits around 1.8m higher than the lower levels of the site where the current Health Centre is located and is separated by a natural fall in the ground level at this location.

The site forms boundaries on its South and West edges with the City Hospital site with the existing 3m high brick wall and 1.8m high palisade fence to these boundaries being retained. The existing low-level retaining wall along Hylton Road will be retained.

Due to the proposed construction site that will be sited adjacent to the temporary buildings, a new boundary will be formed using site hoardings to separate the proposed construction area from the site of the temporary building for the duration of the works.

Vehicular access is gained to the site at this point by a single vehicle junction onto Hylton Road. As this junction will be required to be maintained in its present location it will not be possible to locate the temporary building in a position on the site that would impede this access point or restrict movement around the site area for vehicles.

Pedestrian access from the adjacent bus stop and pedestrian crossing point on Hylton Road will also access the site from this point.

At present there is an agreement between the PCT and City Hospitals to maintain a pedestrian route through the existing site from Hylton Road to the existing City Hospital site to the South. This route currently runs through the car park area of the site and would be obstructed by the location of the proposed temporary building. Due to this, both parties have agreed that this route can be temporarily closed for the duration of the works with pedestrians accessing the hospital site by alternative entrances on Hylton Road.

There are a number of existing services which are currently located below the proposed site, many of which service the City Hospital site. A service scan has been carried out which identified the location of an existing gas main which runs from Hylton Road to a boiler house located on the hospital side of the southern boundary and this will require 1.5m clearance. These existing services have determined the available area on the site for the location of the proposed siting of the temporary accommodation building. With the accommodation requirements from the GP users established, it is clear that the building footprint would be unable to be located on a single level due to the restraints imposed on the site.

Due to the existing fall across the site at the car park location and in addition to the ground clearance required by the units themselves, in order to achieve a level access for all visitors to the building, a ramped approach up to the entrance level of the building is required.

The proposal is under consideration and it is anticipated a recommendation will be made on the supplement to this report.

**RECOMMENDATION: Deputy Chief Executive to Report**

## 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 NUMBER		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	09/04661/LAP	Land At, Wessington Way, Timber Beach Road, Hylton Park Road, European Way And Groves Coles Site, Sunderland.	<b>City Services</b> Erection of new highway bridge, with two columns of maximum height of 190m and 140m respectively, and associated highway infrastructure, connecting Wessington Way in Castletown and European Way in Pallion, with associated landscaping and engineering works, together with a temporary bridge to facilitate bridge construction; Stopping-Up of highways, change of use of land and inclusion of additional land as new highway and highway infrastructure at and in proximity to Hylton Riverside, Hylton Park Road , Timber Beach Road, Wessington Way and European Way and Crown Works and Groves/Coles Site, Sunderland.	N/A	02/02/10	It is anticipated that the application will be reported to Planning and Highways Committee on 29.04.10
	Pallion					



## 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

2.	10/00158/FUL  Millfield	Pallion Health Centre, Hylton Road.	<b>Sunderland Teaching Primary Care Trust</b>  Erection of 3 storey medical facility with associated car parking and landscaping	N/A	N/A	Pending further consideration
3.	10/00113/EXT1  St Annes	Dewhirst Ltd. Pennywell Industrial Estate	<b>North East Property Partnership Limited</b>  Application to extend the life of planning permission granted under reference 06/04558/FUL	N/A	N/A	Pending further consideration

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## Items Delegated to the Deputy Chief Executive

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Items Delegated to the Deputy Chief Executive  
Development Control (South Sunderland) Sub Committee

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1. **Creation of an open access adventure play area.**

**09/04508/LAP**      **Land Adjacent to Sunderland Puma Tennis Centre Silksworth Lane  
Sunderland**

08/12/09              Community And Cultural Services

**Decision:**              Approved

**Date of Decision:**    **2nd February 2010**

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## Appeals Received South Sunderland

Between 01/01/2010 and 31/01/2010

Ref No	Address	Description	Date Appeal Lodged
10/00004/REF	10 Hovingham Gardens Sunderland SR3 1UB	Erection of front porch and two storey extension to side and replacement of existing boundary enclosure.	27/01/2010

# Appeals Determined Sunderland South

## Between 01/01/2010 and 31/01/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00031/ADV	51A Mainsforth Terrace Sunderland SR 2 8NG	Erection of 1no. 48-sheet hoarding sign.	DISMIS	04/01/2010
	09/00034/ADV	24 Pallion Road Sunderland SR4 6LS	Erection of 2 internally illuminated free standing single sided display units	DISMIS	04/01/2010
	09/00042/REF	76 Park Lea Sunderland SR3 3SZ	Erection of new fence to rear and side (Retrospective)	DISMIS	14/01/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00044/ENF	76 Park Lea <input type="checkbox"/> Sunderland <input type="checkbox"/> SR3 3SZ <input type="checkbox"/>	The breach of planning control <input type="checkbox"/> <input type="checkbox"/> Without planning permission the erection of a 1.8m high fence to rear and side of the property. <input type="checkbox"/> Reasons for this notice <input type="checkbox"/> <input type="checkbox"/> It appears to the Council that the breach of planning control has occurred within the last four years. <input type="checkbox"/> <input type="checkbox"/> The fence by reason of size, scale, massing and design introduces an obtrusive element into the streetscene which is detrimental to the visual amenities of the area and character of the street scene contrary to policy B2 of the Unitary Development Plan, Supplementary Planning Guidance Section 3, and Topic 9 of the draft Supplementary Planning Document, 'Household Extensions and Alterations'. <input type="checkbox"/> <input type="checkbox"/> The Council do not consider that retrospective planning permission should be given because planning conditions could not overcome these objections to the development. <input type="checkbox"/>	APPWIT	15/01/2010





# Appeal Decision

Site visit made on 21 December 2009

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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email: enquiries@pins.gsi.gov.uk

Decision date:  
4 January 2010

**Appeal Ref: APP/J4525/H/09/2109419**

**51A/B Mainsforth Terrace, Hendon, Sunderland, Tyne and Wear SR2 8NG**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Miss Anika Waterstreet and Miss Christine Waterstreet against the decision of Sunderland City Council.
- The application Ref 09/02122/ADV, dated 5 June 2009, was refused by notice dated 21 July 2009.
- The advertisement proposed is a 48 sheet poster advertising hoarding 20 foot by 10 foot.

## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is the effect of the proposed hoarding on the character and appearance of the area.

## Reasons

3. Mainsforth Terrace and the surrounding streets are residential in character. I saw no evidence of other such hoardings in the immediate vicinity of the site. Given its size and positioning, the proposed hoarding would be unduly dominant in relation to the gable end of the residential property. Whilst it would face Commercial Road and the industrial/commercial area beyond it, it would be set back from the road by a large area of open space. The hoarding would be seen against the backdrop of the residential area. Given this setting, it would introduce an obtrusive and discordant commercial feature which would harm the character and appearance of the area.
4. For the above reasons I conclude that the appeal should be dismissed.

*Kevin Ward*

INSPECTOR





# Appeal Decision

Site visit made on 21 December 2009

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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4/11 Eagle Wing  
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Decision date:  
4 January 2010

**Appeal Ref: APP/J4525/H/09/2112722**

**Filling Station, Pallion Road, Sunderland SR4 6ND**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Primesight Ltd against the decision of Sunderland City Council.
- The application Ref 09/01915/ADV, dated 20 May 2009, was refused by notice dated 20 July 2009.
- The advertisements proposed are 2No. internally illuminated free standing single sided display units.

## Decision

1. I dismiss the appeal.

## Main Issues

2. The main issues are the effects of the proposed display units on the character and appearance of the area and on highway safety.

## Reasons

3. The petrol filling station/shop are prominent features at this end of Pallion Road, which form the end of a block of commercial uses extending from the junction with Hylton Road. Beyond this point and on the opposite side, Pallion Road is essentially residential in character with little commercial activity and associated signage.
4. Whilst the display units would be seen in the context of the petrol filling station/shop they would be at the edge of the site, clearly separated and visually distinct from the canopy and the main areas of commercial activity. They would be viewed against the side of the single storey residential property at 19 Pallion Road when approaching from the junction with Hylton Road.
5. Due to their position, height and overall size, the display units would be prominent and obtrusive features when seen against the backdrop of residential development that stretches along Pallion Road. Although the site does not have an undue proliferation of signage at present, the display units would create a sense of visual clutter in the street scene. I find therefore that they would harm the character and appearance of the area.
6. There are no windows in the side elevation of 19 Pallion Road. From the dwellings on the opposite side of the road the display units would be seen either side on or at an angle and from distance. Whilst I find harm in terms of the character and appearance of the area, I am satisfied that the display units



would not be of a scale to have a significant effect on the living conditions of local residents in terms of the outlook from their homes.

7. I note the Council's concerns in relation to the effect on visibility where the access lane serving 17-19 Pallion Road and commercial premises to the rear emerges onto Pallion Road itself. Visibility at this junction is already restricted by the side of No.19, the wall forming the boundary of the petrol filling station/shop site and the slope of the lane. Whilst I note the Council's reference to the need for a visibility splay of 4.5m x 90m, it is not clear where such requirements are set out. Taking into account the guidance provided by "Manual for Streets" which suggests that an X distance of 2.4m is generally adequate in most built up areas, and the fact that the lane serves only a limited number of properties, I find that, although there would be some reduction in visibility, the display units are not likely to have a significant effect on highway safety.
8. The lack of harm in terms of the living conditions of local residents and highway safety does not however outweigh the adverse effect that the display units would have on the character and appearance of the area. The size of the display units may be typical of those found at petrol filling station sites elsewhere and the site may be larger than average for such a use. However, this does not justify the harm which I have identified in this case.
9. I note the reference to a previous appeal decision concerning the site (APP/J4525/H/09/2098447). However, as this previous decision related to a distinctly different proposal (a single 48 sheet hoarding), it is of little direct relevance to the appeal before me. I have determined the appeal proposal on its own merits in the light of the main issues.
10. For the above reasons I conclude that the appeal should be dismissed.

*Kevin Ward*

INSPECTOR





# Appeal Decision

Site visit made on 12 January 2010

by **J Chance** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
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Decision date:  
14 January 2010

**Appeal Ref: APP/J4525/D/09/2116452**

**76 Park Lea, East Herrington, Sunderland, Tyne & Wear SR3 3SZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Steven Watson against the decision of Sunderland City Council.
- The application Ref 09/02870/FUL, dated 20 July 2009, was refused by notice dated 25 September 2009.
- The development proposed is a new fence to the rear and side garden.

## Decision

1. I dismiss the appeal.

## Procedural Matters

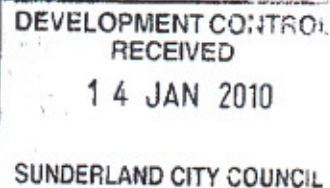
2. As the fencing has already been erected, I have dealt with this appeal as relating to an application under Section 73A of the 1990 Act as amended for planning permission for development already carried out.

## Main Issue

3. The main issue is the effect of the fencing on the character and appearance of the streetscene and surrounding area.

## Reasons

4. The appeal property is a semi-detached house located at one side of the entrance to a short cul-de-sac, which shares the same name as the spine road serving the estate. The appeal dwelling fronts onto the spine road, with its side elevation onto the cul-de-sac.
5. The fencing which has been erected comprises close boarded timber fencing roughly from the front corner of an existing single-storey projection on the side of the dwelling across to the side boundary adjacent to the cul-de-sac; side fencing above a wall at the back edge of the pavement around the cul-de-sac as far as the topside of the rear drive; and fencing above a wall along part of the rear garden boundary along the topside of the rear drive up to a timber gate just in front of the detached garage.
6. I note the appellant's views that the front section of the fencing benefits from permitted development rights. That fencing is set well back such that the front garden area and the front portion of the side garden still have a generally open plan appearance, in line with the overall theme of this estate. It is not fully





clear to me whether this front fencing is part of the application which has led to this appeal, or whether the Council accepts this element as permitted development. Nevertheless, I consider the front section of fencing, as constructed, to be visually acceptable and I shall make no further reference to it.

7. Turning to the side and rear fencing, I saw that the side fencing is stepped down the slope of the cul-de-sac following the stepped nature of the wall below it and that the rear fencing is set above the brick wall bordering one side of the drive at the rear of the property. The substantial height of the fencing above the pre-existing walling results in an overall high, solid and harsh boundary treatment which appears as an unacceptably dominant and intrusive feature when viewed from different locations in the cul-de-sac, including from other properties, and from points on the main spine road adjacent to the junction and at least 2 properties on that road.
8. Furthermore, when seen from the front garden and other parts of the property at No 75 Park Lea, the rear fencing, especially, will, in my opinion, appear overpowering and intimidating, given its overall height particularly at the end of the drive closest to the garage.
9. The unduly prominent, high, hard and solid appearance of the side and rear fencing is at odds with the general character of the boundary treatments in this part of the estate. While I note the appellant's comments about a variety of styles of boundary treatment and references to the north and south entrances to Park Lea and particular property numbers, I saw that the predominant form of boundary treatment around this part of the Park Lea spine road and adjacent cul-de-sac is of fairly low brick walls, similar to that across the front of the appeal property. While the walls bordering the cul-de-sac might already be slightly higher to accommodate the land slope, adding this height of fencing to them has, in my view, resulted in a form of boundary enclosure that is completely out of character with that of the immediately surrounding area and is significantly detrimental to the character and appearance of the streetscene.
10. Section 3 of the Council's Supplementary Planning Guidance Development Control Guidelines (SPG) deals with residential extensions and alterations, indicating that an important consideration is the design of the extension or alteration and its effect on the host dwelling or general streetscene. The Council regards the fencing as constructed to fall within the scope of this part of the SPG. As such, because of its adverse effect on the character and appearance of the streetscene, I find the side and rear fencing to be contrary to the general intentions of Section 3 of the SPG.
11. Moreover, as the side and rear fencing are seen from the highway and other properties and are therefore in what I consider to be a prominent location and are out of character and scale with neighbouring boundary treatments in the near vicinity, I find that they are in conflict with paragraph 9.2 of the draft Supplementary Planning Document entitled "Household Alterations and Extensions". Even though the property is not in a Conservation Area, paragraph 9.2 still requires account to be taken of the character of the area and makes special reference to the sensitive nature of corner plots, indicating that fences, walls or other forms of enclosure might not be allowed on such sites if they detract from the character of the area or prejudice highway safety.



Since I have found that the side and rear fencing significantly harm the character and appearance of the streetscene and surrounding area, I consider that they conflict with that advice.

12. I have taken account of the appellant's comments about the fencing providing security for the family during his shift working and enabling the children to play safely in the garden without constant close supervision. However, these benefits could still be achieved through a less prominent and more sensitive form of boundary treatment and, although the factors indicated are material considerations of substantial weight, in this particular case, they do not, in my view, outweigh the visual harm caused by the present fencing, or justify allowing the development. As such, notwithstanding considerations of privacy and security, and having regard to the quality of the fencing, I nevertheless find that the development is contrary to the intentions of Policy B2 of the City of Sunderland Unitary Development Plan as it does not respect or enhance the visual qualities of the locality or represent good design.
13. Having had regard to all matters raised, including the effect on light and setting of a precedent for other similar development, I conclude that the rear and side fencing as currently constructed are unacceptable, and the appeal fails.

*J Chance*

INSPECTOR



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SR2 7DN

Your Ref:

Our Ref:

Date:

09/100044/ENF

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APP/J4525/C/09/2117610

18 January 2010

Dear Mr Evans

**Town and Country Planning Act 1990**  
**Appeal by Mr Steven Watson**  
**Site at 76 Park Lea, Sunderland, SR3 3SZ**

I enclose for your information a copy of a letter received on 15 January, withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely

Roger Thomas

E208B(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -  
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

