

**At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY 25<sup>th</sup> OCTOBER, 2016 at 4.45 p.m.**

**Present:-**

Councillor Porthouse in the Chair

Councillors Ball, Bell, D. Dixon, M. Dixon, I. Galbraith, Hunt, Kay, Scaplehorn, P. Smith and S. Watson.

**Declarations of Interest**

There were no declarations of interest.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors English, Hodson, Jackson, Mordey and P. Watson

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Executive Director of Economy and Place submitted a report and circulatory report (copies circulated) relating to the South Sunderland area, copies of which had been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy reports – see original minutes).

**Change in the order of business**

The Chairman advised that item 5 – Oakwood House, 17 Mowbray Road, Sunderland would be considered first.

**16/01362/FUL – Change of use from HMO to supported accommodation facility. Oakwood House, 17 Mowbray Road, Sunderland**

The representative of the Executive Director of Economy and Place introduced the report and advised Members of the recent planning history of the property which included the property being used as a nursing home; as student accommodation; as supported housing for homeless youths and the current use as an HMO for up to 15 people for the front part of the building and supported living for up to 8 children in need of full time care in the rear annex. The application under consideration today related only to the front part of the building and proposed that the building be used

as supported accommodation for up to 5 young mothers and their young children. There had been an application submitted for the rear annex to be used as a general supported accommodation facility instead of the existing use as supported accommodation for children however this application had been withdrawn and the rear part of the building would continue to be used as supported accommodation for children. There would be staff permanently on site. It was important to consider the fallback position that the premises could continue to be used as an HMO for 15 people if the application today was not approved.

The proposed use was residential in nature and as such did not conflict with the existing land uses in the area.

Concerns had been raised however these related to the existing use of the property and it was considered that the proposed use would have a lower likelihood of disorder occurring given that it was a less intensive use of the property and that there would be a management team in place to address any issues which may arise. There was no reason why the proposed use would be inherently disruptive to neighbours.

It was considered that the reduced intensity of use would reduce the demand for parking; it was proposed that any consent granted have a condition included requiring that the existing parking area was kept available for parking.

There had been a number of representations received and the concerns raised were addressed within the report and circulatory report.

It was considered that having regard to relevant material planning considerations, the proposed use and the fallback position; the proposed use was considered to be acceptable.

Councillor M. Dixon queried whether the proposed conditions would prevent anyone other than young mothers and their children from living at the premises; he was informed that this was the case and that action could be taken against the operator if this condition was breached.

The Chairman then introduced Councillor McClennan who was in attendance to address the Committee in objection to the application. Councillor McClennan stated that the use of the premises as a children's home had been approved by the Committee, by one vote, in May 2014 and since then the concerns raised by local residents had become a reality; she felt that the Committee were being given an opportunity to rectify the error they had previously made in allowing the current use of the premises. She then referred to the large number of crimes and other incidents which had occurred as a result of the use of the premises including a large number of missing persons reports and disturbances including fighting and noise; information on these incidents had been provided to the East Sunderland Area Committee. The number of incidents linked to Forevercare was increasing while the number of incidents at other children's homes in the city was reducing. She was concerned that this application sought to remove restrictions on the use of the premises although the existing residents would remain and she was also concerned that the children's home had not been registered with Ofsted. She was also concerned about the suitability of the building for accommodating young mothers and their children as there were a lot of stairs in the building and steps up to the front door and she felt

that it would be difficult for the mothers to get pushchairs up the stairs; she was also concerned that the noise from the other part of the building would disturb the children while they were sleeping. She also stated that approval had never been given from Building Control for the works that were carried out in 2014.

The representative of the Executive Director of Economy and Place advised that the application for supported housing in the rear part of the building had been withdrawn and this part of the building would remain in use as a children's home. The two uses of the building were separated by the corridor between the two parts of the building and the door within the corridor would be kept locked to keep the residents separate. Antisocial behaviour was a matter for the police to deal with and was not something that could be controlled by the planning regime; the police had been consulted and had not submitted any objections to the proposal.

Councillor Smith stated that she did not understand how the police could have no objections to the application when there had been so much antisocial behaviour linked to the property. She asked that the planning department speak to the police again to get comments from them. She was advised by the representative of the Executive Director of Economy and Place that the police had been consulted on the application and they were able to respond based on valid material planning considerations relating to the application; the police knew where the property was and knew of the previous issues but had no comments on the application being considered today; there was no need to go back to them for further comments as they had already been given the opportunity to comment on the application and they would have responded if they had concerns. The committee's solicitor added that the police were asked to comment only on the current planning application, not on what had happened during previous uses of the property.

The Chairman then introduced Councillor O'Neill who was in attendance to speak in objection to the application. Councillor O'Neill stated that she had met with residents and there were concerns over the use of the building. There were a number of elderly residents lived in the adjacent cul-de-sac and they had been subject to issues over the years since the building had become home to young people. The staff had no control over the youths once they were outside of the property and this led to the local residents being scared to leave their houses. There were concerns over how the staff would be able to manage the vulnerable young women living there and there were concerns over the number of visitors the property was likely to attract.

The representative of the Executive Director of Economy and Place advised that the proposal was for a less intensive use of the property than the existing use.

The Chairman then introduced Mr Neville Rogers who was in attendance to speak in support of his application. Mr Rogers stated that the issues raised were the same issues as were raised at the time of the previous applications. He advised that Forevercare had tried to engage with local residents including sending Christmas cards to residents; these had been returned covered in expletives. He also stated that no-one ever contacted them with complaints. The representations had been received after the end of the consultation period and having looked at the representations it appeared to him that a number of them had been sent by the same person and that there were only three separate objectors. The issues had reduced since the property was operated by Centrepoint however Forevercare were still blamed for any issues which occurred in the Mowbray Road area. There were 15

local people employed at the property. He felt that the proposed use was better than using the building as an HMO for 15 people and also stated that this part of the building had not been used for the last 2 years. He wanted to be able to engage with the planning department and with local residents.

Councillor S. Watson stated that she was uneasy about approving the application and that she felt that this Committee should have received the same information from the police as the East Sunderland Area Committee had and that the crime figures should have been taken into account by the planning department. The Committee's Solicitor advised that the police were asked to comment on the application in terms of material planning considerations; the Area Committee was a different forum and it was possible that the police would provide different information to that committee. The application needed to be determined based on material planning considerations.

Councillor Ball commented that she had received complaints from residents as the Chair of the East Sunderland Area Committee; she was worried about what impact the proposals would have and was not comfortable with approving the application. She was also concerned about how the vulnerable young mothers would be protected and was concerned by the types of people that might be attracted to be premises. The Committee's solicitor advised that it was important to consider that the fallback position was that the property would be able to continue to be used as a 15bed HMO if the application being considered today was not approved.

Councillor M. Dixon referred to Mr Rogers statement that he wanted to engage with the community and asked whether he had attended any residents forums or PACT meetings. Councillor McClennan stated that Mr Rogers had offered to attend meetings however residents had not wanted him to attend; local Councillors and the police had met with Mr Rogers. Councillor M. Dixon then stated that he would have been more concerned by the proposals if there was not a garden available; he queried whether the garden would be exclusively available to use by the young mothers and their children. Mr Rogers advised that this was the case and the garden would be enclosed by a fence. The garden was also covered by CCTV.

Councillor Scaplehorn queried the staffing levels and was informed by Mr Rogers that there would be new staff employed in addition to the existing staff and there would be a minimum of two staff on duty at any time.

Councillor Kay stated that there was a need to consider the application against the planning rules however he felt that Members needed to be aware of their role as corporate parents; while the children would be safe in the property would they be safe when outside of the property. The Committee's solicitor reminded Members that they were considering the matter as a planning committee and needed to have regard to material planning considerations when determining the application.

The Chairman then put the officer's recommendation to approve the application to the Committee and with:-

6 Members voting for the officer's recommendation;

2 Members voting against; and

3 Members abstaining

It was:-

1. RESOLVED that the application be approved for the reasons set out in the report subject to the 5 conditions set out therein.

### **Change in the Order of Business**

The Chairman advised that items 1 and 2 would be considered together as they both related to the same site.

**16/01359/FUL – Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets. (Retrospective)**

**16/01360/ADV – Erection of 15 signs mounted on lighting columns, signage poles or on the wall of the buildings.**

**City Hospitals Sunderland Children's Centre, Durham Road, Sunderland, SR3 4AG**

The representative of the Executive Director of Economy and Place advised that the buildings and their grounds were grade 2 listed and the impact on the listed buildings needed to be considered. It was considered that the proposal was poorly conceived and that it would be harmful to the listed buildings. The signage would be in addition to existing signs and would detract from the visual amenity of the site. There had not been an application received for listed buildings consent. There had been no letters of representation received for either of the applications. The officer's recommendation for both applications was to refuse the application due to the harm that would be caused to the setting of the listed buildings.

Councillor Kay commented that this was one of a series of applications for retrospective planning permission for parking schemes at Sunderland hospitals. He asked what the consequences of refusing the application would be. He was advised that the applicant would be able to appeal the decision and that enforcement action would not commence immediately. The parking scheme was not operated by the council and the legality of any parking tickets issued would be a civil matter.

The Chairman commented that he had visited the site and had noticed that the signs did detract from the attractiveness of the listed building.

2. RESOLVED that the applications be refused for the reasons set out in the reports.

**16/01504/FUL – Change of use from light industry (Use Class B1) to Gym (Use Class D2)**

**35B Pallion Trading Estate, Sunderland, SR4 6SN**

The representative of the Executive Director of Economy and Place advised that the unit had been empty for the last seven years and this application would bring the empty unit back into use. There had been one letter of representation received from a neighbouring business expressing concerns over car parking however it was noted that the applicant expected the peak hours of use to be after 6pm which was after the end of the working day for neighbouring units and as such it was unlikely that there would be any parking issues created by the proposed use.

Councillor M. Dixon referred to a recent refusal of planning permission for a similar case in Washington. He was advised that there were differences in size and location; in Washington there was a shortage of employment land whereas at this location in Pallion there was a surplus; every application needed to be considered on its own merits.

3. RESOLVED that the application be approved for the reasons set out in the report subject to the 2 conditions set out therein.

**16/01655/FUL – Change of use of premises from A1 (Retail) to A3 (Food and Drink) and/or A5 (Hot Food Takeaway)  
62-66 High Street West, City Centre, Sunderland, SR1 3DP**

The representative of the Executive Director of Economy and Place advised that there was not yet a proposed end user and there were no external alterations proposed. As there was no end user proposed it was not yet known how the premises would be operated and as such the proposed condition 3 which was to be attached to any consent granted was to be amended to allow the A5 takeaway use to be on any 1 floor of the building rather than being restricted solely to the ground floor. There had been no representations received.

Councillor Kay commented that this was an important decision, there had been a lot of investment into this area recently and this proposal could set the tone for further development of the area. He was advised by the representative of the Executive Director of Economy and Place that each application needed to be considered on its own individual merits.

Councillor Bell commented that there was a need to protect the shopping environment on High Street West.

The Chairman referred to the Sunderland City Centre Evening Economy SPD from 2008 which had stated that A5 uses were not to be permitted. The representative of the Executive Director of Economy and Place advised that some of the policy documents were out of date; since the publication of the SPD there had been changes to shopping habits. The proposal was not considered harmful to the vitality or viability of the area and it would help with bringing a vacant property back into use.

4. RESOLVED that the application be approved for the reasons set out in the report subject to the 5 conditions set out therein.

**Items for Information**

5. RESOLVED that the following site visits be undertaken:-
  - a. 16/00748/FU4 – 42-45 Nile Street, Sunderland, SR1 1ES at the request of the Chairman
  - b. 16/01556/FUL – 18/19 Murton Street, Sunderland, SR1 2QY at the request of Councillor Ball

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) S. PORTHOUSE,  
Chairman.