

PLANNING AND HIGHWAYS COMMITTEE

AGENDA

**Meeting to be held in the COUNCIL CHAMBER, CITY HALL on
Monday 4 July 2022 at 5.30 p.m.**

Membership

Cllrs Doyle, Foster, Herron, G. Miller (Vice Chair), Morrissey, Mullen, Nicholson, Thornton (Chair) Scott and Warne.

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Elaine Waugh,
Assistant Director of Law and Governance,
City Hall
SUNDERLAND

23 June, 2022

For further information and assistance, please contact Paul Wood at
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Item 3

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 13 JUNE 2022 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Doyle, Foster, G. Miller, Morrissey, Mullen, Nicholson, Scott and Warne.

Declarations of Interest

Item 5, Applications made under the Town and Country Planning Acts and Regulations made thereunder – Planning Application 21/02676/OU4
Land North of Emsworth Road Carley Hill Sunderland

Councillor Doyle made an open declaration that he had met with members of the public regarding the matter but was satisfied that he was able to consider the application with an open mind.

Item 5, Applications made under the Town and Country Planning Acts and Regulations made thereunder – Planning Application 22/00355/FUL Fir Tree
Lodge Silksworth Hall Drive Silksworth Sunderland SR3 2PG

Councillor Doyle declared a pecuniary interest in the matter and left the meeting at the appropriate point on the agenda taking no part in any discussion or decision thereon.

Item 5, Applications made under the Town and Country Planning Acts and Regulations made thereunder – Planning Application - 22/00173/FU4 Land to
The North of Saint Marys Way City Centre Sunderland

Councillor G. Miller declared a pecuniary interest in the matter as a member of the board of Siglion LLP and left the meeting at the appropriate point on the agenda taking no part in any discussion or decision thereon.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillor Herron.

Minutes of the last Ordinary meeting of the Planning and Highways (East) Committee held on 28th March 2022 and the Extraordinary meeting held on 11th April 2022

1. RESOLVED that the minutes of the last Ordinary meeting of the Planning and Highways (East) Committee held on 28th March 2022 and the Extraordinary meeting held on 11th April 2022 be confirmed and signed as correct records.

Minutes of the last Ordinary meeting of the Planning and Highways (West) Committee held on 29th March 2022

2. RESOLVED that the minutes of the last Ordinary meeting of the Planning and Highways (West) Committee held on 29th March 2022 be confirmed and signed as a correct record.

Planning Application Reference 21/02676/OU4 – Outline application for residential development – Class C3 – Up to 110 Units (All Matters Reserved) Land north of Emsworth Road Carley Hill Sunderland

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter. In addition a supplementary report was tabled for Members information which advised that following the preparation of the main agenda report, the Council has received representations in objection to the development including 10 individual objections and a petition comprising 360 signatures. The primary concerns expressed within the objections related to the loss of greenspace and greenbelt, along with the impact of the development on ecology/wildlife and habitats within the locality. The Committee was given an appropriate amount of time to read the update.

(for copy reports – see original minutes)

The representative of the Executive Director of City Development presented the report informing members that the application sought outline planning permission for a residential development (up to 110 units) on land to the north of Emsworth Road, Carley Hill Sunderland. All matters were reserved for subsequent approval therefore details of layout, scale, landscaping, appearance and access would all be subject to consideration at the reserved matters application stage.

The site in question comprised a 4.81-hectare parcel of open space which formed a green wedge between existing residential sites to the east and west, with Fulwell Quarry Local Nature Reserve adjoining the northern boundary and Emsworth Road abutting the south boundary. The residential properties to the east included the 3 storey flats of Earls Court, Euston Court and Edgeware Court, whilst the semi-detached properties and abutting rear gardens of Wentbridge lay to the west. The associated application

correspondence qualified that the proposal formed part of a wider programme of affordable home to be delivered throughout Sunderland with over 1,200 new homes set to be provided by 2026. The developer had outlined an intent for 100% of the housing to be affordable based on an anticipated ratio of 75% affordable rent, 10% rent to buy and 15% shared ownership.

The representative of the Executive Director of City Development then informed the Committee of the key issues to consider in determining the application, including:-

- Principle of the development including land use implications
- Housing policy
- Design, layout and visual impact;
- Residential amenity;
- Health and wellbeing;
- Highways and transportation;
- Landscape and ecology;
- Flood risk;
- Land contamination and stability;
- Archaeology;
- Sustainability;
- Economic impacts; and
- Planning obligations

In conclusion Members were informed that it was considered that the principle of the residential development accorded with the development plan and there were not any material considerations that indicated a decision should be made otherwise. In terms of the residual impacts arising from the construction and operational phases of the development a view needed to be taken as to whether the benefits identified in the report outweighed the adverse impacts.

The benefits from the development were generally economic and social, arising from short term construction jobs and medium to longer term support for local facilities (economic) and the provision of affordable and accessible accommodation, although environmental benefits would arise through the developers focus on implementing low carbon housing. The adverse impacts were generally environmental, arising from a loss of biodiversity across the site including the loss of trees.

Members were advised that the proposed development, as noted within the description, would bring forward a housing scheme which would be 100% affordable, with the tenure proposed as per definition A of Annex 2 of the NPPF. In this respect, Members' attention was directed towards a recent planning appeal decision for 86no homes at Cragdale Gardens, Hetton-le-Hole, wherein the Planning Inspectorate noted the fact that all dwellings within that site would represent affordable homes, which would be maintained in perpetuity. The Inspectorate qualified in their decision that this represented a significant contribution to meeting the need for affordable housing, and subsequently carried significant weight in favour of the proposal.

The Agent in respect of the application before Members had agreed that the provision of 100% affordable housing on the site could be secured via a planning obligation. Allied to this the Council was of the view that the development would be sustainably located for local amenities, recreation and transport hubs and would provide a good standard of amenity for future occupiers.

In terms of the adverse impacts, these were generally environmental, arising from the loss of trees and a loss of biodiversity across the site. In this regard, Members' were informed that the developer had agreed to make contributions for Strategic Access and Monitoring Measures, which would be used to offset the loss through creating biodiversity improvements and ongoing maintenance of the area of the identified SANG adjacent to the site whilst an open space contribution had also been provided to ensure the improvement and enhancement of open space in Fulwell Quarry. This had been accepted by the Council's Ecological Consultant.

Therefore, the representative of the Executive Director of City Development advised that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm subject to the completion of a planning obligation and the recommended conditions. Accordingly, he recommended that consent was granted to the application subject to the satisfactory completion of the S106 agreement and the draft conditions set in the report.

The Chairman thanked the representative of the Executive Director of City Development for his report and invited questions from Members.

Councillor Doyle referred to the conclusions in the report that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the potential environmental harm. He asked Officers to expand on this in relation to the requirements of Policy NE2 of the Core Strategy and Development Plan regarding biodiversity.

The representative of the Executive Director of City Development replied that the site had been subject to significant ecological research and that the Council's Consultant Ecologist had raised no objection to the proposal. He was satisfied there would be no detriment across the site. The Council's Consultant Ecologist advised that the key phrase within Policy NE2 was 'significant' harm. There would be a detrimental impact on biodiversity however the main issue was to ensure that any harm was below the 'significant' threshold. He believed that the mitigations and conditions attached to any grant would ensure this.

Councillor Doyle stated that under the 3rd point of Policy NE2 a proposal that would adversely affect a Site of Special Scientific Interest, was required to demonstrate that there was a lack of an alternative solution and asked what alternatives had been considered? The representative of the Executive Director of City Development replied that he was not aware of the alternatives

considered by the applicant. The application received had been considered on its own merits and with the suggested mitigations deemed acceptable.

There being no further questions, the Chairman informed Members that requests to address the Committee had been received from Councillors, Wilson, Mordey, and Butler and also from Mrs Ruth Walker. The Chairman advised that they would be given 5 minutes to do so. Councillor Butler informed the Committee that he had received a diagnosis of dyslexia and asked that under the Equality Act 2010 reasonable adjustments were made to the Committee's 3rd Party Speakers Protocol to allow him additional speaking time. In response to an enquiry from the Committee's Solicitor, Councillor Butler asked that he was allowed 6 and a half minutes, and this was granted by the Chairman.

Each person spoke in turn in opposition to the application and the following issues were cited:-

- The North Sunderland Area Committee cared about its green spaces and had invested heavily in the site in this regard.
- The application represented a speculative punt to see if the newly established Committee was a soft touch.
- The application did not comply with Policy NE7 of the Core Strategy and Development Plan as it would result in a settlement break.
- The application did not comply with Policy NE4 in that it would fail to protect and conserve the existing greenspace.
- The application did not comply with Policy NE2 in that the development would adversely affect the ecological value of a Local Nature Reserve resulting in the loss of tree cover and 2 species of Britain's rarest butterflies.
- There was no mitigation provided for the loss of tree cover.
- The Committee needed to act in the best interests of its residents not Developers.
- 820,000 tonnes of sewage were discharged into the sea annually and a development of this size would only add to it.
- In adopting the City's Core Strategy and Development Plan, the Council had pledged to protect its green spaces. Public consultation had resulted in the number of green space areas earmarked for development being reduced from 15 to 11. The Council had only adopted the Core Strategy and Development Plan in 2020 and already developers were starting to inch into the green space that the Council had pledged to protect. The application represented a step too far in this regard, it rolled back the Council's commitment in relation to green space and should be rejected.
- The site was a valuable asset to the young people of Southwick. The quarries had been an adventure playground for generations of young people and a place where lasting memories were created, and relationships built. The young people had invested in the area planting hundreds of trees, restoring the acoustic mirror and undertaking litter

picks. The young people used the site for football, orienteering, bush craft and nature walks and they deserved more not less.

- There were existing brownfield sites in the area that were still available for development such as Cato Street. If use was made of the brownfield site it would send a message that Southwick was worth investing in.
- Page 43 of the National Planning Policy Framework stated that inappropriate development was harmful to the green belt and should not be approved
- Page 52 of the National Planning Policy Framework stated that development on land within or outside a triple S I that would have an adverse effect on it (individually or in combination with other developments), should not be allowed. In addition to this application there were 3 other developments in proximity to the triple S I. This application alone was only 10 feet from the border of the triple S I.
- The ecological survey showed that 41 territories of 16 species of breeding birds had been found within the red line boundary of the site. Of these, four were recognised as being of conservation concern, two red listed species and two amber listed species. Since the survey a further species (Greenfinch) had been added to the list of concern.
- There would also be an impact on the habits of Red Squirrels, Hedgehogs, Great Crested Newts and Bats.
- The site included an example of rare Magnesian Limestone grassland.
- The site was not marked in the Core Strategy and Development Plan for development. Although included in the Strategic Housing Land Availability Assessment (SHLAA), it was still in draft form had not been consulted on with Councillors and therefore should carry less weight.
- Granting the application would result in an unacceptable loss of amenity for local families and did not accord with the Council's agenda to be a Clean, Green Healthy city.

The Chairman then invited questions of clarification from Committee members on what they had heard from those speaking in objection.

In response to enquiries from Cllrs Foster, Doyle, Mullen and Warne seeking clarification in respect of the contention from objectors that the application represented development in the Green Belt, the representative of the Executive Director of City Development advised that it did not. The Committee was advised that the most northern part of the redlined site as displayed on the location plan was allocated as Green Belt however there would be no building on this part of the site. The purpose of its inclusion into the site's boundary was to enable substantially improved landscaping to take place. The planting of trees, and general improvements to soft landscaping did not constitute development for planning purposes and did not require planning permission from the Council.

In response to an enquiry from Councillor Mullen, the representative of the Executive Director of City Development noted the representation from Councillor Mordey regarding the Council's commitment to protect its green space but advised that it had to be balanced against its need to provide

housing to meet its residents needs and in particular in relation to affordable housing.

Councillor Mullen referred to Councillor Butler's statement that the distance between the triple SI and the site was only 10ft whereas the report gave the distance as 40 metres. He asked for clarification. The Council's Consultant Ecologist confirmed that the distance was 40 metres. Natural England had been consultant and had concluded that subject to the mitigations there would be no harm.

There being no further questions of clarification, the Chairman welcomed and introduced Ms Sandra Mason, the Agent for the applicant advising that in the interests of fairness, given the total amount of speaking time granted to those speaking in objection, her speaking time would be extended if required.

The Committee was informed that:-

- the scheme represented part of Gentoo's affordable development programme to deliver over 1,200 new homes in Sunderland supported by Homes England grant funding.
- The plans at Fulwell quarry would create up to 110 properties providing homes for approximately 250 people, delivering a significant contribution to affordable housing in Sunderland and assisting people from all backgrounds to become homeowners by removing potential income and deposit barriers.
- It met a recognised need as the shortfall in affordable homes in Sunderland was acute.
- In addition to social benefits there would also be economic benefits to the local economy during the build period with the construction of 110 homes estimated to create around 140 temporary jobs. There would also be the annual household spend of the new residents.
- The section 106 agreement would mitigate against the lost open space.
- The scheme would provide biodiversity enhancements and provide a natural playspace.
- The element of greenbelt within the scheme was being used solely to provide a barrier and would not be built on.
- The application was supported by the result of a recent planning appeal in respect of Gragdale Gardens which the Inspector allowed, stating the application would make a significant contribution to meeting housing need and a planning obligation would mitigate the loss of green space.
- The application was policy compliant and no objections had been received from statutory consultees or officers.

The Chairman thanked Ms Mason for her presentation and invited questions of clarification from Members.

Councillor Doyle having requested the facts in respect of the Cragdale Gardens appeal, the representative of the Executive Director of City

Development read out the findings detailed in the Planning Inspector's decision letter, to the Committee.

In response to a further enquiry from Councillor Doyle the Committee was informed that the designation of the land at the centre of the Cragdale Gardens case was open green space.

There being no further questions, the Chairman stated that she had just been advised that Mr Peter Gibson, Chairman of the Southwick Village Green Preservation Society was present and wished to speak in objection to the application. Mr Gibson was granted 5 minutes to address the Committee informing the meeting that :-

- The Southwick Village Green Preservation Society had voted unanimously against the proposal
- It was an area comprising three distinct quarries not one and was a popular recreational area for local residents of all ages
- The litter picks showed that people cared about it. The regular use for recreation deterred the fly tipping that plagued similar areas.
- It was a regular countryside walking route and the proposal would effectively deny local residents a popular walk.
- Southwick was a deprived area. People had very little spare money to spend on leisure. The open space of the quarries allowed people some free leisure time which benefitted their physical and mental health

The Chairman thanked Mr Gibson for his attendance and invited questions of clarification from Members.

Councillor Foster having asked if it was the case that the countryside walking route referred to by Mr Gibson would disappear, the representative of the Executive Director of City Development advised that people would still be able to walk through the proposed development to access the quarries.

The being no further questions, the Chairman asked the Committee to consider and comment on the application.

Councillor Morrissey stated that while he accepted there would be no development within the green belt, the application would result in development of an open green space. He stated that Mowbray Park, for example, was open green space rather than green belt, but no one would dream of building a housing estate on it. He informed the Committee that he would not be supporting the Officer recommendation to grant planning permission.

Councillor Doyle stated that it was a difficult application involving complex issues. He could not concur with objectors that the application constituted development within the green belt and was in tune with the developers view that the city had a desperate need for affordable homes. However, against this, he believed that the biodiversity net loss also needed to be given weight, especially given the impact of the proposal on a triple SI and that the site lay

within the impact risk zone of a number of designated sites. He could not agree with the assertion that the benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm and felt that the facts of the Cragdale Gardens case were different in that it did not concern a triple SI. As a result, he stated that he felt unable to support the recommendation.

There being no further comments the Chairman put the Officer recommendation to the Committee.

Upon being put to a named vote, the recommendation was approved with 5 Members voting in favour (Cllrs Foster, G. Miller, Scott, Thornton and Warne) and 4 members voting against (Cllrs Doyle, Morrissey, Mullen and Nicholson).

Accordingly it was:-

3. RESOLVED that the application be granted consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to the satisfactory completion of the S106 and the draft conditions detailed in the report.

Planning Application 22/00355/FUL Change of use from residential (C3) to residential children's home (C2) and demolition of garage - Fir Tree Lodge Silksworth Hall Drive Silksworth Sunderland SR3 2PG

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application and also the receipt of a late representation of support which was read out to the Committee.

In conclusion members were informed that the principle of the proposed development accorded with the relevant policies of the development plan and it was considered that the proposed use of the property as a children's home was acceptable in relation to the character and amenity of the locality and would provide prospective residents with an appropriate standard of accommodation. The implications of the proposals in relation to parking and highway and pedestrian safety were also considered to be acceptable. The application was therefore recommended for approval.

There being no questions for the representative of the Executive Director of City Development the Chairman welcomed and introduced Councillor Heather Fagan who had registered to speak in objection to the application advising that she would be given 5 minutes to address the Committee and that an

Officer would inform her when her time was up. Councillor Fagan addressed the Committee citing the following issues in objection.

- The property was accessed by a private unadopted road which was narrow with no passing places or turning circles. This would have serious implications for the Tyne and Wear Fire and Rescue Service in the event of a fire.
- Of particular concern was the gate to the property which did not meet building control regulations and was not wide enough to admit a fire engine.
- There would be a highway safety issue for pedestrians on the access road during the dark nights
- The change of use would generate an increase in levels of traffic in the way a private residence wouldn't eg from carers, parents, family visitors, health care professionals, social workers, deliveries and transport for residents.
- The resident children would be likely to attend a number of different schools resulting in more school run journeys than a normal family home.
- The proposed demolition of the garage would remove a boundary wall between two properties.
- The proposal was not in line with the Conservation Plan for the area.

The Chairman thanked Councillor Fagan for her address to the Committee and invited questions of clarification from Members.

Councillor Miller stated that Councillor Fagan had raised an important point in respect of the width of the gate and the restriction it placed on the Fire Service. He had attended the site visit prior to the meeting but had not noticed the width of the gate at the time. Councillors Nicholson and Mullen having raised similar concerns, the Chairman asked Officers to comment.

The representative of the Executive Director of City Development replied that the Tyne and Wear Fire Service had not objected to the application in planning terms. The issue of the width of the gate to provide access for the fire service was governed by separate Building Control Regulations which stood outside of the Planning process. At this junction Ms Sally Bishop for the applicant, advised that the home would also be regulated by Ofsted and as part of the regulation process would need to meet the appropriate fire safety regulations. The Fire Service would inspect the property and the applicant would undertake any alterations required as a result.

There being no further questions, the Chairman invited the Committee to comment on and debate the application. Councillor Foster stated that he welcomed the application. He believed that it was the perfect place for the young people, and he was pleased to see that the neighbours were supportive.

There being no further comments the Chairman put the Officer recommendation to the Committee and it was:-

4. RESOLVED that the application be granted consent, subject to the recommended schedule of conditions listed in the report.

Planning Application 21/01566/FUL – Agricultural land improvement and remediation of sink holes, utilising imported soil materials and creation of temporary works access - Land South of Low Haining Farm Stoneygate Houghton-le-Spring

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions or comments, the Chairman put the Officer recommendation to the Committee and it was:-

5. RESOLVED that the application be approved subject to the draft conditions listed in the report.

Planning Application 21/01645/FUL – Proposed conversion of first, second floors and erection of third floor extension to facilitate 13no residential apartments, including new rear fenestration and street fronting access - 59 Fawcett Street Sunderland

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions for the Officer, the Chairman asked Members to comment on the application. Councillor Doyle stated that he was really appreciative of the fact that the applicant had engaged with Northumbria Police's Designing Out Crime Officer, however he also wished to place on record his disappointment that the applicant had chosen not to adopt the Highways Officer's recommendation to provide secure cycle storage. The representative of the Executive Director of City Development advised that although the provision of the storage was desirable, it was not materially significant. He reassured Councillor Doyle that it was the applicant's intention to provide secure cycle storage at a future point in time.

There being no further comments, the Chairman put the Officer recommendation to the Committee Report and it was:-

6. RESOLVED that the application be approved subject to the completion of the Section 106 agreement and the imposition of the draft conditions, as detailed in the report.

Planning Application 21/02546/LP3 – Installation of additional fire escape doors to main school and creation of access ramps. Alteration of Garage Teaching Block to form 2 new classrooms and Building Construction Tech Block to provide internal meeting spaces, toilet and kitchenette. Additional parking and new fence between existing yard and allotments: Harry Watts Academy Firtree Avenue Harraton Washington NE38 9BA

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions or comments, the Chairman put the Officer recommendation to the Committee and it was:-

7. RESOLVED that the application be granted consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions set out in the report.

Planning Application 22/00173/FU4 - Detailed planning application comprising 16 no. residential units with associated landscaping and access - Land to the North of Saint Mary's Way City Centre Sunderland

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions for the representative of the Executive Director of City Development, the Chairman welcomed and introduced Ms Rachel Thompson, the Agent for the applicant, who was given 5 minutes to speak in support of the application.

There being no question of clarification for Ms Thompson, the Chairman invited the Committee to comment on and debate the application. Councillor Doyle stated that it was an excellent application particularly in terms of its aesthetics and densities. There being no further comments, the Chairman put the Officer recommendation to the Committee and it was:-

8. RESOLVED that the application be granted consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations subject to the completion of the Section 106 Agreement and draft conditions set out in the report.

Planning Application 22/00204/FUL – Change of use of building (and associated curtilage) from B2 general Industrial and amenity greenspace to the north, to B8 distribution, including installation and alteration of shutters and doors, additional lighting, construction of new yard, parking areas and landscaping. - SNOP UK Limited Rainhill Road Stephenson Washington NE37 3HP

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions for the Officer, the Chairman asked Members to comment on the application. Councillor Scott stated that he believed it was a glowing endorsement for the City that such a business had chosen to locate there.

There being no further comments, the Chairman put the Officer recommendation to the Committee Report and it was:-

9. RESOLVED that the application be approved subject to the draft conditions, as detailed in the report.

Planning Application 22/00529/SUB - Erection of a single storey extension with access stairs to rear and creation of smokers area (resubmission). - Mamas Kitchen Houghton Road Newbottle Houghton-Le-Spring DH4 4EF

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

In conclusion members were informed that it was considered that the development would be likely to result in harm to the living conditions of the occupiers of the neighbouring residential properties by reason of overlooking, loss of privacy and outlook. It was also likely to lead to conditions detrimental to highway safety. As a result the proposal was considered to be unacceptable and Members were therefore recommended to refuse planning permission for the reasons detailed in the report.

There being no questions for the representative of the Executive Director of City Development the Chairman welcomed and introduced Councillor Juliana Heron who had registered to speak in objection to the application advising that she would be given 5 minutes to address the Committee and that an Officer would inform her when her time was up. Councillor Fagan addressed the Committee citing the following issues in objection.

- a petition in objection had been submitted signed by 90 residents of Hillview Road
- the area already suffered from parking problems. The application would add to this.
- The increased traffic would be detrimental to highway safety
- The proposed smokers area was too close to neighbouring properties and gardens where children would be playing resulting in noise disturbance, overlooking and the smell of smoke.
- She wanted to see the business succeed but believed that the proposal was out of character for a conservation area.

There being no questions of clarification from Members, the Chairman welcomed and introduced the applicant Mrs Helen Cooper who had registered to speak in support of her application. The Chairman advised that she would be given 5 minutes to address the Committee and that an Officer would inform her when her time was up. Mrs Cooper addressed the Committee citing the following issues in support:-

- The application would utilise current dead open space. It would not remove a parking space as it too small an area to allow any vehicle to park
- It would not remove a service area as all deliveries came through the front of the property.
- The business employed 18 members of staff and the application would provide a staff room, shower room and secure storage area for the staff.
- The main reason for the application was the kitchen extension to allow the business to cater for people with specific dietary requirements which the current cramped space did not allow.

- The dining area was not being extended so there would be no increase in patrons and therefore no increase in the numbers parking
- The smoking shelter would be used smokers who would formerly congregate around the front door. The smoker's area would be completely private and screened by a smoked glass balustrade. It would enhance the amenity of neighbours who had previously had to look out onto a brick wall and extractor fan.
- The smokers' area would not result in an increase in litter or vermin
- A large percentage of the letters of objection were submitted by friends of local residents who did not live in the area.

The Chairman invited the Committee to comment on and debate the application. In response to an enquiry from Councillor Mullen the representative of the Executive Director of City Development advised that issue of overlooking stemmed from the proximity of the external elevated area to the neighbouring properties.

In response to an enquiry from Councillor Morrissey, the representative of the Executive Director of City Development advised that Officers had no concerns regarding the emission of cooking smells as it was not a material reason for refusal.

Councillor Miller referred to the statement in the report that the separation distances were inadequate and asked if this was a serious reason for refusal? The representative of the Executive Director of City Development replied that it was. The separation distances did not meet the required standard to protect the amenity of neighbours.

Councillor Foster stated that he was still unclear regarding the issue and moved that further consideration of the application was deferred for a site visit. The motion was seconded by Councillor Mullen.

Councillor Doyle believed that the Committee had enough information before them and stated that with respect to the Applicant, the Committee needed to recognise that there was a clear conflict between the proposals and the Council's planning policies.

The Chairman then put Councillor Foster's motion to the Committee, that further consideration of the application was deferred for a site visit.

Upon a vote being taken, the motion was passed with 8 members voting in favour and 1 member voting against.

Accordingly it was:-

10. RESOLVED that further consideration of the application pending the undertaking of a site visit.

Planning Application 222/00602/VAR – Variation of conditions 2 (approved plans) and 16 (landscaping) attached to planning permission 19/01484/FU4 - amendments to earlier grant of planning permission including variation of finished floor levels and provision of retaining wall to north western boundary of site. - Land at former Ayton School Goldcrest Road Ayton Washington NE38 0DL

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

There being no questions or comments, the Chairman put the Officer recommendation to the Committee and it was:-

11. RESOLVED that the application be granted consent subject to the conditions set out in the report

Items for information

Members gave consideration to the items for information contained within the matrix (agenda pages 199-215).

In response to an enquiry from Councillor Mullen regard planning application 22/00293/FUL (Proposed change of use from C3 to C4 21 Hawarden Crescent Sunderland), the Development Manager advised that the application had been withdrawn following the publication of the agenda papers.

Councillor Doyle highlighted the importance of site visits being requested at the matrix stage to minimise the number of deferrals being made at Committee for this reason.

12. RESOLVED that the items for information as set out in the matrix be received and noted.

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

(Signed) M. THORNTON
(Chairman)

Development Control Planning and Highways Committee

4 July 2022

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

- | | | |
|----|---|---------------|
| 1. | 22/00192/FUL
Former Louis Café, Park Lane, City Centre, Sunderland, SR1 3NX | Pages 18 - 38 |
| 2. | 22/00529/SUB
Mama's Kitchen, Houghton Road, Newbottle, Houghton-Le-Spring, DH4 4EF | Pages 39 -44 |

COMMITTEE ROLE

The Planning and Highways 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 Planning and Highways Committee Chairperson or the Development Control Manager via email 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.

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 22/00192/FUL Full Application

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

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

Ward: St Michaels

Applicant: MTA Land Investments Ltd

Date Valid: 1 March 2022

Target Date: 15 July 2022

PROPOSAL:

INTRODUCTION

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

DESCRIPTION OF SITE AND SURROUNDINGS

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

THE PROPOSED DEVELOPMENT

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

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

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

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

The application has been supported by the following documents:

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

PLANNING HISTORY

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

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

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

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

REPRESENTATIONS:

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

The following consultees were consulted on the application.

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

Press notice expiry date: 05/04/2022

Site notice expiry date: 31/03/2022

Neighbour notifications expiry date: 30/03/2022

Consultation expiry dates: 30/03/2022

Neighbour Notification Responses

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

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

Internal consultee responses

Environmental Health

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

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

Flood and Coastal Team (the Lead Local Flood Authority)

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

Transportation Development (the Local Highway Authority)

No observations

External Consultee responses

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Nexus

No response received

Northumbria Ambulance Service

No response received

Tyne and Wear Fire Authority

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

Northumbria Police

First representation

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

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

Second representation

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

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

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

Third representation

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

Natural Heritage

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

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

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

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

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

POLICIES:

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

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

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

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

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

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

ASSESSMENT OF THE PROPOSED DEVELOPMENT

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

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

1. Principle of Development

Strategic Policies

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

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

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

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

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

Town Centre Policies

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

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

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

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

Student Housing Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary

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

2. Design and impact on visual amenity

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

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

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

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

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

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

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

3. Impact on residential amenity

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

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

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

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

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

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

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

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

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

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

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

4. Impact on highway and pedestrian safety

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

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

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

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

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

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

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

5. Impact on ecology

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

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

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

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

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

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

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

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

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

6. Impact on flooding/ drainage

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

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

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

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

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

7 Greenspace

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

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

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

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

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

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

8. Planning Obligations

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

Recommendations

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

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

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing No. 00001 (Site Location Plan) received 03/02/2022
 - Drawing No. 00002 (Proposed Site Plan) received 03/02/2022
 - Drawing No. 10100 (Existing Basement Plan) received 03/02/2022
 - Drawing No. 10101 (Existing Ground Floor Plan) received 03/02/2022
 - Drawing No. 10102 (Existing First Floor Plan) received 03/02/2022
 - Drawing No. 10400 (Existing North and South Elevations) received 03/02/2022
 - Drawing No. 10401 (Existing East and West Elevations) received 03/02/2022
 - Drawing No. 20500 (Proposed Basement Plan) received 03/02/2022
 - Drawing No. 20501 Rev P01 (Proposed Ground Floor Plan) received 25/03/2022
 - Drawing No. 20502 (Proposed First Floor Plan) received 03/02/2022
 - Drawing No. 20510 (Proposed North & South Elevations) received 25/03/2022
 - Drawing No. 20511 (Proposed East & West Elevations) received 25/03/2022

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

- 3 The external building materials of the development hereby permitted shall be as specified at Paragraph 2.3.3 of Section 2.3 'Other Matters' of the Design, Access & Planning Statement (Ref: 2021/02/00) by Tyne & Wear Planning dated Jan 2022 (received 03/02/2022). Unless the Local Planning Authority first agrees any variation in writing.

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

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

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

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

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

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

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

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

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

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

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

Reference No.: 22/00529/SUB Resubmission

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

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

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

PROPOSAL:

APPLICATION SITE

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

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

PROPOSAL

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

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

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

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Houghton - Ward Councillor Consultation

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

REPRESENTATIONS:

Public Consultation

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

The objectors' main concerns are;

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

The main reasons for support are;

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

Consultees

Council's Environmental Health team

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

Council's Conservation team

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

Council's Transportation Development team

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

COMMENTS:

ISSUES TO CONSIDER

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

- visual amenity
- residential amenity
- highway safety

Visual Amenity

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

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway safety

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION: Refuse for the reasons given below:

Reasons:

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

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 PLANNING AND HIGHWAYS COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00091/FUL	Matthew Gray	Demolition of existing petrol filling station and convenience store. Erection of a new convenience store with associated works and access.	31/01/2022	28/03/2022
Barnes	Grindon Broadway Service StationThe BroadwayGrindonSund erlandSR4 8LP			Time extension agreed 12/07/2022
20/01442/VA3	Sunderland City Council	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020
Fulwell	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			Time extension agreed 25/04/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper Mill Ocean Road Sunderland			Time extension agreed 30/06/2021
19/02053/FUL	Mr Stephen Treanor	Change of use from offices (Use Class B1) to 10 no. student apartments; subject to condition 3 which prevents any other occupation of the building without the prior consent of the Local Planning Authority	17/12/2019	17/03/2020
Hendon	25 John Street City Centre Sunderland SR1 1JG			Time extension agreed 10/04/2020
19/02054/LBC	Mr Stephen Treanor	Internal works to facilitate change of use to 10 student apartments.	05/12/2019	30/01/2020
Hendon	25 John Street City Centre Sunderland SR1 1JG			Time extension agreed 10/04/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02435/FUL	MR VAS MUKHTAR	Change of use of existing residential care home (Use Class C2) to non-residential institution as a children's day nursery.	18/10/2021	13/12/2021
Hendon	Rowlandson House 1 And 2Rowlandson TerraceSunderlandSR2 7SU			Time extension agreed
22/00796/LP3	Sunderland City Council	Extension of existing rock armour along front of Stonehill Wall coastal defence.	08/06/2022	03/08/2022
Hendon	New South Pier Hudson Dock North SideBarrack StreetSunderlandSR1 2BU			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00970/FU4	Thirteen Housing Group Limited	Erection of 103no. affordable residential dwellings (Class C3) with associated access, landscaping and infrastructure	13/05/2022	12/08/2022
Hendon	Land At Harrogate Street And Amberley Street Sunderland			Time extension agreed
14/01371/OUT	Mr Colin Ford	Outline application for erection of 82 dwellings (all matters reserved) (amended/updated information received October 2021, revised drainage info received 07/02/22).	17/11/2014	16/02/2015
Hetton	Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX			Time extension agreed 19/08/2016
20/00134/LP3	City Development	Installation of solar panels to roof of existing building, solar carports within carparking area and associated battery storage.	05/02/2020	01/04/2020
Hetton	Evolve Business Centre Cygnet Way Rainton Bridge South Houghton-le-Spring DH4 5QY			Time extension agreed 01/06/2020

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/00561/REM	Mr C Ford	Reserved matters approval for appearance, layout, design and landscaping in relation to planning application	19/03/2021	18/06/2021
Hetton	Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX	12/01125/OUT (Proposed residential development comprising 40 no. residential dwellings with associated landscaping and access.) (updated drainage info received).		Time extension agreed
21/00603/FUL	Persimmon Homes (Durham)	Construction of 255 dwellings (use class C3) with associated access, landscaping and infrastructure (Amended description and updated submission)	22/04/2021	12/08/2021
Hetton	Land East OfNorth RoadHetton-le-HoleHoughton-le-Spring			Time extension agreed 30/06/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00621/FUL	Whitegates Equestrian Centre	Change of use from agricultural to equestrian use with erection of new residential dwelling and stable block with associated parking and creation of new access (Amended plan received 06.05.2022)	06/05/2022	05/08/2022
Hetton	Land To The Rear Of 21 South Hetton RoadEasington LaneHoughton-le-SpringDH5 0LG			Time extension agreed
17/00589/FUL	Persimmon Homes Durham	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
Houghton	Land AtLambton LaneHoughton-le-Spring			Time extension agreed 30/09/2021

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02445/FUL	Persimmon Homes Durham	Erection of 141no. residential dwellings with associated access, landscaping and infrastructure (Phase 2). Amended plans submitted July 2018.	21/12/2017	22/03/2018
Houghton	Land North Of Coaley Lane Houghton Le Spring Newbottle			Time extension agreed 29/03/2019
19/01446/FUL	Karbon Homes	Erection of 36 dwellings with associated works, including relocation of a substation (additional information uploaded 07.10.2021).	24/09/2019	24/12/2019
Houghton	Land Off Hutton Close And Ninelands Houghton Le Spring			Time extension agreed 30/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/01743/MAW	The Durham Company Ltd	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
Houghton	The Durham Company Hawthorn House Blackthorn Way Sedgely Industrial Estate Houghton-le-			Time extension agreed 30/09/2020
21/01409/FUL	Russell Foster Tyne and Wear Sports Foundation	Change of use from playing fields to private garden.	02/08/2021	01/11/2021
Houghton	The Russell Foster Football Centre Staddon Way Houghton-Le-Spring DH4 4WL			Time extension agreed 30/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01123/FUL	Jomast Developments Limited And Cowie Properties LLP	Development within Use Classes B2 and/or B8 with ancillary offices, Use Class E (foodstore, drive through coffee shop and drive thru bakery), Use Class E/Sui Generis (drive through restaurant) and Sui Generis petrol filling station, with associated access, parking, servicing and landscaping	15/06/2022	14/09/2022
Millfield	Land AtDeptford TerraceSunderland			Time extension agreed
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes SiteWoodbine TerracePallionSunderland			Time extension agreed 31/08/2021

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00531/FUL	Tim Witty - UK Land Estates	Erection of two units selling food and drink (within Use Classes E(a) and Class E(b)), with associated access arrangements, landscaping and car parking.	11/03/2022	06/05/2022
St Annes	Pennywell Industrial EstateSunderland			Time extension agreed 31/07/2022
22/00399/FUL	Euro Garages Limited	Demolition of existing petrol station and construction of a drive through restaurant and associated works.	16/02/2022	13/04/2022
St Michaels	Barnes Service StationDurham RoadSunderlandSR2 7RB			Time extension agreed 12/08/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/01076/LP3	Sunderland City Council	Demolition of Railway Club and Sinatra's Public House, to facilitate erection of a 404 space Multi-Storey Car Park (MSCP) (Sui Generis) with ground floor ancillary commercial use (Use Class E), including associated access, servicing and landscape works.	26/05/2022	25/08/2022
St Michaels	Land To South Of Holmeside Including Railway Club And Sinatra'sHolmesideSunderlandSR1 3HY			Time extension agreed
22/00141/FUL	Sunderland Sikh Association	Demolition of existing Gurdwara (Nissen hut) and reconstruction of new Gurdwara building. Minor works to former Christ Church comprising altering the link between the vestry and the main church building by creating a wider opening to the west elevation and removing a door to the east elevation, and alterations to front boundary comprising partial removal of wall and erection of new metal entrance gates and railings with piers.	23/03/2022	18/05/2022
St Michaels	The Sunderland Sikh AssociationChrist Church HallRyhope RoadSunderlandSR2 7ED			Time extension agreed 05/08/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00142/LBC	Sunderland Sikh Association	Demolition of existing Gurdwara (Nissen hut) and reconstruction of new Gurdwara building. Minor works to former Christ Church comprising altering the link between the vestry and the main church building by creating a wider opening to the west elevation and removing a door to the east elevation, and internal alterations to add partitions to the vestry. Alterations to front boundary comprising partial removal of wall and erection of new metal entrance gates and railings with piers.	22/03/2022	17/05/2022
St Michaels	The Sunderland Sikh Association Christ Church Hall Ryhope Road Sunderland SR2 7ED			Time extension agreed 05/08/2022
22/00228/FUL	JJ Property Lettings	Change of use from office to 10no. apartments; including new doors and windows, parking and turning space and formation of new vehicular access onto A182	22/03/2022	21/06/2022
Shiney Row	Employment Training Herrington Miners Hall Herrington Burn Houghton-le-Spring DH4 4JW			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/01001/FU4	Bernicia	Erection of 69no affordable homes with associated infrastructure and landscaping (biodiversity net gain info received).	26/04/2021	26/07/2021
Silksworth	Land East Of Primate Road Sunderland			Time extension agreed
21/02627/FUL	CJ Taverns	Demolition of public house and construction of 14 dwelling houses and a three storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane)	10/01/2022	11/04/2022
Silksworth	The Cavalier Silksworth Lane Sunderland SR3 1AQ			Time extension agreed 29/07/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00781/FU4	Almscliffe Deshi Developments (1) Ltd	Demolition of existing buildings on site and construction of a retail development comprising retail store with external garden centre (Class E), 2 retail units (Class E), a Vets practice and Tanning Shop (Sui Generis) and a drive-thru coffee outlet (Class E/Sui Generis) with associated access, parking and landscaping (amended retail impact and highways info received).	08/04/2022	08/07/2022
Silksworth	Former Farrington Hall Police StationPrimate RoadSunderlandSR3 1TQ			Time extension agreed
21/02737/LP3	Sunderland City Council	Change of use of existing building to community centre with associated elevational alterations, including replacement roof,gutters and piping, new entrance doors to front , steps/handrail to side, and patio area to front.	24/01/2022	21/03/2022
Washington North	Usworth Park PavilionUsworth Recreation ParkManor RoadConcordWashingt on			Time extension agreed 31/08/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
22/00136/FUL	Barmston Developments	Construction of four detached buildings to provide 9no. units with ancillary offices for general industrial (Use Class B2), storage or distribution (Use Class B8) and light industrial (Use Class B1(c)); including parking and turning space, landscaping and accesses onto Turbine Way.	31/01/2022	02/05/2022
Washington North	Land At Turbine Way Sunderland			Time extension agreed 08/07/2022
22/00294/FU4	Taylor Wimpey (North East)	Erection of 190no. dwellings with associated access, landscaping and boundary treatment	04/03/2022	03/06/2022
Washington North	Former Usworth Sixth Form Centre Stephenson Road Stephenson Washington NE37 2NH			Time extension agreed 30/09/2022

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
21/02807/HE4	IAMP LLP	Hybrid planning application including demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)) with ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (Outline, All Matters Reserved); and dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works (Detailed). (Cross Boundary Planning	21/04/2022	11/08/2022
Washington North	Land North / East And South Of International DriveWashington.			Time extension agreed

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
		Application with South Tyneside Council).		
21/02898/FU4	Esh Construction Limited And Gladglider Projects Limited	Extra care Housing Development incorporating the erection of a three storey building to provide 84no extra care units (Use Class C2) and 13no. bungalow dwellings (Use Class C3), ancillary support services, associated parking, drainage and landscaping and two new pedestrian / vehicular accesses onto Moorway	12/01/2022	13/04/2022
Washington West	Land West Of Moorway And South Of Havannah Road, Washington.			Time extension agreed 30/06/2022
22/00137/FU4	Taylor Wimpey And BDW Trading Ltd	Erection of 49no. dwellings with associated vehicle access and landscaping.	01/02/2022	03/05/2022
Washington West	Land To The North Of Stone Cellar RoadUsworthWashington			Time extension agreed