

**At a meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE
held in the COUNCIL CHAMBER, on MONDAY 5th JULY, 2021 at 5. 30pm**

Present:-

Councillor Wilson in the Chair.

Councillors Dixon, Doyle, Foster, E. Gibson, Hodson, Morrissey, Noble, Peacock, Reed, Scanlan, P. Smith and Stewart.

Declarations of Interest

Item 4 Planning Application Reference No.:21/00703/FUL Change of use from a single residential use class C3 dwelling house to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence. 35 Cartwright Road Sunderland SR5 3DX

Councillors Foster and Wilson declared an interest in the item on the basis that they had already formed any opinion on the application and therefore would not be considering the matter with an open mind. Both indicated that they wished to speak in opposition and that they would leave the meeting having answered any questions. Councillors Foster and Wilson left the meeting at the appropriate point, taking no part in any consideration or decision thereon.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Bewick and Butler.

Minutes of the last meeting of the Planning and Highways (East) Committee held on 7th June, 2021.

1. RESOLVED that the minutes of the last meeting of the Planning and Highways (East) Committee held on 7th June 2021 be confirmed and signed as a correct record.

Planning Application Reference No.: 20/01026/FUL Change of use from social club to 13 apartments; including rendering the exterior walls and new windows to side and rear elevation. Location: Ivy Leaf Club & Inst Ltd 38A Suffolk Street Hendon Sunderland SR2 8JZ

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

(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. The Committee also received a powerpoint presentation detailing the floor plan, front and rear elevations and site photographs. Members heard that in terms of the principle of the proposed development, officers considered that the benefit of bringing a long term vacant building back into use would outweigh the harm caused by the loss of a community facility; especially given that the provision of apartments would otherwise be a sustainable form of development. Officers therefore considered that the principle of the proposed development could be supported.

The proposed development accorded with the relevant policies within the development plan concerning the impacts upon design, drainage, ecology (other than biodiversity net gain) and highways; subject to the successful completion of a Section 106 agreement and the draft conditions detailed in the report.

Members were advised that there were material considerations, in terms of the vacant building credit provided within paragraph 69 of the National Planning Policy Framework, which outweighed the requirement to provide affordable housing.

Officers considered that, given the application was submitted nearly a year ago, it would not be realistic to expect the design to include the accessibility and space standards sought by the Core Strategy from 1 April 2021 onwards.

The report provided a detailed explanation concerning the acceptability of the impacts for amenity, biodiversity net gain and open / equipped play space.

In conclusion Members were advised that the proposed change of use was considered acceptable and was therefore recommended for approval subject to the conditions detailed in the report.

The Chairman thanked the Planning Officer for his presentation and invited questions from Members.

The Planning Officer then addressed questions from the Committee regarding:-

- The extent to which account was taken of the comments received from Northumbria Police regarding the future management plan of the development
- the ability of the LPA to require that a development included provision for 15% affordable homes under paragraph 69 of the National Planning Policy Framework

- the marketing of the property
- the rationale behind not requiring the design to include the accessibility and space standards sought by the Core Strategy from 1 April 2021 and whether this would be enforced if the application was submitted today
- Whether a condition in respect of secure by design had ever been imposed on a grant in the past
- Postal arrangements and bin storage
- The size of the apartments in relation to the constraints of the building
- The unusual amount of detail contained in the Police response to the consultation
- The reasons for the assumption that in terms of amenity, the proposed change of use would result in less noise disturbance than the old.
- The extent of interest shown in retaining the building as a community facility
- Enforcement of conditions requiring that development work must begin not later than three years from the grant of permission

The Chairman then welcomed and introduced Mr Gavin Brown, the Agent for the applicant advising that he would have 5 minutes to address the Committee. Mr Brown replied that he had nothing to add to the Planning Officer's presentation, as he did not want to detain Members unduly, however he would be happy to answer any questions and expand upon the answers already provided by the Planning Officer if Members required more detail.

With regard to the marketing of the building, Mr Brown advised that it had been marketed by the previous owner and had received only one expression of interest over a 3 year period. Once his client had purchased the building, he had also marketed it while he was weighing up his options regarding whether to develop the property himself. Its marketing had been undertaken via all the usual on-line agencies. During this period only two enquires had been received. One from a London based investor who decided not to proceed without even visiting Sunderland and another who decided against, having only viewed the building externally.

Mr Brown believed that ample opportunity had been given for a community use proposal to have been brought forward. With regard to its retention as a social club, he felt that the demand for this form of use was very much in decline and cited the number of social club closures in recent years.

With regard to the progress of the proposed Section 106 agreement, the terms had already been agreed by his client and returned to the Assistant Director of Law and Governance.

In respect of the question regarding the size of the apartments and the constraints of the building, Mr Brown advised that it was a steel framed building and the size of the apartments reflected that there were very few internal walls that could be taken out because their load bearing properties. Mr Brown contended that the apartments were in many cases larger than similar apartments within the city.

In terms of security it was the intention of the developer to make the apartments as secure as possible. The last thing he wanted would be to make tenants feel unsafe. There would be CCTV externally and also internally within the communal areas. Postal arrangements would include secure internal letter boxes.

With regard to waste management, discussions were on going with the Council's cleansing department and their advice had been valued. It was anticipated that it would be based on the model used in student halls of residence using large commercial style bins, stored within the internal footprint of the premises. Residents would be subject to a tenancy agreement and while there would be no permanent management office, as the building comprised 13 individual apartments and was not an HMO, there would be a management contract in place including regular cleaning of communal areas and regular inspections from a representative of the agent.

With regard to the requirement that development work should commence within three years, Mr Brown reassured Members that it was not his client's intention to delay matters and it was planned that a building control application would be submitted as soon as planning permission had been obtained.

In response to member concerns that the management plan should be appropriate, the Planning Officer advised that the draft condition (no.5) as detailed in the report was a standard one. It was within the gift of the Committee however to amend it by adding an additional sentence stating "The Management Plan shall include....."

Mr Brown replied that he believed his client would find this acceptable subject to the condition not being too onerous. In response to a request from the Planning Officer, the Committee suggested that the Management Plan should include:-

- i) management of the external and internal communal areas of the building via CCTV
- ii) a schedule of the management inspection visits to the building
- iii) details of the cleaning regime

Consideration having then been given to the application, and the Officer recommendation, as amended, having been put to the Committee, it was:-

2. RESOLVED that approval be given to the delegation of the application to the Executive Director of City Development who was minded to approve the application, subject to the successful completion of a Section 106 Agreement for an off-site financial contribution towards the mitigation of impact upon the protected coastline at a rate of £271 per apartment and to the draft conditions set out in the report and as amended at the meeting.

Prior to declaring his interest in the following item and vacating the Chair, Councillor Wilson sought a nomination from the floor to Chair the meeting for the remaining items of business

Having been nominated and duly seconded it was:-

3. RESOLVED that Councillor Stewart be appointed as Chair for the remainder of the meeting.

Planning Application Reference No.: 21/00703/FUL Change of use from a single residential use class C3 dwelling house to also allow for use as supported living accommodation for two mothers and respective babies with support staff in residence. - Location: 35 Cartwright Road Sunderland SR5 3DX

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee that the proposal affected a two-storey residential property standing on the inside of a bend in Cartwright Road in Castletown. There were garden areas to its rear and in front of both elevations facing the street. The property did not benefit from any in-curtilage parking space. Cartwright Road was flanked by residential dwellings on one side, but it also provided access to Castle View Academy and Sports Centre, which occupied extensive grounds on the west side of the road.

The application proposed to use the property as supported living accommodation for two mothers and their respective babies, with some support staff in residence. The application submission advised that it was intended to have two mothers and their babies cared for by on-site full-time members of staff. One member of staff would be present 24-hours a day for three days 'on' and three days 'off', with the shifts covered by two members of staff. A further member of staff was on-site in two shifts of 8am - 8pm and 8pm - 8am. The facility would therefore be covered by three actual members of staff, with a two staff to two mothers/children provision of care throughout each day.

The Committee's attention was drawn to the representations received as detailed on pages 21-23 of the agenda.

The Committee was also informed of the following key issues to consider in determining the application.

- materiality of proposed use;
- the principle of the proposal;

- the impact of the proposal on the amenity of the locality; and
- the implications of the proposal in respect of highway and pedestrian safety.

In conclusion members were informed that it was considered that the proposed use of the property was acceptable in principle, and it would not have a significant impact on the amenity of the locality. Careful consideration had been given to the implications of the proposals relative to on-street parking and highway and pedestrian safety and, given the comments received from the Council's Highways team, it was concluded that the proposed development was acceptable in relation to this matter, subject to the recommended condition which served to restrict the nature and level of occupancy of the property. Members were recommended to grant approval to the application subject to the conditions as detailed in the report.

The Chairman thanked the Planning Officer for her presentation and invited questions from Members.

The Planning Officer then addressed questions from the Committee regarding:-

- why it was assumed that the resident mothers would not be car owners?
- could it be guaranteed that a member of staff would be present at all times?
- what would be the new use class for the property?
- what was the expected age of the mothers?

The Chairman informed Members that requests to address the Committee had been received from Councillors Foster, Wilson and D. MacKnight. The Chairman advised that they would each have 5 minutes to do so.

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

- it would exacerbate already very serious parking problems in the vicinity caused by the presence of a large Academy and its numerous after school and weekend events.
- consideration of the application should be deferred until the issue of the area's parking problems had been successfully addressed
- the application was in the wrong place at the wrong time
- it was wrong to assume the mothers would not be car owners
- the nature of the residents would generate traffic over and above that of a normal family home given the permanent presence of staff working shifts on a rota basis, regular visits from social workers, health visitors, district nurses together with families and friends anxious to see the new babies
- a similar application had been rejected in Hendon on the presumption of possible future parking problems and yet this application was being

considered in an area where there was 'cast iron' evidence to show that such a problem already existed

- the neighbouring academy was already large with over 1000 pupils however it was scheduled to grow even further in September with the addition of two new classrooms.
- The property faced directly onto the gates of the Academy which was the regular scene of drug and alcohol abuse and not the location in which vulnerable young mothers should be accommodated.

Councillors Forster and Wilson left the meeting in turn, after each had addressed questions from members on their presentations.

The Chairman then welcomed and introduced Dr Anton Lang, the Agent for the applicant advising that he would have 5 minutes to address the Committee.

Dr Lang contended that any impact on the parking issue would be modest and low level citing the professional opinion of the Council's Highways team, that the proposal was unlikely to result in an increase in parking demand that would significantly impact on local residents. He informed members that the mothers would be young women that required support and in all likelihood would be under the age of 21. Given their circumstances, it was likely that the mothers would be unemployed and not in ownership of a car. Similarly, the carers formed part of the low wage economy and anecdotally it was noted that 40% of the operator's employees were not car owners, with many using public transport. Dr Lang stated that there were no controls over parking in the area with no yellow lines or a residents' parking scheme. The issue of parking was a pre existing one. Dr Lang acknowledged that there was undoubtedly a problem at the weekends when football matches were played, but contended that this was not indicative of the rest of the week. The Academy now charged people to use the parking spaces it provided and this had encouraged people using the Academy's facilities to park in the surrounding streets. The parking issue in the area reflected the fact it accommodated a 1000 plus pupil Academy not potentially a home for two supported mothers and their babies. The proposed use was controlled and of low impact. This should be contrasted with the current uncontrolled C3 residential use.

The Chairman thanked Dr Lang for his submission and invited questions from Members. In response to questions received, Dr Lang informed the Committee that he did not believe there was a particular appeal to operators in establishing supported units in residential areas. Such a decision would be based on a variety of factors, however one thing an operator would not wish to do was ghettoise vulnerable people.

Dr Lang did not believe that the premises would become a magnet for anti-social behaviour. It would be a low-level provision supporting two mothers with babies. Its use would be controlled by planning conditions and the premises would become Ofsted accredited. The aim of the support programme was to ensure that the mothers did not become an attraction for an 'undesirable element'. The proposed use was more regulated than one

that could occur under the current C3 unregulated residential use and it was Dr Lang's conviction that it would result in far fewer vehicular movements.

Care staff would work rolling shift patterns of three days on and three days off. With regard to whether staff arrivals/departures could be timed to avoid the peak Saturday parking demands when football matches were played at the Academy, Dr Lang advised that whilst the presence of the care staff would be permanent, it was very unlikely that the visits of social workers and health care professionals would be arranged for a Saturday.

Dr Lang was unable to confirm whether any of the babies would be under a child in need plan or a child protection order but advised that it was not a material planning issue. With regard to condition no.3 on page 30 of the agenda, Dr Lang advised that the word 'children' had been used in case there was a multiple birth. It was anticipated that each mother would have a single child however it was possible that there may be more than one dependent child. Dr Lang stated that if the Committee required, it could consider amending the condition to specify a limit on the number of children permitted in the property. Dr Lang advised that he would be happy to install CCTV if required and confirmed that the mothers would continue to be supported beyond their anticipated 26 week stay at the premises.

The Chairman thanked Dr Lang for his responses and invited the Committee to comment on and debate the application.

Councillor Morrissey stated that the objections from the three ward councillors centred on parking problems in the area however in the professional opinion of the highways officer it was not believed that the application would significantly increase the parking demand over and above that of a normal family home. In the light of this he did not believe that the Committee had any materially relevant planning grounds on which to refuse the application.

Councillor Hodson advised that he felt very uncomfortable at the thought of placing a restriction on the number of children to be accommodated. He was also very uncomfortable with the tone of a lot of the objections which he felt were callous and sought to penalise a perfectly justified application. He referred to Councillor Wilson's reference to the application in Hendon and believed there was no comparison to be made with it being a completely different scenario. That application had been for a nursery and would have generated traffic issues on a completely different scale. The premises in Cartwright Road was a family house and this application sought to replicate a family home. It was not an HMO, it was supported living. Councillor Hodson stated that he lived in Thornhill and there were at least a dozen examples of supported living in the immediate residential area. He believed that parking was not a relevant issue, the provision was either good or it wasn't. He felt that the application before the Committee was an appropriate one.

Councillor P. Smith stated that as members of a Planning Committee, Councillors had to listen to the professional advice of officers and take decisions accordingly however it was the ward members who would be left to

deal with the reality of the situation on the ground. She did not believe that this particular application was suitable for the proposed location and felt that a more appropriate one should be sought.

Councillor Reed stated that he agreed with Councillor Hodson that no amendment should be made to the conditions in order to limit the number of children accommodated. Parking was obviously the main issue for the objectors however he did not feel, relatively speaking, that the proposed development would do anything to alter the current parking dynamics.

Councillor Noble stated that it was likely that the babies to be accommodated would be the subject of a child in need plan or a child protection order. As a result, especially if there were safeguarding concerns, the accommodation was likely to generate considerably more comings and goings than a family home given the support required from professionals. Despite this, her concern was not the parking but how the home would be received by local residents given the way the rumour mill operated and the objections from residents already highlighted in the report. She had no concerns about the project itself and welcomed it. She stated that the young people needed to be given a chance and supported however she just did not feel as comfortable as some other members of the Committee around the actual location.

Councillor Doyle stated that he largely agreed with the comments made by Councillor Hodson and he felt perfectly satisfied that condition no. 3 would satisfy any concerns. He believed that the issue in respect of parking was not the fault of the applicant but of the Academy.

Councillor Dixon stated that he could not accept the arguments from objectors about parking issues on planning grounds, but stressed that ward councillors were perfectly right to make the case for their residents. He felt the location of the supported living scheme was rather obtuse, being next to a large school, but could only trust that Forever Care would manage the development well in order to protect the young mothers and babies and make sure there weren't any future problems for them.

There being no further comments, the Chairman advised the meeting that the Officer recommendation in respect of the application was that approval be granted. He asked the Committee if it was prepared to signal agreement by acclamation or whether it required a vote on the matter.

Councillor P. Smith stated her objection and asked that a vote was taken.

Upon being put to the vote with 6 members voting in favour, 3 members voting against and 1 abstention, the recommendation was approved and according it was:-

4. RESOLVED that the application be approved subject to the 3 conditions as detailed in the report.

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 31-36).

Councillor Doyle requested that Covid restrictions permitting, a Members' Site Visit was arranged in respect of the following application:-

21/01001/FU4 Land East of Primate Road Sunderland - Erection of 69 no affordable homes with associated infrastructure and landscaping

Accordingly it was:-

5. RESOLVED that:-

- i) the items for information as set out in the matrix be received and noted, and
- ii) Covid restrictions permitting, a Members' Site Visit be arranged in respect of the following application:-

21/01001/FU4 Land East of Primate Road Sunderland - Erection of 69 no affordable homes with associated infrastructure and landscaping.

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

(Signed) D. WILSON
P. STEWART
(Chairmen)