

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

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**Reference No.:** 17/02136/FUL Full Application

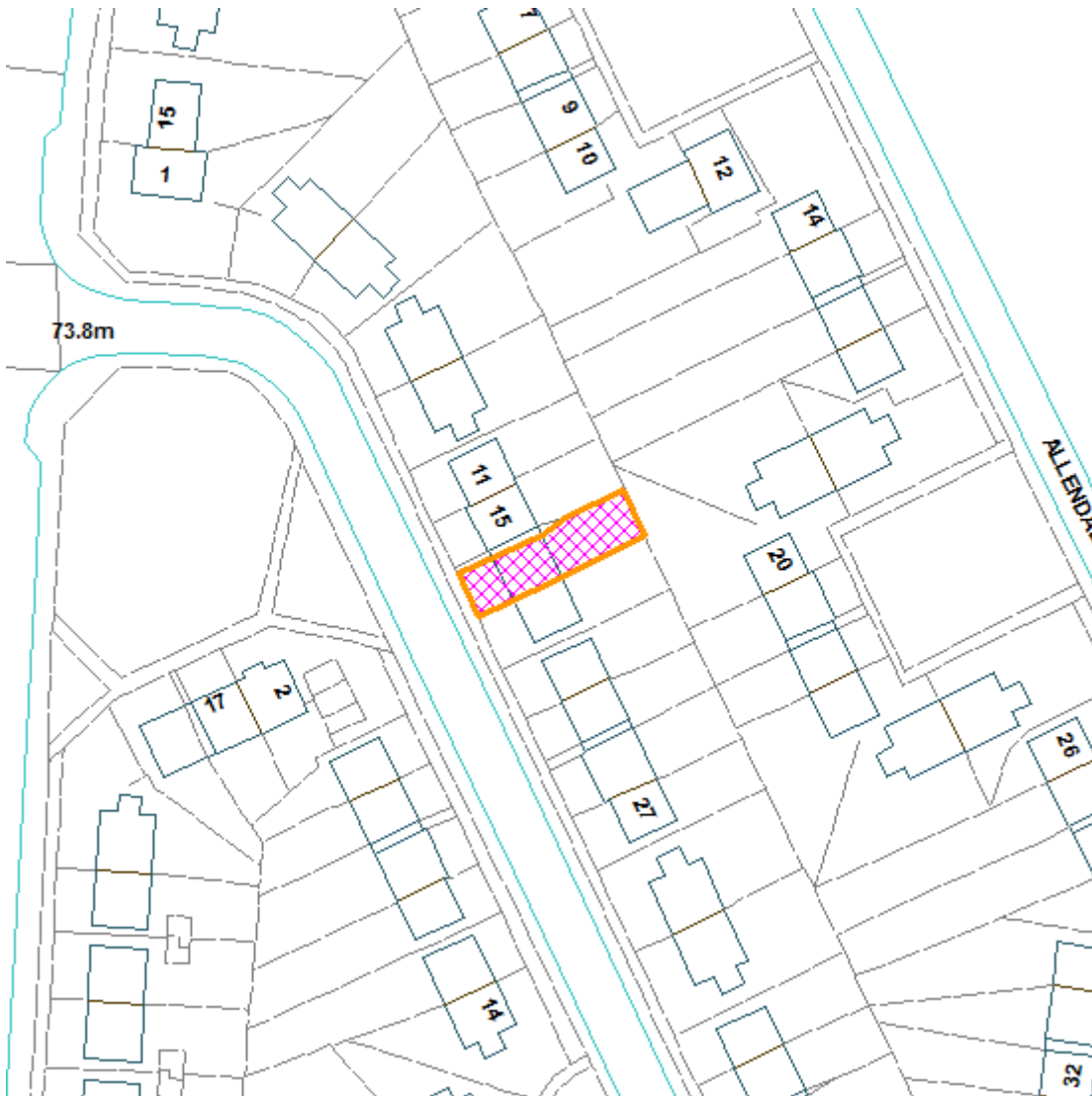
**Proposal:** **Temporary change of use from residential property to welfare/office facilities ( 41 weeks). (Retrospective)**

**Location:** 17 Alnwick Road Farringdon Sunderland SR3 3BU

**Ward:** St Chads  
**Applicant:** Tolent Solutions Ltd  
**Date Valid:** 30 November 2017  
**Target Date:** 25 January 2018

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**Location Plan**



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## **PROPOSAL:**

The proposal affects a two-storey semi-detached dwelling on the eastern side of Alnwick Road, which is a quiet residential street within Farringdon. The street is within a wholly residential area with properties on either side, and it acts as a minor through road with access to Allendale Road at each end.

This application has been submitted by Gentoo, who seek a temporary planning permission to utilise the dwelling as a site office for the duration of refurbishment works to their tenants' properties within the surrounding area. The living room at ground floor is to be used as a staff room, and the two bedrooms at the first floor will be used as office accommodation. There are no external alterations to the premises as part of the proposal.

Gentoo have advised that the office will provide a space for 5 members of staff and a "sign in and out point" for the workforce on the estate, an area for staff to take their lunch will also be provided. The proposed working hours of the office have been stated to be 7.30 am until 5.30 pm Monday to Friday with the managers potentially staying until 6:30, 2 times a week.

The accompanying statement within the planning submission received on the 29.11.17 states that there is a robust system in place to make sure that parking relating to the office use does not impact on the neighbouring properties, which includes a vehicle exclusion zone and contacting the adjoining neighbours to make them aware of the situation.

The dwelling subject to the application is currently in use as a site office and so the application is being considered retrospectively. Gentoo has advised that the use of the subject property as a site office is anticipated to be completed by 13.08.18. Gentoo has subsequently advised that the site will be vacated on the 20.03.18.

This type of proposal would generally be determined under delegated powers however, the application was called into the Development Control South Sub-Committee by Councillor Porthouse on the 05.12.17.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

St Chads - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **05.01.2018**

## **REPRESENTATIONS:**

PUBLIC CONSULTATION  
None received

## COMMENTS FROM PUBLIC PROTECTION & REGULATORY SERVICES TEAM

Public Protection and Regulatory Services Team offered no objections in their consultation response.

## COMMENTS FROM NETWORK MANAGEMENT

The Council's Network Management Team has noted that a driveway is only available for one car to park off the public highway. The proposal is sited within a residential street comprising semi-detached dwellings, and given the proposed use as a site office it would be likely to attract construction traffic and deliveries and additional on-street contractor parking to the detriment of road safety and residential amenity.

They advise that separate provision for contractor parking and site deliveries should be provided at a location sited away from a residential street. It is considered that the application should be refused in the interest of highway safety.

## POLICIES:

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

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

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

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

T\_22\_Parking standards in new developments

## COMMENTS:

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

1. Principle of proposed use.
2. Impact on visual and residential amenity.
3. Impact on highway and pedestrian safety.

## Policy Overview

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

The Council's adopted Unitary Development Plan (UDP) was adopted in September 1998 was adopted in September 1998. In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed saved policies was submitted to the SoS - via Government Office for the North East (GONE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4 September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain

continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

In order to properly assess the proposal, due regard must be given to relevant national policies and local policies and guidance provided by the Council's Unitary Development Plan (UDP) and Household Alterations and Extensions Supplementary Planning Document (SPD), which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

### 1. Principle of proposed use

Policy EN10 of the City Council's adopted Unitary Development Plan (1998) is applicable in this case. This states that proposals for new uses, in locations where the existing pattern of land use is intended to remain, will need to be compatible with the principle use of the neighbourhood. In this regard, the surrounding land use is wholly residential and as such, the application to use the property as a temporary office and welfare facility would not comply with the existing pattern of the land.

An assessment must be made, however, as to whether the proposed use can satisfactorily co-exist with the predominantly residential character of the locality for a temporary period and in this regard, consideration is given below to the impact of the use on local amenity and highway and pedestrian safety.

### 2. Impact on visual and residential amenity

Policy B2 of the Council's adopted Unitary Development Plan (UDP) and paragraphs 17 and 56 of the National Planning Policy Framework (NPPF) states that any development should be designed to a high quality and retain a good standard of amenity for adjacent residents.

In this regard the proposal seeks no external alterations to the unit and as such the change of use is not considered to be detrimental to visual amenity.

It is considered that the use of the property as a site office and welfare facility would not be compatible with the surrounding residential context, as it would greatly increase the number of comings and goings in relation to the property and would therefore impact negatively on the residential amenity of surrounding properties.

Following various site visits, it was also noted that a number of vehicles are parked on either side of the street and only one parking space is available to the front of the property. It would be necessary therefore for office staff and contractors to further utilise on-street parking, which would lead to an over-intensive use.

It is acknowledged that the proposal is for a temporary use however; given the above it is considered that the use would still be detrimental to the residential amenity of adjacent residents, and would therefore be contrary to policy B2 in this respect.

### 3. Impact on highway and pedestrian safety

Policy T14 and T22 of the UDP states that proposed development should retain off street parking in the interests of highway safety and not cause traffic or congestion or highways safety problems on existing roads. Development should make safe provision for access and egress by vehicles and pedestrians and other users and indicate how parking will be accommodated.

There is only one parking space available within the curtilage of the property, and the only other parking available is on the highway, leading to congestion within the residential street.

The applicant states that there are robust systems in place to make sure that the parking does not impact any of the neighbours by having vehicle exclusion zones and by contacting the properties on either side of the location to make them aware of this.

It is acknowledged that the exclusion zone mentioned above may limit parking adjacent to the site however; this would invariably lead to the displacement of vehicles to other residential areas within the vicinity.

Given the above circumstance it is considered that the use is unacceptable and is to the detriment of vehicular and pedestrian safety. The proposal is therefore contrary to policies T14 and T22 of the UDP.

## CONCLUSION

The proposal is considered to provide an over-intensive use of the site and insufficient parking for staff and workers and it will adversely affect the amenity of adjacent occupiers and present conditions prejudicial to road safety. The proposal is therefore contrary to policies EN10, B2, T14 and T22 of the UDP and is recommended for refusal.

## EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

## **RECOMMENDATION**

Members are recommended to Refuse the application for the reasons set out below:-

### **Conditions:**

1 The development through the level of intensity of use and though the comings and goings of traffic is considered to be detrimental to the residential amenities of the adjacent residents and the predominantly residential character of the street. The application proposal is therefore considered to be contrary to policy B2 of the Unitary Development Plan.

2 The development through the comings and goings of traffic is considered to be detrimental to pedestrian and highway safety in light of there being insufficient in-curtilage parking space. The application proposal is therefore considered to be contrary to policies T14 and T22 of the Unitary Development Plan.

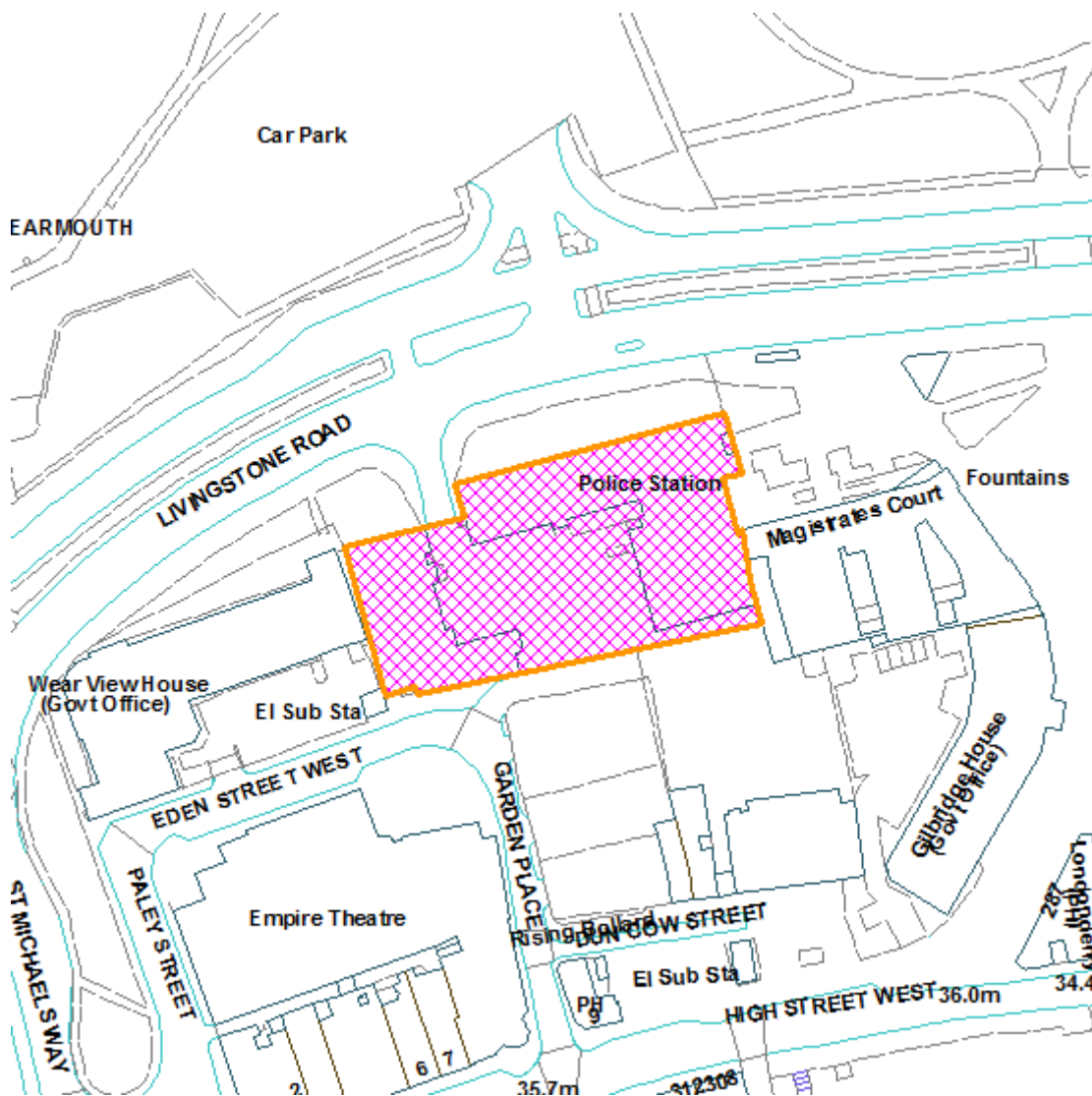
Reference No.: 17/02434/LP3 Local Authority (Reg 3 )

**Proposal:** Change of use from Police Station (sui-generis) to mixed commercial development comprising B1 (categories A, B and C), A1 (up to 500 square metres), A2, A3 (up to 1200 square metres), A4 (up to 1200 square metres), A5 (street food vendor), D1 (up to 1200 square metres) and D2 (up to 1200 square metres).

**Location:** Northumbria Police (Divisional Hq) Gill House Gill Bridge Avenue Sunderland SR1 3AW

**Ward:** Millfield  
**Applicant:** Sunderland City Council  
**Date Valid:** 3 January 2018  
**Target Date:** 28 February 2018

### Location Plan



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## **PROPOSAL:**

Planning permission is sought to change the use of the former Northumbria Police Divisional Head Quarters (Gill House, Gill Bridge Avenue, Sunderland).

The application has been submitted by Sunderland City Council following their acquisition of the Police Station in 2016. Subject to planning approval an agreement has been reached to dispose of the building to Hoult's Ltd for its comprehensive refurbishment into managed workspace for commercial and creative occupiers.

The proposal therefore seeks to change the use of the vacant building from use class Sui Generis, to a mixed commercial development comprising the following uses;

- B1, business use (categories a, b and c up to 4446 square metres)
- A1, retail (up to 500 square metres)
- A2, financial and professional services (up to 4446 square metres)
- A3, restaurants and cafes (up to 1200 square metres)
- A4, drinking establishments (up to 1200 square metres)
- A5, hot food takeaway (in the form of a street food vendor)
- D1, non-residential institutions (up to 1200 square metres)
- D2, assembly and leisure (up to 1200 square metres)

The host building has a gross internal floor space of 4446 square metres and the identified use classes have been proposed in order to maximise the potential to attract a broad spectrum of creative occupiers into the building. In this respect and within the parameters laid out above, the proposed application is seeking a flexible approach as to how the future occupation of the property will evolve.

The main Police Station is a 4 storey flat roofed building constructed in 1972. The building is characterised by its brutalist design features and built form with large expanses of exposed pre-cast concrete evident on all elevations. A smaller, less prominent two storey building is positioned to the rear.

The building occupies a gateway location within the City Centre with its pedestrian entrance fronting Keel Square and a primary elevation facing onto St Mary's Way. The Vaux site dominates the aspect to the north with permission now secured for a mix of uses of which office use is to predominate. At the rear to the south lies the Empire Theatre, The Dun Cow Public House, the recently refurbished and converted Fire Station and land which has recently secured permission for an auditorium including outdoor performance space.

The site is situated within the Bishopwearmouth Conservation Area of the City Centre and the Centre's Theatre Quarter, as allocated by the adopted Alteration No. 2 to the Unitary Development Plan and Sunderland City Centre Evening Economy Supplementary Planning Document. Although the host building is not listed it has been identified as a non-designated heritage asset and there are a number of listed buildings within the general vicinity including the aforementioned Empire Theatre and Dun Cow Public House (Grade II\* and Grade II respectively), the attached Magistrates' Court and The Peacock Public House (both Grade II).

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Millfield - Ward Councillor Consultation  
Environmental Health  
Network Management  
Business Investment  
Southern Area Command - Police  
NE Ambulance Service NHS Trust  
Fire Prevention Officer

Final Date for Receipt of Representations: **08.02.2018**

## **REPRESENTATIONS:**

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

### External Consultees

The Tyne and Wear Fire and Rescue Service confirmed that it has no objections to the proposal subject to satisfying specific Building Regulation criteria, which would be subject to a separate application for Building Regulation approval.

The Northumbria Police Liaison Officer and Ambulance Service (NHS Trust) were also consulted from which no response has been received.

### Internal Consultees

#### Network Management

It has been observed that primary access to and egress from the site is from/onto St Mary's Boulevard via a left in left out arrangement. There is currently a gap within the central reservation (St Mary's Boulevard) which permitted police vehicles to turn right and this is to be removed as part of a new proposal to provide a new access road into the Minster Quarter.

#### Public Protection and Regulatory Services (Environmental Health)

A number of observations have been offered. The comments advise that consideration be given to the control of odour emissions from the restaurant/café/drinking uses, whilst noise emanating from any mechanical plant and future activities within the building also needs to be considered.

#### Natural Heritage

No objections have been offered to the proposal. In terms of a Habitats Regulations Assessment it has been advised that the location and nature of the proposed development are such that the competent authority, Sunderland City Council, can record no likely significant effect from the construction or operational phases of development on the key features of the coastal European Sites, and therefore no requirement for a Screening Opinion or Appropriate Assessment.

An ecological assessment of the site and adjacent habitats has not included with the planning application documentation. The former Police Station was assessed in 2015 as possessing features that could potentially support roosting bats, albeit this would be low risk and there may be the possibility of breeding birds on site, in particular on the roof of the building. Notwithstanding, as the application relates to a change of use only with no substantial external work proposed, there are no substantive concerns offered. Should the scope of the works include operations to fill

external expansion gaps or similar, or in areas where birds could nest, the developer and their agents must be mindful of their duty with regards to protected species, and checking surveys may be necessary in advance of and to inform the works.

Business Investment Team  
No comments received

## **POLICIES:**

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

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

B\_4\_Development within conservation areas

B\_6\_Measures to preserve and enhance conservation areas

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

S\_11\_Restriction of non retail uses in parts of the city centre and Washington town centre

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

T\_9\_Specific provision will be made for cyclists on existing/new roads and off road

T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to consider in assessing the proposal are:

- Land Use;
- Amenity;
- Highway Implications;
  
- Land Use and policy implications

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Chapter 2 of the NPPF encourages planning policies and decisions to promote competitive town centre environments which offer choice and meet the need to support viability and vitality and broadly promotes town centre uses to, first and foremost, be located within town centres, subject to sequential testing.

Policy S11 of the adopted Unitary Development Plan (UDP) advises that non-retail uses will be restricted in parts of the City Centre, as set out below, whilst policy S12 of this document advises that planning permission for hot food takeaways, restaurants and other similar uses within the former Use Class A3 (which included cafés and public houses) will normally be granted in local

centres unless they have a detrimental effect on the environment, residential amenity and/or public/highway safety, subject to satisfying the criteria of policy S11.

The application site lies within the Central Sunderland Boundary as defined by the adopted Alteration No. 2 to the Unitary Development Plan and, as such, is subject to policy EC10A therein which promotes the regeneration of Central Sunderland through maximising investment in employment, housing, leisure, tourism and education and strengthening the retail function of the City Centre retail core.

Policy S2A of Alteration No. 2 deals with retail development and other town centre uses and explanatory paragraph 6.23 of this policy states that 'a broad range of uses already contribute significantly to the character of the City Centre, including shops, financial and professional services, restaurants, business and leisure and cultural uses'. These uses are identified to remain prominent and this approach is considered to be consistent with chapter 2 of the NPPF, as summarised above.

In particular, the site is situated within an area of the City Centre which is allocated as a strategic location for change wherein policy EC5B of Alteration No. 2 is applicable which seeks diversification to secure the following range of uses:

A2 Financial and Professional Services

A3: Restaurants and Cafés

A4: Drinking Establishments

B1: Business

C3: Housing

D1: Non-residential Institutions

D2: Assembly and Leisure

Policy SA74A of Alteration No. 2 advise that the Council will support the diversification of licensed premises in the City Centre in order to create an evening economy for all groups and refers to the adopted Sunderland City Centre Evening Economy Supplementary Planning Document (SPD), to which all proposals should accord.

Being situated within the designated Theatre Quarter, the host property is subject to the provisions of policies TQ1-4 of the Evening Economy SPD. In respect of land use, policies TQ1 and TQ2 advise that planning permission be granted for up to 6no. additional restaurants, cafés and café-bars (Use Class A3) within the Theatre Quarter whilst no further permissions be granted for pubs/bars (Use Class A4), hot food takeaways (Use Class A5) or nightclubs (Sui Generis) within this Quarter.

The site also falls within the designated Theatre Quarter and Minster Quarter. In respect of the Theatre Quarter Alteration No. 2 (paragraph 19.291d) sets out the intention for this area to appeal to older age groups, shoppers and theatre-goers in the interest of achieving a more mixed evening economy and strengthening the Empire Theatre with nearby quality restaurants and café-style bars. The Theatre Quarter is intended to be a place where customers can eat and drink after shopping or after work in relaxed atmospheres which offer low volume music to allow normal levels of conversation.

The Minster Quarter Master Plan Supplementary Planning Document (SPD) formalises the vision for the area to emerge as cultural hub and lays out development aspirations and guidance for key sites. The SPD promotes a broad mix of uses across the area including leisure, cultural facilities, cafes, bars and restaurants, retail and residential.

More specifically the SPD references the host site (Gill Bridge House) as providing opportunity for conversion and/or redevelopment at a key gateway site into the quarter. The SPD also advises as to potential uses for the building outlining, residential, office development, retail and restaurants and uses associated with creative industries.

## Assessment

In giving consideration and material weight to the wealth of policy documentation outlined above it is evident that there are clear aspirations and objectives to bring about improvements to the area through the introduction of a lively mix of uses which complement the cultural and historic context of the Theatre/Minster Quarter.

It is understood that the concept of the proposed scheme is to offer a bespoke development that allows flexibility for small businesses to set up the likes of workshops/business units etc. within the floor plate of the building as is required to meet their individual needs. In this respect the quantum of uses proposed are reflective of an aspiration to create a lively mixed use business hub which is considered to be compatible with the aforementioned land-use allocations and policies.

Indeed the host building is specifically referenced within the Minster Quarter Master Plan SPD as being suitable for office development (B1), retail (A1), restaurants/cafes (A3) and creative industries, whilst A2, A4, D1 and D2 uses are all listed as being appropriate within the City Centre courtesy of policy EC5B of Alteration No. 2.

Notwithstanding, the description of the proposal has been carefully considered to ensure that the aspirations to create a lively mixed use development comes forward. As such, the description specifically caveats that certain uses should not dictate or form the predominant use of the building.

This is particularly evident in respect of the A1 retail offer where a restriction of 'up to' 500 square metres of floor space has been put forward. Although the site lies within the City Centre, it sits just outside the defined City Centre's Retail Core. Consequently the provisions of paragraphs 24 and 26 of the NPPF need to be considered.

Paragraph 24 states that Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of town centre locations and only if suitable sites are not available should out of town be considered. In giving consideration to proposals, preference should be given to accessible sites that are well connected to the town centre and applicants and local planning authorities will be expected to demonstrate flexibility on issues such as format and scale.

Paragraph 26 continues that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning Authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold. If the no locally threshold has been set, the NPPF advises that a default threshold of 2.500 square metres be applied.

A locally derived threshold has not been formally adopted as this time and as the proposed retail element falls significantly below the NPPF's threshold there is no requirement to provide a retail impact assessment in this instance. Whilst the building does fall just outside the defined retail core its position within the City Centre and close affiliation to the retail core dictates that it lies within an accessible, well connected and thus sustainable locality. It is further acknowledged that the retail offer will be integrated into a managed workspace that could not be suitably

accommodated within other retail core locations. In light of the above and subject to condition restricting the retail element to no more than 500 square metres, there are no grounds to suggest that it will have an unacceptable impact on the vitality and viability of the existing retail core.

It is also noted that the application proposes to curtail the floor areas of the A3, A4, D1 and D2 uses to an upper threshold of 1200 square metres. It is evident that policies TQ1 and TQ2 of the Sunderland City Centre Evening Economy Document, advise that planning permission will only be granted for up to 6no. Additional restaurants, cafés and café-bars (Use Class A3) within the Theatre Quarter whilst no further permissions should be granted for pubs/bars (Use Class A4), hot food takeaways (Use Class A5).

In respect of the above it is noted that the Evening Economy is now 10 years old and there appears to be some conflict between policies TQ1 and TQ2 and the overarching aims and aspirations of the recently adopted Minster Quarter SPD. The SPD outlines that Sunderland currently has a limited evening economy and a poor quality restaurant offer for a city of its size and despite attempts to address this issue the number of vacant units in this quarter suggests that demand is limited. Indeed since the Evening Economy was published a number of the bars and pubs that were referenced in that document have now closed. The Minster Quarter SPD goes on to state that without further leisure anchors to complement the Empire Theatre and the delivery of new employment accommodation within the area to generate footfall during lunchtime and early evening periods (Vaux and Farringdon Row sites specifically referenced), it will be difficult to generate demand from complementary leisure operators.

In respect of the above the delivery of such complementary leisure operations within the host building and the addition of what will be an infrequently positioned hot food catering vehicle outside the building will assist in generating the additional lunchtime and early evening footfall within the area.

In line with the above and the 'mixed use' aspirations of the development and Minster Quarter SPD, the threshold of 1200 square metres for bars, restaurants, leisure use and non-residential institutions (encompassing exhibition space and galleries) is considered to be reasonable and will be conditioned accordingly.

Notwithstanding, it is anticipated that a large proportion of the building will be utilised for creative business space and offices therefore the submission has sought no floor area threshold on uses classes B1 and A2. Based on the land use designations of the Quarter and the potential for such employment use to generate much need footfall to the area, this is also considered to be reasonable.

Overall, it is considered that the proposal accords with the economic and cultural aspirations for the Theatre/Minster Quarter and, by bringing a prominent building back into use, would enhance the viability of the local area whilst stimulating more interest for further custom and investment in the City Centre, strengthening and diversifying its daytime and evening economy.

- Amenity

In addition to policy B2A of the UDP alteration No. 2, as set out above, regard must be had to policy EN5 of the UDP which states that, where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures.

The host building is relatively isolated in terms its proximity to residential uses (Planet, Solar and Astral House are approximately 200m away) whilst the type/nature of the uses proposed are considered to be compatible with the general character of the area. There are existing bars and restaurants within the vicinity which sit within closer proximity to residential uses and it is not considered that any potential noise emanating from the building would unduly affect the living conditions of surrounding occupiers.

It is noted however that some concern has been raised by Public Health over the potential for amplified music to adversely impact on quieter cohabiting uses within the building. In this respect it would generally be requested that a noise assessment be carried out prior to amplified music being played within the building to ascertain the potential impact of such noise on adjacent uses. However, in this particular case it is evident that the mix of uses would operate within a 'managed space' and potential occupiers would be aware of the type/nature of businesses that could set up within the building. Public Health are therefore content to attach a condition to the application which will require the applicant to submit a noise management plan which will outline how noise levels will be managed within the building for the lifetime of the development. This can be achieved via an appropriately worded condition.

It is has however been advised that amplified music should not be played in any external area unless a noise assessment has been undertaken to determine whether the level of noise is likely to give rise to complaints from occupiers within the vicinity. Again, this can be controlled via condition.

In order to avoid adverse impacts on the amenity of nearby residential properties and the character of this part of the City Centre, policy TQ4 of the Evening Economy SPD recommends that licensed premises be closed by no later than 23:30 on Mondays to Thursdays, midnight on Fridays and Saturdays and 23:00 on Sundays (or midnight on Sundays preceding Bank Holidays). However, in this instance it is noted that the, the Dun Cow, is licensed to operate until midnight daily and planning permission has recently been granted for 314 High Street West / 1 Church Lane to operate as a café/bar until midnight, whilst the restaurant/bar within the Old Fire Station has recently been granted permission to operate until 1am.

In respect of the above and in order to achieve consistency, it is recommended that the hours of operation of the proposed A3 and A4 uses are approved in line with the recently converted Fire Station (between the hours of 07:00 and 1am). It has however been requested that the remaining uses are offered the flexibility to operate unrestricted hours. This is considered to be reasonable as none of these uses are likely to give rise to amenity concerns in this location.

It is apparent that the installation of suitable extraction flues and plant machinery will be required to cater for a number of the uses proposed. However, as the location of these uses has yet to be determined it is not possible to make an assessment at this time. In any event, it is likely that that any such plant and machinery will be subject to a separate application for planning permission as and when they are required to be installed.

- Highway Implications

Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles whilst UDP policy T9 encourages the provision of facilities to promote and support cycling.

It is noted that this site is located within the City Centre and is therefore readily accessible by foot, bicycle and public transport and car parking is available within close proximity, including Livingstone Road, Saint Mary's multi-storey car park and The Bridges Shopping Centre.

In terms of access to the site it is acknowledged that there are currently proposals to create a new link road adjacent to the site which will provide direct north-south connectivity between St Mary's Boulevard and Garden Place. Should this scheme come forward, it will serve to reconfigure the access arrangements to the host site.

Notwithstanding, the application needs to be considered in relation to the ground conditions as they currently stand and in this respect primary access and egress to and from the site is achieved via St Mary's Boulevard (primarily on a left in and left out basis). An additional means of access currently exists by virtue of a gap that has been retained within the central reservation (this was on occasion utilised by the Police when responding to emergencies). The Council's Network Management Section have however advised that the continued use of the gap within the central reservation to access the site would not be appropriate for day to day use such as operatives involved within the conversion works or future occupiers of the building on grounds pertaining to highway safety. In this respect it is considered to be necessary to seek the closure of this gap within the central reservation prior to the undertaking of the conversion works associated with approved uses. There is an agreement of intent to carry out these offsite highway works and a Grampian condition will be attached to the decision notice to ensure that full details of such works are submitted for approval in writing.

## **Conclusion**

For the reasons given above and subject to the conditions set out below, the proposal is considered to be acceptable. The proposal will importantly secure the buildings future for a beneficial use, assist in sustaining and enhancing the character and appearance of Bishopwearmouth Conservation Area, and make a positive contribution to the economic and cultural renaissance of the Minster Quarter and wider regeneration of the City Centre. Further, it is not considered that the proposal would be detrimental to the amenity of the local area, highway safety or the free passage of traffic.

The proposal therefore accords with the relevant provisions of the adopted UDP (Alteration No.2) and the NPPF and as such, it is recommended that Members grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

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

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;



- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:-

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

### **RECOMMENDATION:**

It is recommended that Members grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

### **Conditions:**

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

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

- The floor plans and roof plans as existing received 19 December 2017, 02 February and 07 February 2017 (Plan ref's A1/01);
- The site plan received 19 December 2017 (Plan ref TRS/14/0001422);

- The site plan received 15 February 2017 (Plan ref TRS/14/0001422/B);
- The location plan (Street food vendor) received 19 December 2017 (TRS/14/0001422);
- The location plan received 19 December 2017 (TRS/14/0001422).

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan.

3 The A3 and A4 uses hereby approved shall not be open to the public between the hours of 01:00 and 07:00 on any day, in order to protect local residents from exposure to excessive noise and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

4 The combined noise level of the external plant hereby approved shall be limited to 35dB LAeq during the night time period as measured in a free field position at the nearest residential dwelling. In the interests of residential amenity and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

5 No use hereby approved shall commence until details of all necessary plant and machinery to serve the development, including a suitable ventilation/extraction/filtration system illustrating all external ducting and stacks as well as an appropriate noise assessment, have been submitted to and approved, in writing, by the Local planning authority and/or planning permission has been granted for such. All plant/machinery shall be fully installed in accordance with the agreed details before any use commences, in order to protect the amenity of local residents, the visual amenity of the area, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.

6 Amplified music shall not be played within any external area of the host site unless a noise assessment accompanied by a noise management plan has first been prepared by a suitably qualified noise control consultant and submitted to the Local Planning Authority for agreement in writing. For the avoidance of doubt the assessment will be expected to determine whether the level of noise emanating from the playing of live and / or recorded music in any area of the site will give rise to complaints from residents or commercial premises within the vicinity and include details of any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential/commercial premises. Thereafter the development shall be implemented in accordance with the approved details for the life time of the use in the interests of limiting noise pollution and to comply with policy EN5 of the Unitary Development Plan.

7 Amplified music shall not be played internally unless a Noise Management Plan has first been prepared and submitted to the Local Planning Authority for agreement in writing. For the avoidance of doubt the management plan will be expected to contain details of the procedures and mitigation measures to be put into place as required to minimise potential conflict between cohabiting uses within the building. At all times thereafter the Noise Management Plan shall be implemented in accordance with the approved details in the interests of limiting noise pollution and to comply with policy EN5 of the Unitary Development Plan.

8 None of the internal conversion works required to facilitate the approved uses shall commence until full details of a means of removing the opening in the central reservation on Saint Mary's Boulevard as referenced on plan TRS/14/0001422/B, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed highway works shall be fully implemented in accordance with the approved details prior to any internal conversion work being carried out within the building.

Reason: To ensure appropriate and safe provision for access and egress of vehicles utilising the site and to accord with Unitary Development Plan Policy T14.

9 Notwithstanding the approved plans, all servicing and deliveries associated with the use hereby approved shall take place from the rear yard of the premises and the rear yard shall remain unobstructed and be retained for such activities at all times, in the interests of highway safety and to comply with policy T14 of the UDP.

10 The internal floor area of the building shall be restricted to a maximum of;

A1, (up to 500 square metres);

A3, A4, D1 and D2, (up to 1200 square metres).

Reason: In order to promote a broad mix of uses within the area and to accord with policy B2A of Alteration No. 2 to the Unitary Development Plan and The Minster Quarter Master Plan Supplementary Planning Document (SPD).

3.

South  
Sunderland

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Reference No.: 17/02462/LP3 Local Authority (Reg 3 )

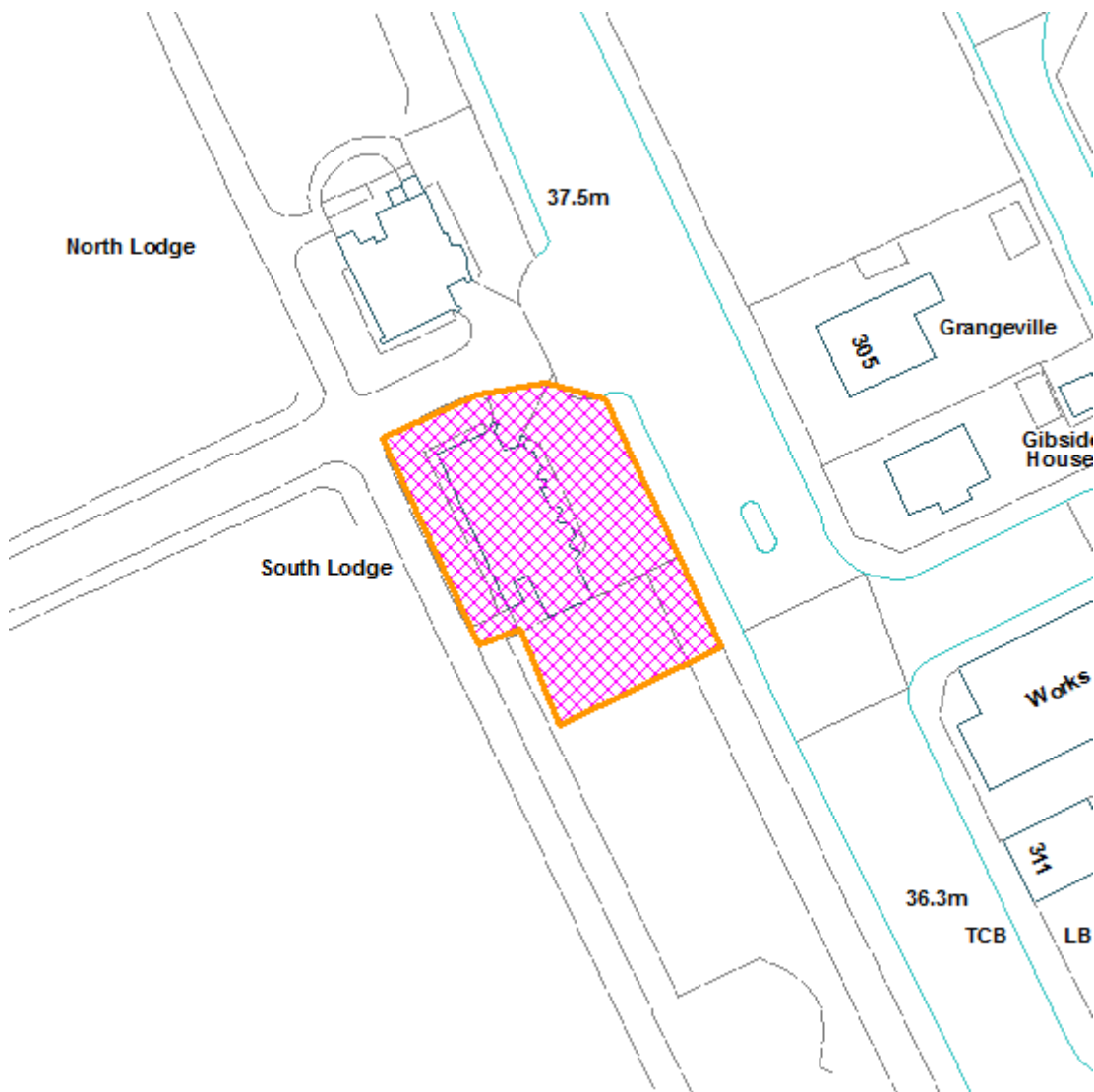
Proposal: **Change of use from cemetery office (B1) to dwelling house (C3)**

Location: South Lodge Sunderland Cemetery Ryhope Road Sunderland

Ward: Ryhope  
Applicant: Sunderland City Council  
Date Valid: 15 January 2018  
Target Date: 12 March 2018

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### Location Plan



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## **PROPOSAL:**

The proposal relates solely to the change-of-use from Cemetery Office to Dwelling House, at Sunderland Cemetery, in Grangetown Sunderland. The building has primarily been used as an office building for the cemetery but has now lain empty for a number of years. In order to preserve this attractive building for future generations to enjoy, it is proposed to change its use to a residence, which will require maintenance and refurbishment and secure its future, moving forward. It should be noted that any such physical works to the building will require separate planning permission / Listed Building Consent.

## **Site Description**

South Lodge is a Grade II Listed Building built in 1858 as a lodge and office to a municipal cemetery. Located to the left of the main entrance to the cemetery on Ryhope Road, just south of Grangetown centre, this attractive gothic-styled building is constructed from limestone with a welsh slate roof. Another similarly-styled Listed Building, North Lodge is also situated at the entrance, on the other side of the cemetery access road.

The application has been advertised accordingly, by way of site notice and neighbour notifications.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Ryhope - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water

Final Date for Receipt of Representations: **13.02.2018**

## **REPRESENTATIONS:**

Neighbours / consultees.

No observations / letters of representation have been received as a result of the publicity / consultation exercise.

## **POLICIES:**

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

B\_3\_Protection of public/ private open space (urban green space)  
B\_10\_Development affecting the setting of listed buildings

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

## **COMMENTS:**

In determining the application the main issues to consider are:

1. The Principle of the Use.
2. Highways Matters.

### 1. The Principle of the Use

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the NPPF, the greater the weight can be given to the development plan.

In assessing the principle of the use, the proposal has been considered against the relevant policies of the saved adopted Unitary Development Plan, namely B3, B10 and T14, as set out below:-

With regards land use, the applicable policy is B3 which states;

Public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

The proposed change of use of the building will not result in creating any serious adverse effects on amenity, recreation or nature conservation and as such, changing the use of the property is considered to be acceptable in principle.

In addition to B3, due regard has to be paid to B9 which (in part) states:-

The City Council will seek to preserve and enhance the character and qualities of those buildings listed as being of special architectural or historic interest by giving favourable consideration to a wider range of uses than might normally be appropriate to help bring otherwise vacant buildings back into beneficial use, providing these do not adversely affect the architectural character or setting of the building or amenity of nearby residents;

The building itself fronts onto Ryhope Road, the majority of which in this location plays host to residential dwellings and as such the proposed use is considered to be the same as that which prevails in the surrounding area. Furthermore, the City Council's Heritage Protection Team have advised that they have been involved in discussions regarding the change of use for a number of months and are also of the view that the proposal, which will result in the current office changed into a single dwelling, will match the use of the north lodge and the wider prevailing character.

By its very design, the property lends itself to conversion into a residential unit and by bringing the building back into use will help stave off further degradation currently being suffered by the property. As no details have been provided showing any means of conversion or restoration, these will have to be subject to a separate listed building application. As such, it is recommended that an informative note should be added to any consent issued, in order to ensure any prospective owner is aware of their responsibilities in this matter.

It is therefore concluded that for the reasons set out above, the proposed change of use is considered to be acceptable in principle

## 2. Highways Matters

Policy T14 covers highway matters for new developments and requires proposals to:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) not cause traffic congestion or highways safety problems on existing roads.
- (iii) make appropriate safe provision for access and egress by vehicles
- (iv) make provision for the loading and unloading of commercial vehicles;  
and
- (v) indicate how parking requirements will be accommodated.

As already explained above, in its current form, the application does not propose any physical changes. There is an existing attached garage at the southern end of the building and a footway / access runs around the premises to provide unfettered access to this. There is also sufficient external space in which to park and manoeuvre a vehicle. Furthermore, Transportation Engineers have raised no objection and as such, the proposal is considered to accord with highway policy.

## CONCLUSION

It is considered that the applicant has satisfied the requirements of the NPPF in identifying the relevant heritage assets and assessing the impact of the proposal on them. The proposed change of use will contribute to the achievement of sustainable development as identified within the key themes of the NPPF, by enabling the building to be better maintained and helping stave off further degradation currently being suffered. The proposal accords with the NPPF and UDP policies and will help secure the long term future of the property. As such, it is recommended that Members Grant Consent under Regulation 3 of the General Regulations Order 1992 and subject to the conditions listed below.

## EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

- age;
- disability;
- gender reassignment;

- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application / proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- tackle prejudice, and
- promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

### **RECOMMENDATION:**

APPROVE subject to the conditions set out below:-

### **Conditions:**

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



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

Existing and Proposed Floor plans, date stamped "Received 15 January 2018"

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