

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 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

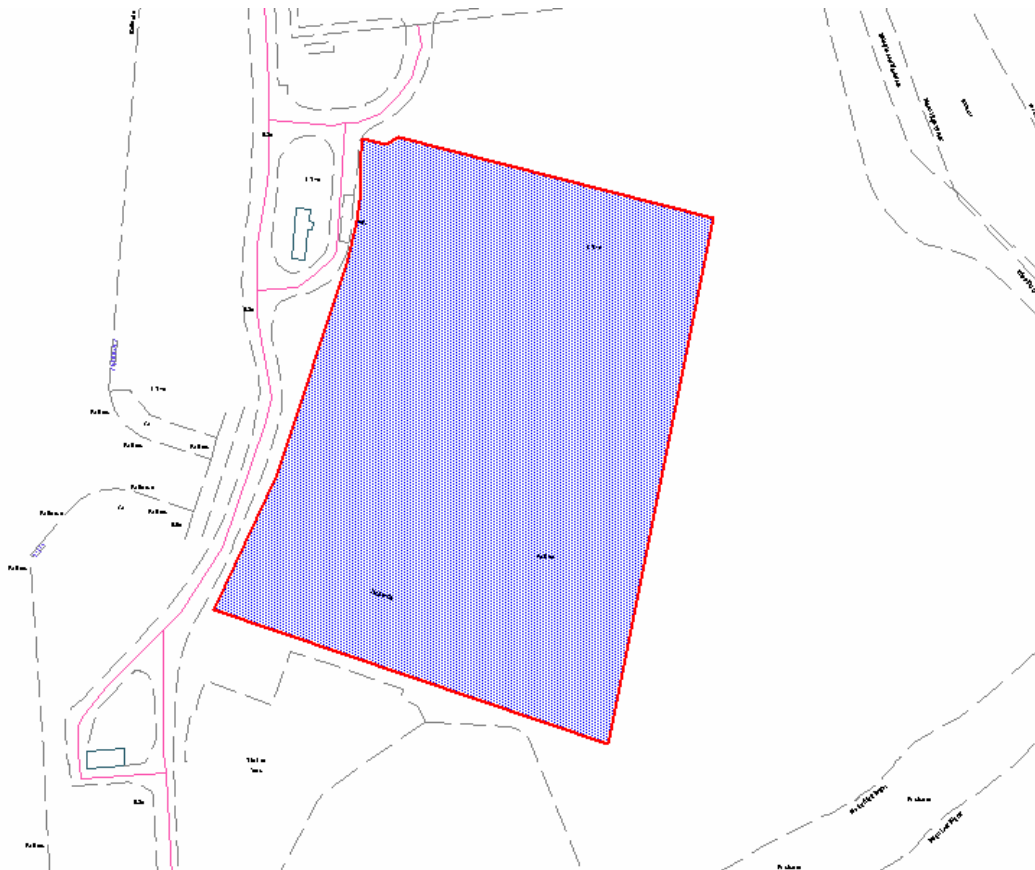
Reference No.: 11/03371/FUL Full Application

Proposal: **Storage of aggregate stockpiles with the addition of the treatment of waste to produce soil, soil substitutes and aggregates and retention of buildings on site.**

Location: Northumbrian Roads Ltd East Quay South Hudson Dock Sunderland SR1 2BU

Ward: Hendon
Applicant: Northumbrian Roads Ltd
Date Valid: 27 January 2012
Target Date: 27 April 2012

Location Plan



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PROPOSAL:

The proposal relates to the storage of stockpiles with the addition of the treatment of waste to produce soil, soil substitutes and aggregates along with the retention of the existing buildings on site, including an asphalt coating/recycling plant, aggregate storage sheds and boundary fence at land at Northumbrian Roads Ltd, East Quay, Hudson Dock, Sunderland.

Members may recall that an application (ref. 06/01047/FUL) was approved by the Development Control (South Sunderland and City Centre) Sub Committee dated 12th June 2006 for a limited period of 6 years for the storage of aggregate stockpiles and erection of asphalt coating/recycling plant. Replacement and relocation of existing chain link fencing with steel palisade fencing and associated works. The temporary approval at the time was in order to review the situation in the light of proposals contained within the Master Plan for the Port.

A further application for the erection of aggregate storage sheds adjacent to the existing recycling facility was granted a temporary approval under delegated powers dated 12th November 2007 (ref.07/03413/FUL). The temporary approval was set to expire at the same time as the above approval.

On preparation of the renewal of planning permission application, it has come to light that the original planning approvals did not include any provision for the storage and treatment of waste to produce aggregates within the site. This current proposal seeks to regularise the situation.

The siting of the proposal is on land to the east of Hudson Dock which covers an area of 27,932 square metres and is visible from the sea to the east and from the entrance to the port

The element of the proposal which seeks to retain the existing buildings and structures is two fold and incorporates the plant equipments and the storage sheds. Taken each in turn.

The plant equipment is located within the north west area of the site and covers a total floor area of 750 square metres, the equipment incorporates a number of large silo style units which reach a maximum height of 26.5 metres and provide a vertical processing plant where materials are input, mixed, dried heated and finally filtered before being stored at the bottom of the tower. The entire structure is fastened to a concrete base, making any future relocation of the plant a plausible option, therefore not compromising the future regeneration of the port.

The existing storage shed measures 36.6metres in length, 13 metres in depth, providing a single pitched roof reaching 10.2 metres in height at its highest point falling away to 5.0 metres in height. The shed is sub-divided into three sub-sections and is constructed using a sectional steel framework with a single sheet cladding material, coloured grey to match the colour of the adjacent coating plant.

Storage of the aggregates on the site will remain at a height not exceeding 10 metres at their peak, all aggregate stockpiles will be clean, single size and will contain moisture therefore reducing the effect of dust emissions. Stockpiles of fines and sands will be contained within vertical bays with stockpile height not exceeding 6 metres at their peak. In dry conditions, dust suppression will be undertaken in the form of water spray addition.

The treatment of waste to produce aggregates is all carried out to the south of the site and independently from the coating plant operation. Incoming waste, predominantly road and transport related, is allocated to appropriate feedstock storage areas to the east of the site where large contaminants are removed to an acceptable level. The remaining materials are then processed by crushing, blending, segregation and screening before being sorted into stockpiles of

crushed brick/concrete, crushed concrete, crushed glass, asphalt and arisings and Type 1 granular sub base (GSB).

A site plan which indicates the direction of flow of vehicular traffic within the site and provides signposting to manage the traffic around the site has been submitted with the application.

The main vehicular access to and from the site is via the gate house to Hudson Dock with probable articulated vehicular movements of approximately forty on average per day, seven days a week, with the possibility of some of these journeys taken place during the evening.

The entire site is secured with a 2.35metres high palisade perimeter fence with ingress and egress gates at the north west corner of the site adjacent to the existing weighbridge area.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

City Services - Network Management
Northumbrian Water
Environment Agency
Port Manager
Street Scene (Environmental Service)
County Archaeologist

Final Date for Receipt of Representations: **09.03.2012**

REPRESENTATIONS:

Environment Agency. (EA).

The EA has no objections to the proposal as submitted, however the following comments have been noted.

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency. The permit should be in place prior to the operation commencing.

Executive Director of City Services (Streetscene)

No objection to the proposal, however the following comments should be noted;

The site has operated in the manner described by the planning application for a significant period of time. The activities conducted on site are subject to regulation by Environmental Health via a permit issued under the Environmental

Permitting Regulations 2010 and has done so in compliance with this and without complaint from the locality.

County Archaeologist

Previous comments on applications (06/01047/FUL and 07/03413/FUL) recommended an archaeological desk based assessment because new storage sheds were to be built.

The proposal is the former site of a series of small shipyards and an infilled part of the Hudson Dock. The small docks were served by a railway system. It is possible that subsurface evidence of these features may survive.

The current proposal seeks to retain buildings on site and hence if no new build is required then there is no threat to buried archaeological remains and so no archaeological work would be needed.

Third Party Representations

No letters of representation have been received.

POLICIES:

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

B_11_Measures to protect the archaeological heritage of Sunderland (general)
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EC_15_Development or extension of bad neighbour uses
B_2_Scale, massing layout and setting of new developments

COMMENTS:

The main issues to consider in the assessment of this application are the suitability of the proposed use within the port and the impact of the retained structures and associated new perimeter fencing within and around the site and within the port in general.

Within the Unitary Development Plan (UDP) the site is allocated as an area to be retained and improved and as such policy EC15 of the UDP and policy SA6A.2 of the Unitary Development Plan Alteration No.2 are applicable. In addition to policies EC15, M4 and SA6A.2, the nature of the site and the proposal is such that policy EN14 and B11 are also applicable.

Policy EC15 states that development or extension of sites for bad neighbour uses including scrap yards and the sorting and storage of waste materials will only be permitted in areas identified as suitable in Part II provided that:

(i) there will be no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, noises, smoke, pollution of controlled waters mud or slurry;

(ii) the site is adequately screened or is not visually prominent;

(iii) appropriate facilities are provided for the storage and treatment of by-products and for waste disposal;

(iv) the site is of sufficient size for the operation and has adequate car parking and servicing.

Policy SA6A.2 includes a list of acceptable uses in the Port area, including recycling industries, but does not distinguish any specific zones for different uses stating that the City Council will adopt a masterplan for redevelopment of the Port area that addresses the challenges and opportunities presented by its constituent sub-area.

In terms of the suitability of the use within the port, the proposal is in accordance with policy EC15 of the UDP, furthermore the current owners have operated the site without any complaint for over five years. In relation to the long term future of the port, the masterplan for redevelopment has not been implemented, and the port is now operating a business model built around the current uses located within the port. In light of this situation, it is considered that should Members be minded to approve the application, it is on the basis of a full planning approval without any conditions restricting the time duration of the permission.

Policy M4 of the UDP seeks to apply sustainable development principles in order to minimise new extraction by emphasising increased use of secondary and recycled aggregates. In this particular instance the recycled aggregates are derived from the sorting of primarily removed materials from old roads etc. and as such the operation on site is in general compliance with the aims of Policy M4.

Policy EN14 relates to ground conditions and states;

Where development is proposed on land which there is reason to believe is either:

(i) unstable or potentially unstable;

(ii) contaminated or potentially at risk from migrating contaminants;

(iii) potentially at risk from migrating landfill gas or mine gas

the council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

With regards to the above, supporting documentation was provided in terms a detailed desk study and site investigation report and the findings are considered to be in accordance with Policy EN14.

B11 relates to archaeology and states ;

the city council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded.

The applicant has previously worked with the County Archaeologist in providing the relevant information for any foundations required for the erection of the existing buildings and the proposal is considered to comply with Policy B11.

No highway issues have been raised from the City Council Engineer in respect of this application.

No third party representations have been received.

CONCLUSION

In light of the above, the proposed treatment of waste to produce aggregates, along with the retention of the existing structures on site, is in accordance with relevant UDP policy, is considered to be acceptable and is recommended for approval.

RECOMMENDATION: Approve

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:

Location Plan received 08.11.2011.

Site Plan received 27.01.2012.

Retained Fencing detail received 14.11.2011.

Retained Aggregate Storage Building plans and elevations received 14.11.2011.

Retained Coating Tower received 14.11.2011.

Retained Base Plate details received 14.11.2011.

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.

Reference No.: 11/03380/FUL Full Application

Proposal: **Demolition of parts of the existing Orphanage building and Community Association building. Erection of new Specialist Dementia Care Facility comprising 38no. apartments (21no. 2 bed and 17no. 1 bed) plus communal facilities and associated parking and landscaping. Amended Drawings (received 27 March 2012).**

Location: East End Community Centre Moor Terrace Sunderland SR1 2JH

Ward: Hendon
Applicant: Inclusion Housing
Date Valid: 7 December 2011
Target Date: 7 March 2012

Location Plan



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PROPOSAL:

This planning submission relates to the demolition of parts of the existing Orphanage and Community Association buildings and the erection of a new

specialist Dementia Care Facility comprising 38no. apartments (21no. 2 bed and 17no. 1 bed) plus communal facilities and associated parking and landscaping within the grounds of the East End Community Centre, Moor Terrace, Sunderland.

This application has also been supported by a listed building consent application, ref. 11/03384/LBC, which has been submitted in respect to the proposed development and its impact on the Grade II listed Orphanage building. The listed building consent process is the mechanism through which the Local Planning Authority (LPA) considers the impact of the proposal on the historic environment in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of the Council's scheme of delegation listed building applications are delegated to the Deputy Chief Executive for determination.

The site covers 0.6 hectares in the east end of Sunderland. The site comprises two parts; the western half is occupied by the listed Orphanage building, while the eastern half houses the existing Community Centre building. The remainder of the site is characterised by paths, harstanding and grassed areas. The site is also surrounded by brick walls and railings, which form part of the Grade II listing. Immediately surrounding the site to the north (on the opposite side of The Quadrant), south and east is the Town Moor. There is also the Grade I Holy Trinity Church further to the north, while residential properties and some light industrial units are located opposite on Moor Terrace.

The Planning Statement submitted in support of the application explains that the provision of the new build specialist dementia housing is in direct response to a need identified by Sunderland City Council Adult Services Department. It is explained that the proposal embodies current good practice in providing this type of specialist accommodation with shared communal facilities. The Statement further explains that the application is a culmination of a number of years of searching for an enabling development, one which would not only restore the Orphanage but also safe guard its future. The proposal will enable the refurbishment of the listed building and maintain a fund for future maintenance and upkeep of the building.

The application has been supported by Historic Buildings Recording document, Design and Access and Heritage Statements, Tree Report, Phase 1 Habitat and Bat Survey, Statement of Community Involvement, Transport Assessment, Photographic Record of Building and relevant plans and elevations.

All of the planning application documents submitted and copies of the representations received can be inspected by Members through the online planning register under application reference 11/03380/FUL.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Northumbrian Water
Director Of Health, Housing And Adult Services

City Services - Network Management
County Archaeologist
Street Scene (Environmental Service)
Back On The Map Delivery Team
English Heritage

Final Date for Receipt of Representations: **01.02.2012**

REPRESENTATIONS:

As Members will be aware, the City Council's Statement of Community Involvement (November 2006) sets out how the community and other stakeholders are involved in the planning process, including the determination of individual planning applications.

The Statement of Community Involvement makes clear that the Council encourages early dialogue to examine any development proposed and to identify whether there is a need to consult the community at pre planning application stage. The statement further makes clear that the results of any consultation exercises should be reported and considered as part of the planning application process.

The Council's Statement suggests that methods of community involvement may include:

- Public exhibitions;
- Public meetings; and
- Workshops

The Statement of Community Involvement document submitted in support of the application details the process and results of the developer's consultation exercises. It states that a public display was organised and held at the existing Community Association building on the 19 October 2011 (1pm - 5pm). Representatives of Sunderland City Council Adult Services, Inclusion Housing, Frank Haslam Milan, Elliot Johnson and SP&Architects were all in attendance to explain the proposals in detail and to answer any questions.

A letter drop was also undertaken to a number of properties adjacent to the development. Local Heritage Groups were also invited to the exhibition along with Councillors and representatives of the Local Planning Authority. A separate meeting was held the following day with the Community Association.

The response from the public on the day of the exhibition was considered to be poor, in all 9 people from a total of 154 individual addresses, plus three tower blocks, attended. Visitors were asked to answer the following questions:

Are you supportive of Specialist housing on this site?	Yes: 9 No: 0
Are you against any development of this site?	Yes: 1 No: 8
Would you, or a relative, be likely to use the facilities provided?	Yes: 8 No: 1
Do you think any other facilities need to be incorporated into the design?	Yes: 8 No: 1

Do you think the proposals are appropriate for the site? Yes: 6 No: 3.

All visitors had the opportunity to add further comments. Points raised were as follows:

- Pleased with the design
- Impressive when finished
- Looking forward to seeing the Orphanage back in use and restored to former glory
- Beautiful plans, the scheme will be a credit to the area

There were very few objections or concerns, as noted below:

- Lack of space allocated to the Community Association

Responding to the negative comments the developer has explained that the space provided to the Community Association is the single largest space within the Orphanage building. The existing facility is underused and expensive to operate whilst the proposals have been discussed at length with the Community Association and have been found to provide adequate accommodation for their needs. It was also highlighted that the Community Association will be re-housed for the entire duration of the construction period.

Representations

Three letters of representation have thus far been received courtesy of the consultation process exercised in relation to the planning application, all of which have been submitted on behalf of the Sunderland Heritage Quarter Project. The first was an email expressing support in principle of the proposal, recognising that the development will result in the retention of an important listed building in a prominent thoroughfare which will assist in the regeneration of the wider East End. The second correspondence was interim comments that were subsequently expanded in terms of detail via email received on the 19 January 2012.

The issues raised can be summarised as follows;

- Lack of justification for demolishing parts of the listed building. It is contended that no attempt has been made in the documentation.
- Concerns regarding the design of the two-storey new build. A flat roof would be unsympathetic to the design of the main Orphanage building, which has a series of pitched roofs. The facing materials proposed, white render with a central panel of facing brick, bear no relationship to the materials of the adjacent building.
- The footprint of the proposed three storey block projects considerably to the north and south of the original Orphanage building.
- The design proposed will have an incongruous relationship when viewed on the Holy Trinity Church and will have an adverse effect on its setting and conservation area.
- It is suggested that the principal elevation of the retained Orphanage building is framed by mature tree planting.
- Car parking - it is hoped that the car parking areas will be well designed with materials that are sympathetic to the fabric of the listed building and carefully landscaped in order that parking areas do not have a detrimental visual effect on the setting of the listed Orphanage building.
- To extend the usage of public transport for staff and visitors it is considered that an extension to Stagecoach Services be explored.

- Consideration should be given to the implementation of separate drainage systems dealing with water run-off from bathrooms and kitchens, whilst the use of compost bins should be enforced via condition or Section 106.
- The Local Planning Authority (LPA) is urged to support the mitigation proposals for the pipistrelle bat colony.

English Heritage

English Heritage considers the principle of providing additional accommodation to the rear of the main building is wholly acceptable and makes sense in terms of enabling cross subsidy to the main building. However, English Heritage has stated that the design must be very carefully considered, particularly any impact upon the character and appearance of the conservation area and the setting of the listed buildings (both the Orphanage and Holy Trinity Church). Similarly, it was noted that the removal of the rear wings would need full justification in order for the impact upon the significance of the building to be fully understood.

English Heritage appreciate the difficulties involved in finding new uses for this kind of building, and the funding issues associated with the building's future. The proposed use for the site would be wholly acceptable and offers opportunities for a positive re-use of the building.

Nevertheless, on the basis of the initial application submission there were some issues which needed further clarification, namely:

- The form and massing of the proposed new building would be a significant addition to the conservation area however the proposed design does cause concern.
- The functional and physical relationship between the two buildings is a concern.
- The proposed re-use of the main building is not clear or certain. The provision of a sustainable long-term use for the building could provide justification for the proposed demolition and new build. However, that benefit is far from certain and there is no suggestion within the application for a legal agreement to ensure that repair and re-use of the building would be carried out in the early phase of the programme of works.

The above concerns were relayed to the developer team who have amended the scheme and submitted additional information as necessary. English Heritage has been re-consulted and a response is awaited.

Executive Director of City Services (Environmental Health)

In view of the close proximity of the proposed development to nearby residential premises the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974. An application should be made prior to the commencement of any works, and as such should Members be minded to approve the application, a suitably worded informative shall be placed on the decision notice.

In view of the proximity of the proposed development to residential properties it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy construction works should be permitted to take

place on Sundays and Bank Holidays at any time, whilst consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and the minimisation of noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

Comments were also made in respect to the proposed development being in close proximity to a Port access road and as such, may on occasion, be subject to higher levels of intrusive noise. As such Environmental Health advise that the development should be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded commensurate levels of protection conducive to good sleeping or resting conditions. As such, if Members are minded to approve, a condition should be included requiring the agreement of such measures.

County Archaeologist

The building has been archaeologically recorded by TWM Archaeology (November 2011). The building was constructed in 1859-60 as a home for male orphans of merchant seamen, fisherman and sea-going engineers. The design was based on Osbourne House, the Royal residence on the Isle of Wight. By 1897 the building had been extended to the rear (north-east). Then the south-east wing was given a first floor. After 1919 an extension was added to the north-west.

The first and second floor of the tower could not be recorded due to unsafe staircase and missing floorboards. Some of the rooms on the ground floor could not be accessed due to holes in the floor. The interiors of the extensions to the west could not be accessed by the archaeologists. These extensions date to 1873-1897 and are proposed for demolition.

It is recommended that the parts of the building which have not been recorded are made safe, if possible, for the archaeologists to record. The upper floors of the tower presumably will be able to be accessed safely at some point during refurbishment, although Health and Safety has to come first. The applicant and his structural engineer will advise what is possible. A watching brief is also needed when the new dementia care facility is built as the site is within the medieval town moor. Medieval and post medieval remains might be present. There was a World War Two Barrage Balloon mooring site on the site of the new build, but any trace of that (consisted of concentric circles of mooring pegs) will have gone when the modern Community Centre was built.

Therefore in light of the above it is considered necessary, should Members be minded to approve the application, to incorporate three conditions relating to building recording, watching brief and watching brief report.

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
B_7_Demolition of unlisted buildings in conservation areas
B_8_Demolition of listed buildings
CN_23_Measures to conserve/ improve wildlife corridors
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
B_14_Development in areas of potential archaeological importance
CN_22_Developments affecting protected wildlife species and habitats
CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

The main issues to consider in the assessment of the proposal are as follows:

1. Principle of use
2. Ecology and Trees/Landscape considerations
3. Design and Listed Building considerations
4. Highway Engineering considerations
5. Residential Amenity considerations

1. Principle of use

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Thus, the relevant Local Plan in respect of Sunderland is the Council's adopted Unitary Development Plan (UDP). Therein, the site is not allocated for any specific purpose and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, the surrounding land use is predominantly residential and as such, the proposed extra care facility, which is residential in nature, reflects the existing pattern of land use within the area, whilst there is no change of use proposed in terms of the listed building.

The application site is also governed by policy H6 which identifies a range of sites and locations that are needed for a variety of types of market housing. The

policy is also concerned with seeking additional open space or community facilities. In this regard it is noted that the existing Community Association will be re-housed in purpose built accommodation, whilst the Town Moor surrounds the site to the north, east and south.

It is therefore considered that the proposed development is acceptable in principle and in accordance with the main land use policies associated with the application site.

2. Ecology and Trees/Landscape considerations

UDP policy CN17 encourages the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

- Ecology

The submitted Phase 1 habitat survey has shown that the site supports habitats of low ecological value that are widely represented in the local area, although the tall ruderal and scrub vegetation may be of value to breeding birds. Mature trees to the western boundary are of low-moderate value to roosting bats, although these trees will be retained within the proposed development. Nevertheless, the survey has found evidence of a probable common pipistrelle maternity roost behind weather boarding to the northern aspect of the Orphanage building. Up to 10 bats were observed emerging from the building during the survey.

As a roost has essentially been confirmed within the building a Natural England development license will be required for works to the building. In recognition of this requirement the survey has suggested various mitigation measures to mitigate the development's impact. Chief among the mitigation measures proposed are that two checking surveys (dusk) are completed prior to works commencing on site.

In light of this it is therefore important for Members to consider the guidance contained in Circular 06/2005 in respect to statutory obligations for biodiversity and their impact within the planning system. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, in this case bats, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the results that the surveys are carried out after planning permission has been granted.

Consequently, in view of the fact that the planning application was submitted after the season (normally between May and September) within which appropriate surveys could be undertaken, and given that the Phase1 Habitat Survey advises that two checking surveys (dusk) are completed prior to works commencing on site, it is considered that the presence of bats on site are not at present fully known and the extent of how they may be impacted by the development. Ordinarily the Local Planning Authority would require such surveys to be undertaken before the determination of a planning application.

However, in contrast to the ecological issues, information from the City Council's Estates department has highlighted that in order to safeguard the future of the listed building, which has fallen into a significant state of disrepair, substantial remedial repairs in excess of £1.2m need to be carried out and a sustainable use found which would use and maintain the building into perpetuity. Furthermore, the Council have no operational use for the building and have therefore procured a private sector partner who can repair the building and develop the site to give the building a sustainable future.

The market has shown that there is no use that would financially provide a sustainable future for the building by itself and the proposal therefore includes the development of new build accommodation that would provide an income level and significant amount of capital investment in the site to provide a sustainable future for the listed building. The scheme however would not be financially viable without a significant level of gap funding due to the high cost of repairs on the listed building.

A substantial part of the funding (£850,000) is from national lottery townscape heritage initiative. This scheme closes in June 2012 and as such requires significant commitment to the scheme prior to its closure; in this instance the fund applicant has taken possession of the site and secured the necessary planning permission. It is therefore vital that planning permission be secured by April to enable the grant to be awarded, enabling the project to progress and the listed building to be renovated and safeguarded in perpetuity.

Under Regulation 39 of the Habitat Regulations 1994 ('the Regulations') it is an offence to damage or destroy a breeding site or resting place of a wild animal of a European protected species. Given the obvious tension between safeguarding the future of this vulnerable listed building and the ecology implications Regulation 44 provides for certain instances whereby the implications of Regulation 39 are derogated and that (Natural England development) licences may be issued for certain prescribed purposes. First, a licence must not be issued unless there is no satisfactory alternative. Secondly, it must not be issued unless the action authorised by the licence would not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. Furthermore, circular 06/2006 states that planning per se does not authorise development to proceed in contravention of any of the provisions of the Regulations. Instead, a Natural England licence obtained under Regulation 44 may authorise this.

Therefore to re-iterate the proposed development is crucial to the restoration of the listed building, it will maintain its long term viability and safeguard its future. The scheme will also provide bespoke accommodation to a sector of community that is not readily served by such facilities and as demonstrated by Sunderland City council's 'Enabling Independence' figures it is anticipated that there will be a 40% increase (to 4,200) in the expected number of older people with dementia in the City by 2025.

In respect to the second consideration, i.e. development must not be detrimental to maintaining the population of the species concerned in its natural range; it is considered that the summer bat survey, assessment and report in conjunction with a suitably informed mitigation strategy, to be undertaken before any development commences on site, should satisfy the key considerations as

guided in these instances by the advice contained within circular 06/2006 and therefore the terms of the Natural England licence application.

- Trees/Landscape

The Tree Report submitted in support of the planning application surveyed the trees growing within and adjacent to the boundary walls. The Tree Report explains that the proposed development site contains a number of trees of varying size, age and condition. The majority of trees are located to the external boundaries of the property and are therefore visible to the public at large. These trees form a visual 'softening effect' between the proposed development site and surrounding areas. However, close inspection of individual specimens provided evidence that a number of the trees appear to be in poor health and condition.

The Report also explains that the trees' rooting systems are subject to substantial root containment by the adjacent brick boundary wall. Although the trees rooting system will have developed and the trees have grown within the confined space, should the rooting systems degenerate through infection, they will present a serious hazard to public highway users.

In conclusion the submitted Tree Report considered that proposed development presents an opportunity to remove poorer quality specimens, which are in serious decline. Consequently, if Members are minded to approve, it is considered that the loss of the trees can not only be mitigated but the overall vegetative presence in the locality can be enhanced via the incorporation of the replacement tree planting condition.

3. Design and Listed Building considerations

UDP policy B2 requires that the scale, massing, layout and setting of extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality, whilst in recognition of the fact that the site is within the grounds of the listed Orphanage building and within Old Sunderland conservation area policies B4, B6 and B8 are all considered relevant. These policies require development proposals to preserve and enhance listed buildings and conservation areas, whilst any demolitions should be carefully considered and fully justified.

Currently the orphanage site is within Council ownership and the main Orphanage building has remained vacant for a substantial period of time. A development brief was produced by the City Council in 2010 to support the disposal of the wider site. This brief included a comprehensive discussion of the planning, conservation and design requirements required to be delivered by submissions. These requirements have continued to inform pre-application and application discussions which have taken place between the development team and the LPA.

In response to the most recent of these discussions, an updated package of plans has been submitted by the development team (dated 26 March 2012). The revisions illustrated within these plans are in response to the comments of both English Heritage and the LPA relating to the design quality of proposals relative to the both the historic context of the site and the requirements of the end-users of the orphanage building and new-build elements.

These fundamental changes to the design rationale of the scheme and in-particular the new-build element of the scheme are welcomed by the LPA. The revised new-build development creates a scheme which respects the historic character of the orphanage building, whilst having individual character and avoiding the creation of an overly pastiche architectural response.

- Use and amount

The proposed use as a Specialist Dementia Care Facility is considered appropriate as it reflects the original intent of the Orphanage to serve the needs of disadvantaged elements in the community. The form and content of the project is considered acceptable and it is recognised that for such facilities to be viable a certain critical mass needs to be achievable. The proposed development sits well within the grounds of the historic building, providing sufficient space around the site to allow for a desirable landscaping scheme to be implemented that will do much to enhance the immediate setting of the historic building itself.

- Layout

The layout of the proposal is considered to offer a balanced approach to development; through the efficient use of land, whilst at the same juncture respecting the historic context of the application site. Overall the revised scale and layout of the new-build element of the proposal has been designed to allow for the built form of this element to be supported and enclosed by a variety of areas of open space and public realm.

To the north, south and east of the new build element of the proposal three linked amenity areas are provided to allow residents of the dementia care facility access to spaces which enhance their quality of life. Furthermore revisions to the design have allowed for greater functional linkage between the Orphanage building and the new-build element of the scheme. In this regard, the enhancements of the rear entrance to the orphanage building and the creation of a new amenity square adjacent to the entrances of both elements of the scheme are particularly welcomed.

Vehicular and pedestrian access is located to the western edge of the site, utilising the existing primary entrance to the site. Parking within the scheme is accommodated within two distinct areas; firstly to the north-west of the site serving the refurbished Orphanage building and secondly, to the south of the new-build element serving the specialist dementia care facility.

Access for disabled users is provided in form of level-access to the new-build element of the scheme and a shared ramped access to the rear of the refurbished orphanage building.

- Scale and Massing

The massing of the proposed new-build element of the scheme, varying between two-three storeys is considered acceptable within the wider context of the application site. The original design of the scheme indicated the provision of a new-build scheme with a mixture of flat-roofed elements and a three-storey pitch roof building; this approach was considered inappropriate given the setting of this new-build element both within the context of the listed Orphanage building and also within wider view corridors of the Old Sunderland Conservation Area.

Revisions to the scheme to introduce a building featuring flat-roofed parapet detailing serve to provide a positive contrast to the pitched roof of the Orphanage building and ensure the quality of wider views/vistas across the Conservation Area are retained.

This approach preserves the listed Orphanage building as the clear feature and landmark within the site; the setting of which is framed and enhanced by the more contemporary architectural approach of the new-build development. This outcome is also supported through the variation of the height of the new-build element from a sympathetic two storeys adjacent to the orphanage building to three storeys to the north-east of the site. This approach offers opportunities to enhance the amenities of future residents by exploiting wider outward views/vistas.

- Architectural character and elevation treatment

The scheme requires the demolition of the rear sections of the listed building. These comprise additions to the original building that has evolved over its lifetime; the extensions have been carried out to varying standards and whilst some are reasonably designed and complementary to the original, others are of poor form and are considered to be of detriment to the building's special interest. Such matters have been considered as part of a building appraisal carried out by the North of England Civic Trust some years ago. It is acknowledged that those elements of the building that are to be removed are of much less significance than the core building that is to be the subject of restoration works.

It is debatable whether the proposed demolitions would represent 'harm' (as described within sections 133-134 of the NPPF) being done to the significance of the historic building, as they could also be portrayed as being an enhancement in the sense that the original floor plan is being restored. In this respect, it is a very material consideration that these clearances enable a desirable use of the site to proceed; this scheme being of a nature that should secure the future of this historic building that has been 'At Risk' for several years. Accordingly the public benefit to be derived from the development of the site is considered to outweigh any loss of significance that could feasibly arise. It is considered that section 134 of the NPPF 2012 is satisfied.

The clearance of the buildings to the rear will reveal a part of the rear elevation that has been obscured for many years. The condition of this area needs to be appraised at the time to evaluate how readily it can be returned to its original form. A condition should be applied to cover this issue, should Members be minded to approve. Should the area not be capable of appropriate restoration, then it is considered appropriate for it to be treated in a manner that complements the new build to the rear, as it will look onto the courtyard that is shared with the new accommodation.

The proposal also requires the clearance of the former East Community Building; this is a valued community facility that is to be compensated for by having similar facilities provided within the restored Orphanage building. The building itself is of very poor form and appearance that is considered to impact adversely upon the significance of the listed building and the wider conservation area; accordingly, the removal of this building is to be welcomed.

The contemporary architectural language of the new-build element serves to create a positive contrast to the existing Orphanage building. The use of simple, uncluttered detailing alongside features such as reveals and parapets offers variety and interest to individual elevations whilst at the same juncture offering a building form with a strong character overall.

The composition of elevations, following an ordered approach to the alignment of fenestration, serves to resonate with the structure and composition of elevations within the main orphanage building. Elsewhere the use of a curtain-glazing solution to enclose areas of internal access and stairwells is welcomed and serves to further break-up the massing of this element of the proposal.

In principle the basic palette of materials selected for the construction of the proposal appears complementary to the existing Orphanage building. However in order to ensure that the final palette of materials to be used in the construction of the new-build retains the quality, tone and contrast of the listed building, a suitable materials to be submitted condition should be attached to any consent granted. This is in order to ensure that new development respects the historic character of the listed orphanage building and surrounding boundary walls.

With regards to the new build element of this proposal, the substitution of buff brick for a render treatment within the raised parapet sections of the new build element of the scheme is welcomed and serves to break-up the bulk of the new-build element of the scheme. Render is considered a far more appropriate material to colour match the tone and contrast of the stonework of the existing Orphanage building.

- Sustainability

The new-build element of the proposal scheme has been designed to achieve BREEAM 'very good' accreditation as required by development brief produced for this site by the City Council.

A Sustainability Statement has been submitted in support of this application, this statement serves to illustrate how the scheme has been designed to achieve this accreditation, particularly in relation to building design; water resources and waste management.

In order to ensure that this accreditation is achieved by the final development at this site, it is recommended that a condition is attached to any approval granted, requiring the submission of a BREEAM post completion certificate.

4. Highway Engineering considerations

UDP policy T14 requires new development to provide adequate parking and be readily accessible by pedestrians and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

Network Management (Street Scene) were consulted as part of the application process and offered no observations or recommendations to the proposed development.

The Transport Statement submitted in support of the application explains that in the developer team's dealing with previous Extra Care schemes the level of car ownership has been generally low, with the average level of car ownership being demonstrated as only 15.5% for residents. It is also anticipated that car ownership will be lower than normal in view of the nature of the care facility, especially as 17 apartments will only comprise one bedroom.

The existing entrance into the site is to be maintained whilst parking is to be split into two courts. Thirteen spaces, including two disabled spaces, are to be located adjacent to the main entrance to the new build element, whilst a further thirteen spaces, including one disabled space, is to be located to the front of the Orphanage building. Furthermore, a parking space for the Community Association minibus is also provided.

A representation was received in respect to extending the bus services in the area as a consequence of the proposed development. However, the relatively small scale nature of the scheme in conjunction with the critical nature of the proposal's viability means that this request is not reasonable or proportionate to the development proposed.

In light of the nature of the Extra Care facility and given the extent of parking being provided it is considered that the proposed development is acceptable in respect to highway engineering and in accordance with UDP policy T14.

5. Residential Amenity considerations

UDP policy B2 requires proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

The listed Orphanage building is the closest element of the scheme to the nearest residential properties situated on Moor Terrace. In light of the fact that no change of use is proposed within the Orphanage building the existing situation remains largely altered. Furthermore, the new build element of the development is to the rear of the site, which essentially abuts The Quadrant road and the Town Moor. In light of this it is not considered that the proposed development presents any significant adverse impacts in respect to residential amenity and is therefore considered to be acceptable and in accordance with UDP policy B2.

CONCLUSION

The potential conflict between the ecological and listed building considerations has required careful consideration and in light of the funding issue, which is critical to bringing this scheme forward and thereby ensuring the long term future of this 'At Risk' building in conjunction with conditioning that the required survey work is completed in advance of any application for a development licence from Natural England and also before any development commences on site is considered in the circumstances to be reasonable and in accordance with the provisions of circular 06/2006 and the derogation offered by Regulation 44.

Nevertheless, in light of the changes to the scheme final comments from English Heritage are still awaited and given the required timescales involved to enable English Heritage a reasonable amount of time to consider the new proposals a report for circulation will be presented to committee detailing the comments

received. It is anticipated that, subject to this proviso, a recommendation of approval will be made to Members.

RECOMMENDATION: Deputy Chief Executive to Report