

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 (General Development Procedure) Order 1995.

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

Reference No.: 08/04097/FUL Full Application

Proposal: Demolition of former bus depot and erection of 2no 3 storey apartment blocks comprising of 24no 2 bedroom apartments with associated access, parking and landscaping (As Amended to 20no apartments and revised layout, access and parking)

Location: 76 Toward Road, Sunderland

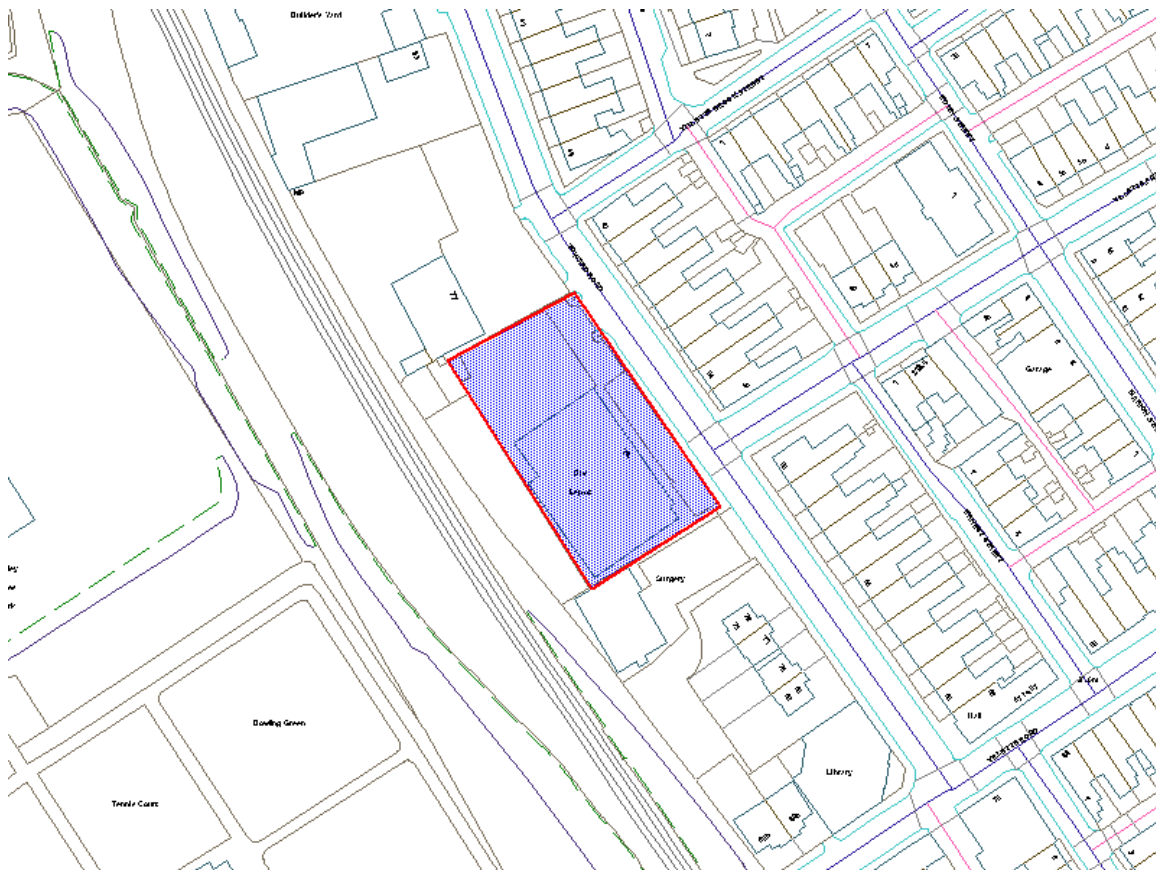
Ward: Hendon

Applicant: Zenith Homes

Date Valid: 2 December 2008

Target Date: 27 January 2009

Location Plan



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PROPOSAL:

The application seeks planning permission for the demolition of the former bus depot and the erection of two blocks of residential apartments comprising of

20no. two bedroom apartments with associated access, 26no.parking spaces, landscaping, bin and cycle store.

The block comprising of residential units 1-8 is proposed to be a two storey hipped roof building situated towards the southern part of the site with landscaping to the front and parking to the northern and western elevations. The proposed block will be situated 7.4m from the back of the footway and will measure 5.45m to eaves and 8.7m to ridge when measured from ground floor). Pedestrian access to the block will be via two separate entrances within the front elevation which lead into communal stairwells, which project beyond the front elevation by 1.2m and serve each of the independent units. Direct pedestrian access is provided between the footway which runs along Toward Road and the proposed entry points.

The second block comprising units 9-20 is proposed to be a three storey hipped roof building situated towards the northern half of the site with areas of landscaping to both the front and rear of the block. The proposed block will be situated 12.6m from the back of the footway and will measure 8.2m to eaves and 11.5m to ridge measured from ground floor. Parking bays are proposed to the south and rear of the units. As with block 1-8 pedestrian access to the building will be via forward projecting communal stairwells with access paths leading from the development to the footway along Toward Road.

A cycle store is proposed to the west of apartment block 1-8 with bin stores (domestic and recycle refuse) also proposed to the north of this block. The proposed refuse store will comprise of 4 individual units attached to form a small hipped roof structure measuring 2m to eaves and 2.6m to ridge when measured from ground floor level. Double doors within the north elevation of the structure will enable access to the structure.

The original submission related to the erection of two three storey blocks of residential apartments comprising of 24no.units in total. However, owing to issues regarding the spacing between the proposed development and existing residential properties the scheme was amended as detailed above.

The site was granted outline permission in January 2006 for the demolition of the former bus depot and erection of 24no. two bedroom apartments. All matters were reserved for subsequent approval in respect of this application.

The application is accompanied by a Planning Statement Rev B, Design Statement Rev B, Bat and Barn Owl Risk Assessment Report 2009, Tree Survey, Flood Risk Assessment, Topographical Survey, Daylight and Sunlight Analysis, Statement of Community Involvement, Geo-Environmental Desk Study and has been advertised accordingly by way of site and press notices, in addition to neighbour consultation.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environment Agency
Northumbrian Water
Director Of Community And Cultural Services
Force Planning And Police Architectural Liaison Officer
ARC
Director Of Childrens Services

Final Date for Receipt of Representations: **06.02.2009**

REPRESENTATIONS:

Consultee Responses

Environment Agency - The geo-technical report (report no. 8255/1) which relates to the proposed development concludes that there is no potential for a pollutant linkage between the contaminants found at elevated concentrations at the site and the underlying Magnesium limestone major aquifer. This may not however be the case for the whole of the development site. Given the nature of the site and the sensitivity of the aquifer below, groundwater and contaminated land request conditions relating to the submission of:- a preliminary risk assessment, site investigation, detailed risk assessment, verification plan, remediation strategy and foundation design.

Northumbrian Water - No objection to the proposal.

Environmental Health - Contaminated Land - Information including a site walkover, review of the desk study data and site investigation comprising of 5 trial pits and 6 window sample boreholes has been supplied. Two bunded above ground storage tanks have been identified in the north-west corner and behind the building on the west boundary, however no discussions has been provided regarding current drainage for the site. As such it is recommended that an audit of the site be provided in line with PPG19 `Pollution Prevention Guidelines: Garages and Vehicle Service Stations via a condition on ant consent issued.

A worked coal seam is reported to exist at a depth of 480mbgl but there is no reference made to shallow workings. Subsidence should now have finished. Magnesium Limestone underlies the site and it is therefore recommended that the risk, if any, for shallow unrecorded mine workings be assessed.

It appears that the historical land use includes allotment gardens and a bus depot. The adjacent site uses a railway line and builders yard. Testing has not been performed for chlorinated hydrocarbons or other non-petroleum hydrocarbons which may be used as degreasers, solvents, paints, strippers etc. Safe limits of chlorinated hydrocarbons and their breakdown products may be extremely low due to high volatility and high toxicity for inhalation. Other contaminants such as antifreeze and brake fluids may be present. This is a significant omission and it is recommended that further environmental testing be carried out for this and other limitations of the report.

The report states that no gross organic contamination has been uncovered however the scope of the investigation is a recognised limitation and `localised

areas may be present on site. Diesel range hydrocarbon concentration exceeding 2000mg/kg was found in natural glacial gravel at WS3A in the south of the building.

Results of specified PAH and TPHCWG testing have not been presented. It is noted that the coolbox temperature was elevated and samples arrived at the laboratory on the day following sampling. This may result in an underestimation of volatile components which would be the risk drivers for a covered system. The scope of testing provides no basis for cross checking or analysis of variability. It is recognised that access is a problem for the site and therefore a risk based approach to development of the site could be controlled in the remediation Strategy. Consequently it is recommended that the remediation strategy include validation testing within made ground to prove suitability. Criteria for the validation testing should include for volatile components which may be under-represented in the investigation. The scope of the remediation strategy should be agreed prior to development.

The report concludes that all waste soils from the site are likely to be classed as non-hazardous. Given the unknown extent of hydrocarbon contamination which may result in a classification of hazardous if diesel exceed 10,000mg/kg or certain other oils exceed 1,000mg/kg and the high metal content in made ground, it is considered quite likely that some soils could be classified as hazardous. Although this does not impact directly on human health there are implications for development of a Site Waste Management Plan.

Treatment of inorganic contamination includes 450mm of subsoil, 150mm of topsoil. The soils are regarded as leachable but no risk has been identified for capillary rise of contaminants through the cover layer. As such, justification is required as to the design of the cover layer to control risk of recontamination by underlying strata.

In addition, due to high calorific content of made ground 1000mm of total cover is proposed for garden areas to prevent risk of ignition. This issue must be addressed for spontaneous combustion.

Geo-technical solutions involve vibro-stone columns although final design is dependent on geo-technical ground investigation. Vibro-stone columns may introduce a pollution pathway from hydrocarbons pooled on the base of made ground or from infiltration to the underlying Magnesium Limestone aquifer. Vibro-stone columns may also provide an upward pathway for ground gases from breakdown of hydrocarbons in made ground. Environmental risk needs to be considered in tandem with design for foundation options and it is therefore recommended that an environmental foundations options report or addendum to this report be provided in order to assess the environmental risk for the foundation design.

A clay pit within 130m of the site has been backfilled prior to 1897 and subsequently developed which is taken to indicate no risk for ground gases.

Risk of hazardous gas generation from made ground on the site has not been considered. Since no monitoring has been provided it has not been possible to assess the risk from ground gases. It is therefore advised that gas risk for the site be assessed in line with CIRIA 665 guidance. Gas monitoring should be

designed using a source-pathway-receptor model in order to locate monitoring appropriately.

Noise

No information has been submitted to enable an assessment of the suitability of the site in terms of noise to take place. The proposed development is situated in close proximity to a railway which may result in excessive levels of noise disturbance inside the planned noise sensitive development. In this regard a noise assessment should be carried out in line with PPG24 `Planning and Noise, in order to determine the Noise Exposure Category of this development. Following the assessment a report should be submitted detailing the results of the survey and any measures that are to be adopted to ensure that noise from the nearby major noise source does not cause nuisance or disturbance to residents of the proposed development.

Construction

In view of the close proximity of the proposed development to residential premises, consent is required in respect of work on construction sites under the Control of Pollution Act 1974, Section 61. This application should be made prior to the commencement of works.

Hours of operation should be conditioned should permission be granted.

Consideration should be given to the selection of machinery to be used and methods of operation in relation to noise generation. The following should be conditioned should permission be granted:- the condition of machinery, the siting of machinery, substitution of machinery and substitution of methodology.

Provisions should also be made for the reasonable prevention of dust generation. Where this is not possible adequate dust suppression management should be applied.

Third Party Representation

One letter of representation has been received (see main 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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

CN_22_Developments affecting protected wildlife species and habitats

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_11_Restrictions upon new development or intensified use of land liable to flooding

COMMENTS:

The main issues to consider in the assessment of this application are:

- The suitability of the site for residential development
- The siting, layout, scale and design of the proposed development
- The impact of the proposal on residential and visual amenity
- Highway/parking implications

SITE

The application site was formerly used as a bus depot and currently houses two disused buildings. The site to the south is occupied by a doctors surgery, whilst the area immediately to the north is occupied by a caravan storage business. The surrounding area is predominantly residential (two storey terraced properties) with a railway line running along the western boundary of the site.

LAND USE

The site does not have any specific land use policy and as such policy EN10 applies. UDP policy EN10 states that all proposals for new development will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. In this regard given that the predominant land use of the surrounding area is residential the principle of residential development on this site is considered to be acceptable. In addition, it is considered that the suitability of the site for residential development was established following the grant of outline consent in 2006.

POLICY CONSIDERATIONS

The policies considered to be relevant in the assessment of this application are EN10, B2, T14, EN6, EN12, EN14 and CN22. Regard must also be given to the Residential Design Guide, Interim Strategy for Housing Land (ISHL) as well as to the Strategic Housing Land Availability Assessment (SHLAA).

Whilst the principle of residential development on the site is accepted the following policy considerations must be taken into account when assessing the application.

Policy B2 of the UDP seeks to ensure that the scale, massing, layout and/or setting of new buildings respects and enhances the best qualities of nearby properties and the locality as well as retaining privacy levels.

UDP policy T14 is concerned with ensuring that the proposed development would not result in conditions prejudicial to highway or pedestrian safety, with a requirement for new developments to provide adequate parking within the site.

Policies EN6, EN12 and EN14 are concerned with environmental protection, namely ensuring that (1) noise sensitive developments are not exposed to unacceptable levels of noise or vibration, (2) new development would not be likely to impede materially the flow of flood water or increase the risk of flooding, or (3) appropriate investigations are undertaken to ensure that ground conditions

are suitable and satisfactory for the nature of the development proposed and will not adversely impact on adjacent areas.

CN22 of the UDP is concerned with seeking to ensure that development which would adversely affect any animal or plant species afforded special protection law by or its habitat, either directly or indirectly, will not be permitted unless mitigation action is achievable through the use of conditions.

As the proposal involves 20no.units, which are to have two bedroom, under policy H21 there is a requirement for the provision of formal equipped play / open space. However, due to the nature of the site it is considered more appropriate in this instance for the developer to make a financial contribution towards formal equipped play space on a nearby site through a Section 106 Agreement. The site identified where the money would be spent is Mowbray Park.

Interim Strategy for Housing Land / Strategic Housing Land Availability Assessment: The site is allocated in the strategy for 24 units and therefore the current proposal can be seen to have been included in the Councils 5 year housing land supply. In addition, the site has been put forward to be included in the on-going SHLAA and as such no issues are raised with regards to either policy.

In addition to the above UDP policies, regard should also be had to Section 10C of the Residential Design Guide SPD, which relates to the minimum spacing standards to be provided between dwellings. In respect of this application a minimum distance of 21m is required between the front elevation of apartment block 01-08, which is proposed to be a two storey building, and the front elevations of the existing residential properties adjacent to the site with a distance of 26m required between apartment block 09-20, which is proposed to be three storey, and the adjacent residential units along Toward Road.

DESIGN, SIZE AND SITING

The original submission for 24no.apartments raised a number of design concerns primarily relating to the scale of the development and the spacing between existing and proposed main elevations. The proposal has since been suitably amended to take account of the design and amenity concerns and it is now considered that the proposed development is of a scale, massing and layout that does not raise any significant concerns. The main changes made to the proposal were:- reduction in the number of units from 24 to 20, reduction of one of the residential blocks from three storey to two storey, setting back the three storey block within the site to enable the minimum spacing standards to be adhered to and locate all parking to the rear of the units. One outstanding issue that requires further detail is the proposed landscaping and surface treatment which will be dealt with by way of condition should permission be granted.

Spacing Standards - The original proposal, as submitted, for 24 apartments contained in 2no. three storey blocks failed to adhere to the minimum spacing standards between main facing windows. The issue was raised with the agent and the proposal was amended accordingly. The revised proposal has however brought about a reduction in the total number of two bedroom units to be provided on the site as the applicant was unable to amend the layout and design of the scheme in line with officer requirements due to the fact that the units have already been sold and major changes to the layout may result in the sale being

lost. The revised proposal for 20no units within 1no.two storey (units 01-08) and 1no.three storey block (units 09-20) adhere to the minimum spacing requirements of 21m and 26m respectively given the positioning of each of the blocks on the site and as such it is not considered that the proposal would adversely impact upon the residential amenity of existing residents in terms of light, outlook or privacy. In conclusion the revised scheme accords with Section 10C of the Residential Design Guide SPD.

In conclusion it is considered that the revised proposal accords with UPD policy B2 and the Residential Design Guide Supplementary Planning Document and as such is considered to be acceptable from an urban design perspective.

HIGHWAY AND PARKING IMPLICATIONS

The original proposal gave rise to a number of highway concerns relating to visibility splays, access road, in-curtilage parking and location of bin store, which have since been addressed in the revised proposal and the proposal is now in full accordance with policy T14 of the UDP.

The only comment to make on the revised layout is that the areas in the visibility splay in front of the wall is to be constructed to adoptable footway standards and will be required to be dedicated as highway. The proposed alteration and widening of the highway should be carried out under the provisions of Section 278 of the Highway Act.

ENVIRONMENTAL PROTECTION

Contamination - The former use of the site as a depot gave rise for the requirement of a land contamination report (Geo-Environmental Report) to be prepared and submitted at the application stage. This report has now been considered by the Environment Agency and the following advice and recommendations are offered.

Having reviewed the geo-environmental report which relates to the proposed development it is concluded that there is no potential for a pollutant linkage between the contaminants found at elevated concentrations at the site and the underlying Magnesium limestone major aquifer. This may not however be the case for the whole of the development site and given the nature of the site and the sensitivity of the aquifer below, groundwater and contaminated land request that further more explicit conditions relating to land contamination (preliminary risk assessment, site investigation, detailed risk assessment, verification plan, remediation strategy, foundation design) be imposed to any grant of consent.

Noise - The site is bound on its western side by a railway line, which may give rise to unacceptable levels of noise and vibration. As such any grant of consent should be conditioned to require the submission of a noise assessment to be carried out by a suitably qualified individual. Whilst it is not considered that this outstanding issue will present any fundamental concerns for the development as proposed, in the interests of residential amenity (proposed occupants) such assessment should be submitted to and be approved in writing by the LPA prior to any works commencing on site.

Food Risk - The application was accompanied by a 'Flood Risk Assessment' which has been considered by the Environment Agency and the following advice

has been offered. The site is not deemed to be at risk of fluvial flooding as the Hendon Burn is culverted beneath the site. Should a connection be required to the culverted watercourse rather than the sewer then a, land drainage consent would be required.

As such the proposal, subject to the imposition of suitably worded conditions which would address both the Environment Agency and LPA concerns, accords with policy EN6, EN12 and EN14 of the UDP.

PROTECTED SPECIES

Section 4.4.1 of the submitted document 'All About Trees' 29th September 2008 makes reference to the legislation protecting bats and birds and the possibility of either being found on the site. The information was reviewed and found to be insufficient with further works and information required before a decision could be made on the application. A revised Bat and Barn Owl Risk Assessment Report (February 2009) prepared by Veronica Howard was submitted on 12th February in response to the original concerns. The revised information now appears to be an accurate reflection of the conditions on site and is considered acceptable subject to a condition requiring all those working on site to be informed of (i) the recommendations and (ii) the mitigation section as contained within the report. In addition, it is also recommended that where possible landscape and structural enhancements that favour bats be incorporated into the scheme.

As such the proposal is considered to be in accordance with policy CN22 of the UDP.

REPRESENTATION

One letter of representation has been received from the adjacent Doctors surgery. Whilst the representation received is in support of the proposal as it will bring about much needed redeveloped of the site, there is concern that during construction the entrance to the surgery car park may be blocked by bull dozers and other workers. This concern is noted however the issue is not a material consideration when assessing the proposal.

CONCLUSION

The proposed development is considered to be acceptable in terms of policy, design, layout and highway arrangements. A section 106 agreement covering off-site play space remains to be completed. The final date to complete the agreement is 3rd March 2009 which is the date of the Committee meeting and therefore it is anticipated that a report will be circulated at the meeting which will either recommend approval of the application should the agreement be signed by this date or refusal of the application if the agreement has not signed.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

CITY
CENTRE

1.

City Centre

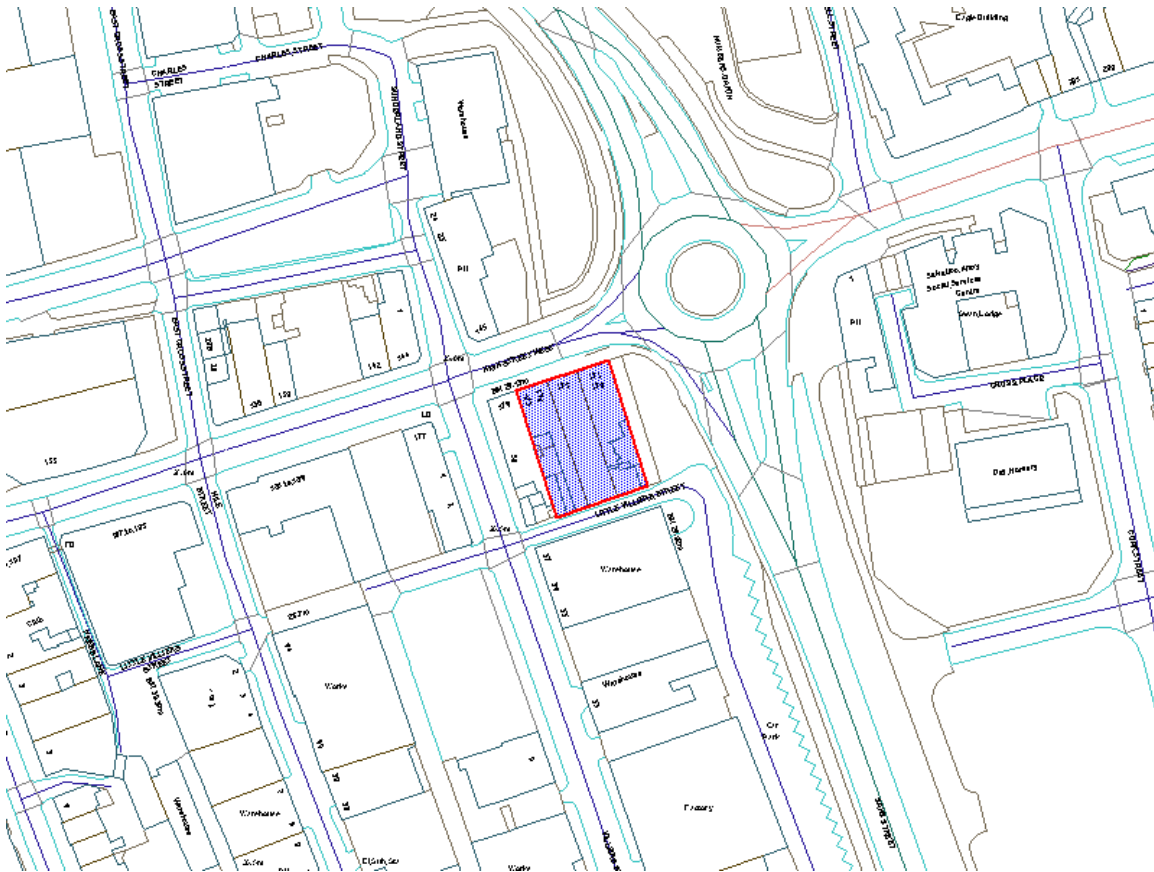
Reference No.: 09/00312/LBC Listed Building Consent

Proposal: Partial demolition of 170 - 175 High Street West and proposed alterations, refurbishment and extension of existing buildings to provide 15no. apartments, 2no ground floor shop units and ground floor office space.

Location: 170 - 175 High Street West Sunderland

Ward: Hendon
Applicant: M.K Builders
Date Valid: 23 January 2009
Target Date: 20 March 2009

Location Plan



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PROPOSAL:

Listed Building Consent is sought for the partial demolition of 170-175 High Street West and proposed alterations, refurbishment and extension of existing buildings to provide 15 no. apartments, 2 no. ground floor shop units and ground floor office space at 170-175 High Street West, Sunderland City Centre, SR1 1UP.

This application for Listed Building Consent has been submitted in relation to proposed demolition, refurbishment, alteration and extension of two Grade II Listed buildings standing within the Old Sunderland Riverside Conservation Area. The buildings are the easternmost two in a short terraced block of three derelict three-storey properties which feature vacant retail units at ground floor level and storage/accommodation in upper floors. The offices of the Sunnyside Partnership (176 High Street West) adjoin the western end of the row. The terrace stands adjacent to the roundabout junction between High Street West and Sans Street/West Wear Street, which form part of the ring road around the City Centre, and so occupies a highly prominent position at a gateway to the Sunnyside area of the City Centre.

The buildings date from the late 18th/early 19th century and have a long history of use as commercial and banking enterprises. It would appear that a greater number of units have, over time, been coalesced to form the current arrangement of three separate buildings. No. 172-173 is particularly interesting for being the first commercial listing and possibly the first shop/business owned by Mr. H. Binns, whose family went on to establish a famous chain of department stores in the north of England. However, they have apparently been vacant for over a decade and have suffered from constant vandalism and misuse and what remains of the rear of no. 172-173 is essentially a shell.

The three buildings within the terrace (170-175 High Street West) have been subject to a number of recent planning and listed building consent applications. The conversion of 170-173 High Street West to nine flats, with associated extensions and internal work, was approved in 2007 (see app.nos. 07/03159/LBC and 07/03160/FUL). A Conservation Area Consent application (app. no. 08/02168/CON) to demolish a three-storey offshoot to the rear of no. 174-175 (not listed) was approved earlier this year and an application to convert the property to three apartments was withdrawn (app. no. 08/02167/FUL). The application was withdrawn following a fire to the rear of 173 High Street West; the applicant wished to explore the potential for a scheme to develop the three properties in the terrace as a whole rather than in a piecemeal manner.

Members may recall that an application for Listed Building Consent to demolish substantial parts of the rear of nos. 170-173 High Street West (ref. 08/03889/LBC) was presented to the Development Control Sub-Committee of 6th January 2009. The application was Delegated to the Director of Development and Regeneration to provide additional time for the receipt of amendments and additional supporting information in response to concerns raised by English Heritage. Whilst amended plans were received in respect of that application, the concerns of English Heritage have not been fully met and the application has not yet been determined. The extent of demolition proposed by app. no. 08/03889/LBC has been replicated by this application and as such, that application may ultimately be withdrawn.

A full planning application for the redevelopment of the 170-175 High Street West to create a total of 15 apartments and ground floor retail units and office space (application reference 08/04562/FUL) is currently under consideration and will be presented to the Development Control Sub-Committee of 24th March 2009.

This application for listed building consent seeks to demolish the fire damaged rear third and severely dilapidated central third of no. 172-173, which occupies the entire depth of its plot and so abuts the lane (Little Villiers Street) serving the

rear of the terrace. Part of the rear wall has collapsed onto the lane, which is currently closed to the public. A Structural Engineer's report has been submitted with the application, which states that the rear section of no. 172-173 is structurally unstable and in an unsuitable condition for re-use - it is recommended the building be demolished to the rear building line so that a structurally acceptable re-build can be carried out. The demolition at no. 170 amounts to the removal of a single-storey offshoot and single-storey outbuilding in its rear yard. Listed Building Consent for this demolition work has already been granted following the approval of the aforementioned app. no. 07/03159/LBC. The proposed demolition work will effectively serve to clear the rear yards of the three buildings of outbuildings and extensions.

It should be noted at this stage that the previously approved scheme for the redevelopment of the site (refs. 07/03159/LBC and 07/03160/FUL) did not propose such substantial demolition; the rearmost third of no. 172-173 was proposed to be removed but the central third was in a more reasonable condition prior to the recent fire.

The application also seeks consent for internal and external alterations and extensions to facilitate the proposed redevelopment scheme. A three-storey extension of highly contemporary design will project from the rear elevation of no. 170-171, occupying its entire plot, before turning to run alongside the rear boundaries of the remaining two properties in the group, thus creating a frontage onto Little Villiers Street. The first and second floors will be finished in striking white render with red relief features, but the ground floor will be brick. The extension will contain most of the proposed apartments as well as garage space for four cars at ground floor level to the rear of 172-175. Garage and pedestrian doors in the ground floor rear elevation are to be timber. First and second floor glazed balconies are proposed to eight of the apartments, facing east over Sans Street and south over Little Villiers Street, whilst a communal decked area is proposed at the south-east corner of the plot at second floor level.

A single storey extension to the rear of nos. 172-175 will provide a continuation of the ground floor office and retail space to be found in the retained listed buildings. Above this will be created a first floor landscaped courtyard, which will be overlooked by all first and second floor apartments housed both in the proposed extension and the retained listed buildings. The front elevations of the listed buildings will be renovated, with replacement rooflights, renewal of the roof finish and ridge tiles, refurbishment of sash windows and new cast iron gutters and downpipes. It is also proposed to remove an unusual first floor bay window (seemingly originally used for retail display purposes) from the front elevation of no. 172-173 and replace it with three sash windows to match those above. New windows will also be installed in the currently blank gable elevation of no. 170-171.

It is not clear at this stage as to how much work will be required on the existing shop fronts at ground floor level - these are expected to be in a very poor state of repair but are currently contained behind security shutters. Further separate planning and listed building consent applications may be necessary for any shop front works deemed necessary.

Internally, the listed buildings are proposed to be subdivided to provide a combination of retail, office and residential living space. The retained ground floor of no. 170-171 will be used as a shop unit and that of 172-173 as an office. The

first, second and third (roofspace) floors will each contain one apartment respectively.

As the application proposes the substantial demolition of a Grade II Listed Building, should Members be minded to grant Listed Building Consent, the application will have to be referred to the Government Office of the North-East in accordance with the requirements of section 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Circular 01/2001 (Arrangements for handling heritage applications - notifications and directions by the Secretary of State).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Amenities Societies
County Archaeologist
Sunniside Partnership
English Heritage

Final Date for Receipt of Representations: **24.02.2009**

REPRESENTATIONS:

No letters of representation have been received to date. Any objections received before the expiry of the consultation period (24/02/2009) will be reported at the Committee meeting.

In addition, responses are awaited from a number of statutory consultees consulted in line with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Government Circular 01/2001, including English Heritage and the five 'National Amenity Societies', namely the Victorian Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings and the Ancient Monuments Society. A response is also awaited from the Sunniside Partnership.

POLICIES:

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

B_6_Measures to preserve and enhance conservation areas
B_4_Development within conservation areas
B_8_Demolition of listed buildings
CN_22_Developments affecting protected wildlife species and habitats

COMMENTS:

The main issues to consider with regard to this application are:

- The principal of the substantial demolition of two Grade II Listed buildings
- The principal of the internal and external alterations and extension of two Grade II Listed buildings
- The impact of the proposed work on protected species

PRINCIPLE OF THE DEMOLITION WORKS TO LISTED BUILDINGS

Policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining listed buildings. Demolition in whole or in substantive part will only be given consent when all other avenues for retention (including preservation in charitable or community ownership) have been explored and found not to be feasible or it is considered that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. Consent will only then be given when planning permission for an acceptable replacement development has been granted, which will also be subject to conditions requiring the letting of a contract prior to demolition.

The requirements of UDP policy B8 are re-iterated by national Planning Policy Guidance note 15 (PPG15), 'Planning and the Historic Environment', which concedes that whilst it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Consent for the total or substantial demolition of any listed building should not be given without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses; consent to demolish should not be given simply because redevelopment is economically more attractive to the developer than repair and re-use.

PPG15 expects the Local Planning Authority to take into account: the condition of the building; the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use; the adequacy of efforts made to retain the building in use; and the merits of alternative proposals for the site. The authorisation of demolition to make way for new development should be avoided unless the Local Authority is certain that the new development will proceed.

The City Council's Planning Implementation (Conservation) section is generally satisfied with the proposed extent of demolition. It is noted that the rear walls of the townhouses at ground floor level are shown as being demolished to allow the shop/office units to project the full width of the plot. In some respects, this is considered to be reasonable as it maximises the commercial floorspace to let and also provides for the proposed first floor courtyard above. It is, however, recommended that the transition from the historic space to new build is marked by the retention of at least part of the historic wall (i.e. a nib and downstand of some significance should be retained to form an 'arch' between the two).

In this instance, it is recognised that the buildings to the rear yards are generally in a very poor state and are now seemingly incapable of being restored without incurring a level of cost that is not justified by their architectural or historic significance. This has been substantiated by the applicant's own Structural

Engineer, the report of whom has been submitted with the application, and verified by structures experts acting on behalf of the City Council.

Overall, the Conservation section consider that the very poor condition of the buildings, the merit of the redevelopment scheme and the regeneration value of its outcome probably combine to justify the level of clearance being proposed.

English Heritage has not yet responded to formal consultation in respect of this application; however, concerns were raised in response to consultation relating to the previously submitted Listed Building Consent application (ref. 08/03389/LBC) for the proposed demolition. The concerns of English Heritage centred on the lack of substantive supporting justification for the proposed extent of demolition to the rear of no. 172-173, and particularly the apparent failure to consider the availability of grants (such as the Heritage Lottery-funded Townscape Heritage Initiative running in the area) to fund restoration, repair and refurbishment work. No further supporting information has been submitted in this respect, and as such it is anticipated that the concerns raised by English Heritage regarding the demolition of the central third of no. 172-173 may be reiterated. However, the submission of the full planning application does now permit the consideration of the merits of a proposal to redevelop and re-use the buildings and site.

As the acceptability of the proposed demolition, with regard to the advice of UDP policy B8 and PPG15, the information submitted with the application and the merits of the proposed redevelopment scheme, is still being assessed by English Heritage, it is not possible to offer any further analysis of the proposed demolition until the receipt of the consultation response. It is not anticipated, however, that any objection will be made to the demolition of the fire-damaged rearmost third of no. 172-173, whilst the loss of the offshoot and detached building to the rear of no. 170 has already been established through the approval of app. nos. 07/03159/LBC and 07/03160/FUL.

It is anticipated that the response of English Heritage will be received prior to the Sub-Committee meeting and any observations or objections will subsequently be reported on the Supplementary Report.

PRINCIPAL OF INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSION OF LISTED BUILDINGS

PPG15 advises that in judging proposed alterations and extensions to a listed building, it is essential to have assessed the elements that make up the special interest of the building in question. This includes not only the obvious visual features, such as a decorative facade, staircases or plaster ceilings, but the spaces and layout of a building and the archaeological and technological interest of the surviving structure and surfaces. In general, though, it is accepted that most listed buildings can sustain some degree of sympathetic and sensitive alteration and extension providing the cumulative effect of such work is not detrimental to their integrity.

The City Council's Conservation section has raised a number of concerns with regard to the proposed internal and external alterations to the building. The loss of the first floor bay window of no. 172-173 is considered unacceptable; although it was erected in the 1930's and is therefore not original, it is an attractive and distinctive feature that contributes to the interpretation of the building at a

significant point in its history. The submitted floorplans suggest that this feature could be retained/restored without compromising the proposed internal layout. Indeed, it may be difficult to secure a good match of materials for the sash windows proposed to replace it.

In general, the proposed refurbishment work to the front elevation seems desirable but little information has been submitted detailing the specifications and methodology to be used. In particular, further details of re-pointing, brick and stone cleaning, restoration and replacement of window frames, roof construction, eaves detailing and rainwater goods, work to chimney stacks, shop front construction and proposed security measures (i.e. grille and shutter systems) should be agreed either prior to the determination of the application or through the discharge of respective conditions.

The Conservation section consider that the design of the extension to the east and south of the listed buildings looks well and provides accommodation to a good standard. However, as is often the case with contemporary design, its success may be dependant upon the quality of materials used and the crispness of the finishes. The proposed materials seem satisfactory; it is desirable for a palette to be provided for approval but no problem is envisaged if the final choice is as indicated. The proposed white and red coloured render finish to the extension is undoubtedly bold, but no opposition is made to this.

It should be noted that the application proposed to the rear of no. 170-171 as part of the approved app. nos. 07/03159/LBC and 07/03160/FUL was of a similar design, with the same striking red and white render finish. The proposed development effectively serves to extend this across the end of the rear yard of no. 172-173 and the adjacent non-listed no. 174-175.

Again, the response of English Heritage is awaited following consultation. It is anticipated that a response will be received prior to the Sub-Committee meeting and any observations or objections will subsequently be reported on the Supplementary Report.

IMPACT OF THE DEVELOPMENT ON PROTECTED SPECIES

Policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the City.

As the buildings are of significant age, relatively close to water (namely the River Wear) and in a derelict state, the applicant was requested to submit a bat risk assessment with the Listed Building Consent application, although the likelihood of bats using the buildings for roosting or hibernation was low. The report submitted with the application concludes that given the City Centre location of the buildings, the fire damage and the absence of any crevices or access points within the exterior walls, the potential for bat roost hibernation sites is very limited. There is no potential bat feeding habitat in the area around the buildings and there are no known bat roosts close to this location. In line with good nature conservation practice, a method statement has been provided to guide the contractors carrying out the demolition work.

Providing work is carried out in accordance with the guidance of the method statement, it is not considered that the proposed demolition, refurbishment and extension raises any concerns with regard to the harm of protected species and as such the proposal is considered to comply with the requirements of policy CN22 of the UDP.

CONCLUSION

With regard to the above, the principle of the demolition of at least the fire damaged rearmost third of 172-173 High Street West is considered to be generally acceptable. The internal and external alterations are also considered to be generally acceptable, providing further detail is submitted either prior to determination or to discharge appropriate conditions in relation to the issues outlined earlier in this report. The first floor bay window to no. 172-173 should, however, be retained. The extension to the rear of the listed buildings is of a contemporary design that appears to complement and contrast the remaining historic terrace fronting High Street West.

However, the proposal is still being assessed by a number of statutory and non-statutory consultees, whilst the period for public consultation has not yet expired. It is anticipated that consultation responses will be received prior to the meeting of the Development Control Sub-Committee and will be reported on a Supplementary Report accordingly.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report