

**Development Control  
(North Sunderland) Sub-Committee**

**SUPPLEMENT**

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<b>Number:</b>	<b>S1</b>
<b>Application Number:</b>	<b>10/04017/FUL</b>
<b>Proposal:</b>	<b>Erection of a three storey student accommodation building and associated access and car parking</b>
<b>Location:</b>	<b>Site of 55 to 59 Dundas Street, Sunderland</b>

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Further to the preparation of the main report to the Sub-Committee further consideration has been given to the following issues:-

Land Use Policy  
Design, Siting and External Appearance  
Residential Amenity  
Sustainability  
Highways (Parking and Access)  
Environmental Health  
Archaeology  
Representation

**Policy**

The site subject of this application falls within a locality identified through Policy NA47 of the Unitary Development Plan (UDP) and is also identified as amenity open space on the 2003 and 2007 Open Space Register.

Policy NA47 states that the City Council will give favourable consideration to proposals which will enhance the general environment and setting of St Benet's Church. Measures may include redevelopment where appropriate, for land uses including affordable housing, community facilities and retailing. Proposals for other uses will be considered on their merits subject to other considerations.

In this regard whilst the proposal for student housing is not specifically listed as an acceptable redevelopment type use, the policy does allow flexibility over other possible uses, in that it states 'proposals for other uses will be considered on their merits'.

Having regard to this policy it is therefore considered that whilst the use is not specifically listed, given that the proposal will redevelop a vacant parcel of land which in turn will bring about improvements to the wider environment of the area, then it is felt that, on balance, the proposal meets the overall aim of the policy.

Emerging Policy – Revised Preferred Options Core Strategy - Within the emerging Revised Preferred Options Core Strategy is policy CS2.2f which specifically relates to major planning applications for student accommodation. The purpose of this policy is to require developers to demonstrate (i) how proposals for student accommodation will meet a proven need for development of this type, (ii) are compatible with the wider social and economic regeneration objectives, and (iii) are conveniently located to access for the university campuses and local facilities.

In respect of the above policy the agent has provided the following justification.

'The applicant is an experienced student accommodation developer and already has student accommodation in the vicinity (Roker Avenue). This accommodation is over subscribed every academic year by students who attend the Sir Tom Cowie St Peters Campus'.

Having considered the statement provided by the applicant it is not considered that the justification offered satisfactorily addresses the requirements of the above policy in that it fails to provide statistical evidence as to the number of students attending the University, the predicted take up of student places for the coming academic years (2011/2012), the number of students that live at home, the number of overseas students, the number of students that live outside the area etc... Such information should be provided in order to satisfy policy CS2.2f.

Housing – The Roker Avenue area has been identified in paragraph 5.84 of the UDP as being an area where Houses in Multiple Occupation (HMO's) are concentrated. Policy H18 of the UDP states that proposals for the provision or conversion of dwellings into bed-sitting rooms, self contained flats, or multiple shared accommodation will normally be approved where the intensity of the use will not adversely affect the character and amenity of the locality. With reference to the current application the key consideration is whether or not the proposed development will have an adverse impact on the surrounding infrastructure and residential amenity of the nearby residents (See Residential Amenity and Highway comments below).

Conclusion – Following the 2007 review of the Open Space Register there has been a national policy shift in emphasis towards not just ensuring that there is a plentiful supply in quantitative terms of green space provision but also that this is matched with the provision of high quality and publicly valued green spaces.

An audit of all open space in the city which considers a number of key factors such as quality, value and need, is currently being undertaken. The current application site has been re-assessed using the above criteria and it has been concluded that this site scores particularly poorly both in terms of its quality and value. The findings of the 2010 assessment are contained within the draft audit.

On completion of the audit it is intended that recommendations will be made for the future of identified open space, recommendations as to the sites which are to be retained, new sites to be brought forward and those sites which have scored poorly to be released. Whilst it is acknowledged that the audit is not yet complete, it is highly likely that the application site will be recommended for release for other uses due to the poor score in terms of quality and value. It is for this reason that it is not considered necessary for the application to be subject to the provisions of Policy L7 of the UDP.

Finally, whilst the agent has gone some way in trying to justify the development in terms of the emerging policy CS2.2f it is considered that further justification is required in order to ensure that the supply of such accommodation is balanced against the demand. As such further justification is required before a recommendation can be made as the acceptability of the proposal.

#### Design, Siting and External Appearance

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

With regard to the following urban design considerations, it should be noted that the observations made have been heavily influenced by the sites proximity to the St Peters Candidate World Heritage Site (cWHS) as well as the fact that the site is situated within the cWHS Buffer Zone. In this respect it is therefore critical that developments within the above defined areas are of a high standard in terms of both architecture and design.

Layout – The proposed site, which is bound by Causeway to the north, a mix of occupied and vacant retail/commercial premises to the east, Dundas Street to the south and Whitburn Street to the west, is highly constrained by virtue of the above factors and its size. In response to the above constraints it is proposed to locate the student accommodation block along the southern edge of the site, continuing with the building line that currently exists along Dundas Street with parking and communal facilities to the north of the site, which is considered to be a logical response to all of the above factors. As such given that the building will continue with the existing building line and recognising the constrained nature of such the site, it is considered that the proposed layout of the development is acceptable in this instance.

Scale – Whilst it is acknowledged that the buildings to the east and south of the site are predominantly two storey in scale, it is understood that within the surrounding area there are varied scales and building heights. In this regard it is accepted that a 3 storey building in this location would be an appropriate scale of development that would not appear out of keeping with its surrounds.

Elevations and Appearance – The current proposal has been subject to a number of pre-application discussions, during which the need for a high quality building on this site was repeatedly stressed, owing to the sites position within the cWHS Buffer Zone.

Principle AW3 of the Draft St Peters Riverside and Bonnersfield Supplementary Planning Document (SPD) states that:-

New developments or improvement schemes should:

- a. Deliver development of a high standard in terms of design, materials, overall architectural quality and innovation which responds to its highly sensitive setting an important historic and cultural context.
- b. Animate frontages through the use of well designed architectural features and materials.

As stated in the Design and Access Statement the design of the scheme has evolved over time with a number of improvements made to the scheme during this process.

Notwithstanding the above, the corner of the building which is located at the junction of Dundas Street and Whitburn Street is not considered to be of the high quality expected to be found in such a prominent location. In particular, this corner features less glazing than the opposite corner with an awkward overhanging roof which appears to be dominated by an inappropriately located drainage pipe and orientation of pitch that exposes the top of the roof / view from long distance views along Dundas Street.

In this regard it is advised that the roof of the corner feature be re-orientated to mirror that of the eastern corner feature with additional glazing added to ensure that this corner does not appear subservient to the opposite corner.

Finally, with reference to the likely palette of materials it is considered that a suitably worded condition requiring the submission of all material samples should be imposed on any grant of consent. Notwithstanding any indication of materials given on the submitted plans it should be noted that given the position of the site within the Buffer Zone of the cWHS, any development will be required to be constructed from the highest quality palette of materials in the interests of visual amenity.

Landscape – Little information has been submitted with regard to the proposed landscaping scheme, especially in relation to surface materials and boundary enclosures. In this regard it is considered that given the 'key' location of the site such materials and treatment should be agreed prior to any works commencing on site and would therefore be dealt with by way of condition should permission be granted.

Summary of recommendations – In general, it is considered that the layout, design and external appearance of the proposed student accommodation block is acceptable in principle. However, before the scheme can be seen to comply with the abovementioned policies/principles further modification is required to the south-western corner of the building and preferred palette of materials.

Agent response to the above design observations – In response to the above comments and recommendations the scheme has been amended. The changes made include (1) re-orientation of the south-western roof feature so as to mirror that of the opposite corner and (2) remove the overhang of the south-western roof feature. No changes have been made to the amount of glazing that appears on this prominent corner feature.

In response to the revisions made to the proposal it is considered that whilst not all of the recommendations have been implemented, those that have been made bring about further welcomed improvements to the overall appearance of the building, which on balance render the proposal an acceptable form of development. As such the proposal is considered to conform with the principles and aims of policy B2 of the UDP and principle AW3 of the draft St Peters Riverside and Bonnersfield Supplementary Planning Document.

### Residential Amenity

Section 10C of the Residential Design Guide Supplementary Planning Document is concerned with providing minimum spacing standards between residential dwellings. The minimum standards to be applied with regard to the current application are in relation to two and three storey buildings and are as follows.

Main Facing Windows 1 or 2 storey – minimum distance of 21m to be created between any point of main facing windows. For every additional storey 5m should be added to the horizontal distance.

Level Differences – For every 1m difference in ground levels, 2m should be added to the horizontal distance.

The submitted layout seeks to retain the existing building line to the east which is made up of a terrace of two storey residential / commercial properties, the gable elevation (No.54) of which is devoid of any openings or windows. To the south of the application site are two storey residential units however these are situated some 54m (approximate) away and are intersected by a single storey health centre and two public highways which are located between the areas in question.

In this regard it is considered that the scale and massing of the proposed building is comparable with other buildings found within the locality given the mixed use nature of the surrounding area. In addition, given the distance that would be created between the proposed student accommodation block and nearest residential dwellings to the south it is considered that in terms of any affect that the building may have upon the amenity of nearby residents, officers are confident that a satisfactory spacing standard can be achieved in accordance with policy B2 of the UDP and Section 10C of the Supplementary Planning Document.

### Sustainability

UDP Policy R1 considers sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage.

The design for the new student accommodation building and its surrounds will be tested against the Building Research Establishment Assessment Method (BREEAM). BREEAM is a widely used environmental assessment method for buildings. It sets a standard for best practice in sustainable design and has become a recognised measure used to describe a buildings environmental performance. The intention is to develop the new student accommodation building to a very good rating under the BREEAM scheme, and if Members are minded to approve, a suitable condition requiring the developer to submit a Post Construction Review Report carried out by a licensed assessor, together with a BREEAM Final Code Certificate, will ensure the development will be built to the stated BREEAM rating.

As such, it is considered that the proposal will comply with the aims of UDP policy R1.

## Highways

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. Policy T21 relates to the provision of parking within the City and the need to take account of the need to maintain safe road conditions and ensure the economic viability of existing retail and commercial centres. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In this regard, the Executive Director of City Services (Transportation) has been consulted and the following advice offered.

Car Parking and Vehicular Access - The alignment and number of car parking spaces to be provided is considered to be satisfactory based upon the levels of car ownership for students attending the University of Sunderland.

Access to the rear parking and refuse collection area will be from Church Street North and continue along the Causeway which has a one-way system in operation.

The rear parking area will require the provision of a hard paved verge which will form a continuation of the existing bitmac verge to the rear of the adjacent properties.

There are two street lighting columns located in the verge to the south side of the Causeway, which may need to be relocated to enable parking to be provided as shown on the proposed site plan.

Public Rights of Way – Currently there are no recorded public rights of way across the site. However, attention should be given to the provisions of Section 31 of the Highways Act 1980, which relate to presumed dedication of public rights of way where there has been 20 years use by the public as of right and without interruption. There is also Section 53 of the Wildlife and countryside Act 1981 by means of which such rights of way may be added to the Definitive Map.

Public Transport – The proposal is located within walking distance of St Peters Campus. There are bus stops located on Lower Dundas Street and at the Wheatsheaf Gyrotory which connect with the City Centre and there are also two Metro stations in the nearby vicinity.

Concluding Comments – Having regard to the above observations it is considered that the proposal does not raise any implications for parking or highway safety and there are no concerns in this regard. As such the proposal is considered to comply with policy T14, T21 and T22 of the UDP.

## Environmental Health

The Geo-environmental Desk Study submitted with the application is still under consideration. It is anticipated that a formal response to matters such as ground contamination and working practices will be fully considered in a report to be circulated at the meeting.

## Archaeology

UDP policy B11 seeks to promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded. Policy B13 aims to safeguard sites of local archaeological significance. When development affecting such sites is acceptable in principle, the Council will seek to ensure that mitigation of damage through preservation of the remains in situ as a preferred solution. Where physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required. A further policy relating to this issue is B14. Policy B14 states that where development proposals affecting sites of known or potential archaeological importance, the City Council will require an archaeological assessment / evaluation to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

The site subject of this application is identified on the UDP Proposals Map as being a site that could potentially be of archaeological importance. As such the County Archaeologist has been consulted on the application and the following advice offered.

## Original Response (13.01.11)

It is recommended that an archaeological desk based assessment will be required owing to the fact that the site lies within the buffer zone of the candidate World Heritage Site and might therefore contain buried archaeological remains associated with the Early Medieval monastery precinct. It is acknowledged that there were terraced houses on the site which may have damaged or destroyed archaeological remains.

A specification for the assessment was forwarded to the agent in November (following pre-application dialogue) and it is therefore disappointing that an assessment has not been submitted with the application. The Geo-Environmental Desk Study is not suitable for archaeological purposes. The Heritage Statement barely mentions archaeology.

This assessment is required before a planning decision is made, as is any recommended trial trenching. The work cannot be conditioned because there may be important remains here that may need to be protected from any development.

In response to the above comments an Archaeological Desk Based Assessment was commissioned and submitted to the LPA for comment on 2 February. The information was forwarded to the County Archaeologist who offered the following comments.

The submitted report confirms that the site may have lain with the monastic precinct associated with St Peters and has thus recommended the excavation of an archaeological trial trench 40 x 2m.

Given that the site lies within the buffer zone of the candidate WHS and because any surviving Anglo-Saxon remains would be deemed part of the WHS, the evaluation trench must be excavated before a planning decision is made.

A specification for the trench was sent to the applicant.

In response to the comments made in respect of the Desk Based Assessment the applicant commissioned the necessary excavation works and the site was inspected. The findings of the excavation works concluded that no archaeological remains were found and as such no further archaeological work is required should permission be granted.

The proposed development is therefore considered to accord with the abovementioned policies, those being B11, B13 and B14 of the UDP.

## Representation

Northumbrian Water – No comments to offer on the current proposal.

Third Party Representation – As stated in the main agenda report three letters of objection and one letter/e-mail of no objection to the proposal have been received. The issues raised in the abovementioned representations are detailed below.

### 1. St Bedes Medical Practice

We are quite happy with the planning application on condition that (i) the premises are used for students only and (ii) there is adequate car parking so as not to use St Bedes as an overflow.

### 2. CBRE

The basis of the objection is as made for previous applications for student residential accommodation. This is also consistent with the wording developed within the emerging Local Development Framework i.e. that demand for student residential accommodation needs to be demonstrated. This inevitably requires engagement with the University.

The student residential market in Sunderland is finely balanced between supply and demand sides. Whilst major progress has been made over the past years managing unsustainable void position the outlook remains volatile, requiring extensive planning between University recruitment, Faculty and accommodation office teams on an annual basis to ensure business targets are met.

Student number planning over the next period is assumed at steady state at best. The recent



changes in funding for education are likely to have a major impact on the sector including if, how and where future cohorts engage with higher education. This will have an impact on the student residential market.

Traditionally a large proportion of Sunderland students continue to register home as a term time address, consistent with the profile of local / regional recruitment. This has a significant impact on the perception of the Sunderland market for student residential accommodation.

The University has a supply of circa 2100 managed bed spaces either through its own estate or through partnership with external providers (U Student). Major investments have and continue to be made in the residential estate to maintain the quality of provision expected from both current and future cohorts. The residential offer continues to play a key role in both the student's decision making process and experience whilst at university.

In the longer terms the strategy remains to relocate some of the provision to the city centre sites as opportunities arise. This supports the objectives identified within the campus master plans and will provide further regeneration in Sunderland city centre. This relies on there being sufficient demand in the market.

To summarise therefore supply and demand for 2011-12 is at an equilibrium. The position thereafter is unclear and there remains significant risk within the market. The University as a key partner in the delivery of the Sunderland Economic Master Plan relies on the ability to maintain a sustainable plan for student residential and should not be undermined by speculative proposals that have not been justified.

Without any further evidence on business justification for this particular proposal the University maintains the position that the application is appropriate and should not be granted planning consent.

### 3. U –Student

U-Student now own and operate The Forge U Student Village having bought the site from the University and carried out a significant refurbishment and new build program, investing in the region of £12 million into the local economy during 2010/11.

U-Student state that they have an excellent and long term relationship with the University.

It is their view that the University is a key economic driver for the City, and working closely with them, their aspiration is to further enhance the reputation of Sunderland University and the host city by providing high quality student accommodation, in a secure, modern environment, professionally delivered and managed.

The reason for this letter is to draw your attention to the importance of balancing supply and demand where student accommodation is being considered, and it is U-Students view that at present sustainable demand cannot be demonstrated to require any more supply of bed spaces within the City, with void bed spaces this academic year across circa 2000 beds available between the U-Student site and other university accommodation. This statement can be substantiated quite easily. U-Student therefore urge the city to liaise extensively with the University directly in relation

to this application and all forthcoming student accommodation applications and ensure a policy is maintained whereby sustainable long term demand is clearly demonstrated before approving any further student bed spaces.

(The remainder of the objection relates to Houses in Multiple Occupation and is not directly related to the application currently under consideration).

#### 4. Mr Humble – 17 Reading Road

Mr Humble objects to the application to build on open ground in Dundas Street by Leah properties Ltd on the ground that Leah developers and other property developers over the last 20 years have turned the Roker Avenue area into one giant slum.

In response to the above representation the following comments are offered.

1(i). Student accommodation such as that proposed in this application is classified as a Sui Generis use. Sui Generis uses are uses that do not sit comfortably within one of the use classes as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 usually owing to their nature and material impacts. Such uses do not benefit from permitted changes between certain classes and therefore planning permission would be required to change the use of the building to something other than student accommodation. In this regard only students would be permitted to occupy the building under the current proposal.

1(ii). The application proposes 12 parking spaces to the rear of the building which has been considered by the Manager of City Services - Transportation and deemed to be acceptable for the type and size of accommodation to be provided.

2 & 3. As set out in the above policy section, the emerging Revised Preferred Options Core Strategy contains a policy, CS2.2f, which requires all major planning applications for student accommodation to demonstrate that they will meet a proven need for such accommodation. In this regard the applicant has provided some information in an attempt to justify their scheme against this policy, however as previously stated it is not considered that the statement submitted satisfactorily addresses the requirements of the policy. Therefore further information and consultation is required on this matter before a decision can be made and as such the objections made in this respect remain valid.

4. No material planning grounds are contained within this objection and therefore no justification is offered in this regard. It should however again be noted that the current proposal for student accommodation is a Sui Generis use and not a C4 use which specifically relates to Houses in Multiple Occupation. Therefore given that there are no permitted changes for such Sui Generis uses, any changes to the use of the building would require planning permission.

#### Conclusion

Whilst it is accepted that matters relating to urban design, highways and archaeology are deemed

to be satisfactory, the fundamental principle of developing this sites for student accommodation requires further justification on the basis of proven need. As such given that the target date for determining this application is not until 22 March 2011, Members are requested to defer the final decision relating to this application until such time that the outstanding policy issues have been resolved.

**RECOMMENDATION: DEFER**