

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 2 on Tuesday 24th
March, 2015 at 4.45p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Deputy Chief Executive (copy herewith).	

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

16th March, 2015

Item 3

Development Control (City Centre) Sub-Committee

24th March 2015

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 14/02729/FUL
Galen Building Green Terrace City Centre Sunderland
2. 14/02730/LBC
Galen Building Green Terrace City Centre Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

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

1.

City Centre

Reference No.: 14/02729/FUL Full Application

Proposal: Conversion of building to comprise 128 units of accommodation providing 164 student bed spaces and ancillary facilities. Removal of second floor roof extensions and rear roof and part of east elevation and construction of a second floor extension, construction of new dormer to rear, removal of lower ground floor extension, construction of new accommodation area to the rear to include creation of external/amenity areas to the rear and associated external alterations.

Location: Galen Building Green Terrace City Centre Sunderland

Ward: Millfield
Applicant: J Noble & Sons Ltd
Date Valid: 4 December 2014
Target Date: 5 March 2015

Location Plan



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PROPOSAL:

This application relates to the Galen Building, which is located on Green Terrace in the City Centre. The building was erected between 1899 and 1901 as a technical college and was subsequently extended in 1928.

In recent times, the building has been altered to facilitate its use as two separate drinking establishments on the ground and upper ground floors, which has led to the loss of the original internal layout within these areas. The first and second floors have been vacant for some time and are in a poor state of repair, although the first floor largely retains its original layout. The submitted information suggests that the roof extensions and eastern gable are in a poor state of structural repair.

Planning permission is sought for the conversion of the building to comprise 128 units of accommodation providing 164 student bed spaces and ancillary facilities. The total number of bed spaces to be provided by the proposed development would be achieved through a mix of types of accommodation. These comprise two self-contained accessible studios, 38 self-contained studios, 66 self-contained duplex studios, 11 three bed duplex studios, a three bed studio, four two bed duplex studios, a 2 bed studio and a family accommodation unit. The proposed ancillary accommodation comprises a management office, student gym, laundry, communal lounge area and external amenity area.

The proposal also includes the removal of the existing second floor roof extensions and the rear roof and part of the east elevation due to poor condition and the construction of a new second floor extension. It is also proposed to erect a new dormer to the rear, remove the lower ground floor extension and construct a new accommodation area to the rear to include the creation of external/amenity areas to the rear and associated external alterations.

The application is accompanied by an application for listed building consent for the proposed works to the building - application 14/02730/LBC.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Millfied - Ward Councillor Consultation
Tyne and Wear Archaeology Officer
Environmental Health
Northumbrian Water
Network Management
Northern Electric

Final Date for Receipt of Representations: **16.02.2015**

REPRESENTATIONS:

Neighbours and Interested Parties

Consultations were carried out with the occupiers of 27 nearby properties and public notices were displayed on lamp posts adjacent to the site. A public notice was also displayed in the Sunderland Echo.

In response to consultation, one representation has been received from a planning consultancy acting on behalf of the University of Sunderland. The content of the representation is as follows:

The letter begins by detailing the close links between the University and the City Council including University involvement in preparation of progressing Core Strategy policies in relation to the needs of the student population and also a draft interim policy in respect of such matters, which is presently out to consultation.

The letter goes on to set out the relevant national policy guidance contained within the National Planning Policy Framework (the "NPPF") and the proposed local policies contained within the Council's Core Strategy and Development Management Policies (Draft Revised Preferred Options 2013) document of its emerging Local Plan.

The University's view is that applications for student accommodation should demonstrate a proven need, that they are compatible with social and economic regeneration objectives and conveniently located. Student housing developments need to ensure consumer choice. The supply of private rented accommodation has increased in an ad-hoc way over the last 5 years, particularly following the downturn in the economy.

In respect of emerging student accommodation policy, the site is situated in the defined City Centre boundary. Draft interim policy DM4.3 states that favourable consideration will be given to proposals for purpose built student accommodation within the city centre provided that it:

- Meets an identified need;
- Meets an identified demand in terms of quality;
- Is on a scale appropriate to its surroundings;
- Is appropriately located to local facilities and is accessible to the university by foot, cycle and public transport;
- Provides high quality living accommodation in terms of layout, design, standards and facilities.

Considering need, the agent has submitted a needs assessment, however there are some inaccuracies in the quoted data. For example, it states that there are 14,955 (2012/13) students at Sunderland University. However, there are only a total of 12,000 on campus students currently with circa 5,000 requiring accommodation (many others living in a family home). In addition, figures quoted are total student numbers, not on campus figures and the existing consented accommodation figures are inaccurate. The report states that an increase in student numbers is predicted, but the University is not expecting an increase within the next two-three years.

In respect of quality, the provision meets the needs of high quality accommodation as set out in the emerging SPD and therefore meets the aims of this part of the emerging policy. The design layout and standard of facilities provided are of high quality for prospective tenants.

In respect of scale relative to surroundings, the building is a conversion, so no comments are offered.

Considering location, it is within the City Centre and close to the University campus and it is therefore considered that it accords satisfactorily with the emerging policy in this regard.

Given that the site is within the City Centre, a sequential assessment as to its location is not required.

New proposals for student accommodation should also adhere to the requirements of the consultation draft policy DM4.4 (house in multiple occupation). In this regard, the applicant should submit a management plan which could be ensured by condition or a section 106 agreement in order to ensure that the building is appropriately maintained and managed.

The agent has stated that the University would promote the property to students which is not wholly accurate. The University have 'StudentPad' an introductory database which landlords can promote their property to the student base.

Consultees

Network Management

The Network Management Team has been consulted in respect of the proposed development and has advised that the development is within the Central parking zone, walking distance to the University's Chester Road Campus and the adjacent Bridges Multi-storey car park, therefore a relaxation in the parking requirement for this development can be made. Given that no parking facilities are provided on site, the accommodation would not be suitable for a student with car ownership.

The development is within the City Centre with excellent links to public transport and it is also noted that 32 secure cycle parking spaces are proposed to the rear of the amenity deck with associated CCTV monitoring.

Environmental Health

The Environmental Health Team has advised that it is understood that the application seeks to convert the Galen Building into 128 units of accommodation providing 164 student bed spaces and ancillary facilities. Up until recently the building was occupied by a bar and two nightclubs but the premises are currently vacant.

The site is located in the City Centre and is predominately surrounded by commercial uses including bars, restaurants, hotels and shops. It is bound by Green Terrace to the west, with retail units and bars on the opposite side of the road; An access street to the south, with the rear of a number of retail units and bars (some of which have open terraces, smoking areas and late licenses); and The Bridges shopping centre and associated open sided multi-story car park to the north and east.

The Applicant has submitted a noise assessment in support of the application. Ambient noise levels were measured at the subject site in the daytime, evening and night, at locations considered to be representative of the locality. Daytime noise levels were noted to be influenced by road traffic noise, as were night time noise levels with the addition of music entertainment noise.

Ambient noise levels across the application site were higher during the night time period due to the contribution of pedestrians and to a lesser extent entertainment noise.

The Applicant has used the following criteria as an assessment tool to assess whether future end users of the development will be assured an internal noise climate that is commensurate with good living conditions;

- 35 dB LAeq (0700-2300) in living rooms and bedrooms during the daytime.
- 30 dB LAeq (2300-0700) in bedrooms at night.
- 45 dB LAFmax not normally exceeded in bedrooms at night.

Furthermore and given the presence of entertainment noise, the Applicant has considered Noise Rating (NR) levels which set individual criteria at each octave band, NR30 being the most relevant for living and bedrooms.

Whilst external levels of ambient noise are perhaps higher than those located outside of the city centre, recent case law has confirmed that the National Planning Policy Framework is now placed firmly within the context of the Government's policy on sustainable development with emphasis on development of previously used land and mixed use areas. In seeking a balance between the interests of the locality and that of the developer the Applicant has provided a scheme of mitigation which will enable the above criteria to be met. It is therefore recommended that should planning permission be granted a condition be attached to ensure the implementation of all proposed mitigation measures.

Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer has considered the submitted Historic Building Record (by The Archaeological Practice) and has advised as follows:

The Galen Building was built as a technical college between 1899 and 1901. It was built by Potts, Son and Hennings of Manchester. It features concrete floors and steel reinforcement. Its grand façade is in red brick and terracotta. The report concludes that the original exterior of the building survives well but that the interior was remodelled around 2000, at which time most significant features were removed. The first floor still retains its original layout.

Inside, tiles, dado rails, cornices and fireplaces survive, notably at the west end of the north wall of the tower room and in a room on the south side of the south range. On the ground floor, glazed brickwork, coloured and leaded windows, a dado rail, moulded cornice and a fireplace survive in the entrance porch and tower. On the first floor, a moulded frieze and cornice and coloured and leaded windows survive.

The surviving historic and decorative features (including what remains of the panelled dado, glazed brick, pillars in the south range basement, moulded

cornice and frieze, fireplaces, coloured and leaded windows, cupboards, clock mechanism) should be retained in the new scheme.

The site lies within the presumed extent of Bishopwearmouth medieval village. However buried archaeological remains are unlikely to be present because the existing building has a basement level which will have disturbed or destroyed any archaeological remains which may have existed.

No further archaeological work is required.

English Heritage

English Heritage has recommended that this application be determined in accordance with national and local planning policy guidance, and on the basis of the Council's expert conservation advice.

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_8_Demolition of listed buildings

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

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

COMMENTS:

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

- 1) Principle of the Development
- 2) Amenity Issues
- 3) Heritage Issues
- 4) Highway Issues
- 5) Archaeology
- 6) Ecology
- 7) Noise
- 8) Other Issues raised in representation

- 1) Principle of the Development

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. 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.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- Development proposals that accord with the development plan should be approved without delay;
- Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
 1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
 2. specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007.

The site lies within an area wherein the UDP alteration No.2 (Central Sunderland) is the relevant planning policy. Therein, policy EC5B identifies certain areas as Strategic Locations for Change. Acceptable uses within such locations are identified as A2 (Financial and professional services), A3 (Restaurants and cafes), A4 (Drinking Establishments), B1 (Business), C3 (housing), D1 (Non-residential institutions) and D2 (Assembly and leisure). Within such areas, the policy states that the Council will encourage environmental/access improvements and selective mixed use redevelopment which improves connection and integration with the surrounding urban area and with public transport infrastructure.

Proposals for redevelopment are required to:

- Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
- Create linkages between different land uses;
- Take account of the potential of these prominent locations in enhancing the image of the city;

- Accord with UDP Supplementary Planning Guidance 'development control guidelines'.

As an expansion of this, policy SA55B.2 is relevant and identifies the site as lying within an area identified as a strategic location for change - City Centre West. Therein, the Council will support the diversification of food and drink and cultural opportunities and uses within Use Classes A1 (Retail), A3 (Restaurants and Cafes), B1 (Business), A2 (Financial and professional services), D1 (Non-residential institutions) and D2 (Assembly and leisure) will generally be supported. Proposals for uses not referred to in this list will be considered on their own merits having regard to other policies in the UDP. In considering the design requirements for proposals in the area, new development should be of a scale and design which complements the character of the Bishopwearmouth Conservation Area.

The proposed student accommodation use falls within the list of acceptable uses within areas allocated as Strategic Locations for Change by policy EC5B. The proposal is considered therefore to accord satisfactorily with this policy. Furthermore, it is considered that the proposal will accord satisfactorily with the aims of policy SA55B.2, which seeks to support the diversification of food and drink and cultural opportunities within the area. Whilst student accommodation is not on the list of particularly encouraged uses within the area, the building to which the application relates is not obviously suited to any of the preferred uses and indeed has, in part been vacant for some time. There are also no proposals before the Council for alternative uses of what is a significant and prominently located listed building and the benefits of bringing the building back into use must also be considered. On consideration of the proposal on its merits, the proposed student accommodation use is considered to be, on balance, acceptable given that it would see the whole of the building brought back into beneficial use providing accommodation for students in a location close to the University campus. In addition, the presence of a student resident population in this location would likely serve to aid the continued operation of nearby retail, leisure, business and professional uses. The proposed use would also benefit greatly from the proximity of the building to public transport nodes, linkages to adjacent commercial uses and would serve to enhance the City's image through restoration of a landmark listed building, according with the aims of policy EC5B.

For the reasons set out above, on consideration of the proposal on its merits, the proposed development is considered to be acceptable in principle with due regard to relevant planning policy.

2) Amenity Issues

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

Policy H18 of the UDP states that proposals for the conversion of non-residential buildings which are vacant or under-used will normally be approved where they will not conflict with other policies and proposals of the plan. In all cases, proposals must include satisfactory provision for parking, servicing and other design aspects.

An expansion of this guidance is provided at section 4.1 of the Development Control Guidelines Supplementary Planning Guidance (SPG) which identifies general principles for conversion to flats and houses in multiple occupation. Therein, it is stated that proposals must reflect the general character and amenity of the area and those which represent an over intensive form of development will normally be resisted. Planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area. Existing features which contribute to the character of the area should be retained. Depending on the degree of self containment, there may be a requirement to provide communal facilities.

It is further recommended at section 4.2 of SPG that in order to ensure the privacy of neighbours and occupants, habitable room windows should not be unduly overlooked by people going to and from areas of car parking associated with properties. External entrances to flats or houses in multiple occupation should normally be located on the main road frontages.

Section 4.3 of SPG states that each self contained unit or house in multiple occupation must have direct pedestrian access to the front of the property, the allocated car parking area and the bin storage area. Furthermore, the SPG seeks to ensure that any new windows serving living rooms, kitchens, bedrooms or other habitable rooms should not overlook or be overlooked by adjoining properties to an unacceptable degree and should have a reasonable outlook. Main living room windows should have a reasonable outlook and should not be lit solely by roof lights and habitable windows should not be in close proximity to high boundary or gable walls. Bin storage should be at the rear of buildings and easily accessible to residents.

The consideration of amenity issues is two-fold with regard to be given to the implications of the proposal for the character and amenity of the area within which the building stands and also the levels of amenity which would be afforded to future occupiers of the proposed student accommodation.

In considering the implications for the character of the area and the impact upon the amenities of occupiers of surrounding buildings, it is noted that the building stands within a predominantly commercial environment wherein a mix of uses is evident.

The east and north elevations of the building face towards the Bridges shopping centre and its car park. These are not considered to be particularly sensitive uses in terms of overlooking and interface with the proposed student residential use and as such, the proposed arrangement of the development is considered to be satisfactory insofar as it relates to the inter-relationship with these buildings.

To the west, the front elevation of the building faces properties on the opposite side of Green Terrace including a mix of public houses and retail shops at ground floor level and is separated by approximately 22 metres at its closest point. A

number of the proposed student residential units incorporate windows in this elevation, but given the separation and arrangement of the buildings, coupled with the fact that the proposal would generally see the use of existing window openings in the building, the relationship between the proposed development and adjacent properties on Green Terrace is considered to be acceptable.

The south elevation faces a lane running along the side of the building, beyond which is a terrace of properties (Vine Place) comprising a mix of commercial uses at ground floor level. The south elevation of the building incorporates windows which would serve some of the student residential units, whilst the proposed roof extension would also incorporate new windows and balconies in this elevation. The properties to the south incorporate a mix of retail, restaurant, bar and office uses in their ground floor accommodation with further commercial uses also evident in some of the upper floor accommodation. The building is separated from the rear offshoots of these adjacent properties by approximately 11 metres and from the main rear elevations by approximately 20 metres. The proposed extension is set back from the main south elevation of the building through the incorporation of the glazed balconies and this limits the impact of the extension when viewed in the context of the properties on Vine Place. The separation between the buildings is considered to be sufficient that the amenities of users and occupiers of the properties on Vine Place will not be compromised as a result of either the proposed change of use or the proposed extension.

For the reasons set out above, the inter-relationship of the proposed development with surrounding properties and uses is considered to be satisfactory and it is not considered that the amenities of the users or occupiers of surrounding buildings would be unacceptably compromised so as to warrant a refusal of planning permission.

Turning to consider the amenity which would be afforded to future residents of the proposed accommodation, the total number of bed spaces to be provided by the proposed development would be achieved through a mix of types of accommodation. These comprise two self-contained accessible studios, 38 self-contained studios, 66 self-contained duplex studios, 11 three bed duplex studios, a three bed studio, four two bed duplex studios, a 2 bed studio and a family accommodation unit. All units would be provided with windows affording outlook to occupiers and are generously sized. The applicant has advised that he intends to provide high quality accommodation and on assessment of the submitted plans, this appears to have been achieved through the facilities and general spaciousness of the proposed units. The proposed ancillary accommodation comprising a management office, student gym, laundry, communal lounge area and external amenity area offer further amenity to future occupiers of the building and by way of internal corridors, all of the occupiers would have access to all of the internal and external ancillary facilities.

The proposal is not considered harmful to the character of the immediate area wherein a mix of uses are evident and is not considered to represent an overly intensive form of development given the size of the building and the nature of the accommodation proposed. The proposal relates to a prominent listed building and proposes to retain and restore historic features which greatly contribute to the setting of the building and the conservation area. The proposal incorporates communal areas and external amenity space which is easily accessible to all residents, whilst the privacy and amenity afforded to occupiers of the proposed units by way of window arrangements is considered to be appropriate. The

development is proposed to be accessed from Green Terrace, ensuring ease of access for the residents. For these reasons, the levels of amenity to be afforded to future occupiers of the proposed development are considered to be acceptable with due regard to NPPF, UDP and SPG guidance as set out above.

3) Heritage Issues

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

In respect of local planning policy, UDP policy B2 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.

Policy B4 states that all development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end, the Council will issue planning/design guidance for the various areas from time to time.

Policy B6 states that the City Council will preserve and enhance the character or appearance of conservation areas; measures will include:-

1. Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
2. Encouraging the retention of existing mature trees;
3. Introducing controls over the display of advertisements ;
4. Seeking, where appropriate, to control development by the use of Article 4 directions;
5. Giving special attention to the preservation of important views into and out of the area;
6. Restoring highways and verges by use of appropriate materials and planting, encouraging utility companies to respect such works;
7. Reducing the impact of traffic where possible by diversion and traffic calming measures; and
8. Promoting environmental improvement and enhancement measures.

Policy B8 states that there will be a presumption in favour of retaining listed buildings.

In accordance with UDP policy B4, the Council has produced and adopted the Bishopwearmouth Conservation Area Character Appraisal and Management Strategy (CAMS).

The Galen Building was designed as a purpose built technical college in 1899, and opened in 1901. It is a grade II listed building of immense architectural quality, designed in a 17th century renaissance style, it is key landmark within the Bishopwearmouth Conservation Area and City Centre as a whole. Its tower in particular is a prominent and attractive feature in the skyline and roofscape of the City Centre. The Bishopwearmouth Conservation Area Character Appraisal and Management Strategy (CAMS) describes the building as "a quite spectacular bright red brick and terracotta building with a large square tower surmounted by a dome making it the most prominent building in the southern part of the conservation area. It is richly decorated with intricate architectural features, such as a detailed frieze over the elaborate entrance portico".

The application is accompanied by a Historic Building Record and Significance Statement prepared by the Archaeological Practice Ltd. This statement identifies

that the significance of the building, especially in terms of its evidential and aesthetic values, now lies predominantly in its well preserved and high quality external architecture. The façade in particular is rich in significant detail, such as the arms of the Borough of Sunderland with mermaid supporters on the porch and various seated figures, which symbolize the history and original designed purpose of the building as a college to train pupils for careers as seafarers and marine engineers.

Unfortunately, the upper floors and part ground floor of the building have been vacant for many years. The interior of the listed building and elements of its exterior have as a result deteriorated into a poor condition, placing the building at-risk. The interior has also been extensively remodelled in the late 20th century to accommodate previous nightclub and bar uses, and as result most of its internal floor plan and significant features have been lost. More recently, part of the lower ground floor has been converted into a bar and some repairs have been undertaken to the roof and terracotta façade, whilst the ground floor part of the building formerly occupied by the Varsity public house has also become vacant.

The proposed conversion of the building for student accommodation is welcomed as it will address the vacant and at-risk state of the listed building and secure a beneficial use which will sustain its conservation into the future. The accommodation is of a high quality, especially the duplex apartments, and this reflects the quality and spaciousness of the listed building.

The approach to the conversion of the listed building has been suitably informed by the Historic Building Record and Significance Statement. The external elevations are to be preserved and repaired where necessary, and lost window openings and windows are to be restored, conserving and enhancing the exceptional architectural qualities of the exterior of the building. The striking prominence of the building in the street scene and conservation area will be suitably enhanced by these works.

The proposals seek to demolish the 20th and 21st century additions to the building, both to enable original window openings and other architectural details to be reinstated and to facilitate the proposed second floor roof extension and ground floor rear extension. None of these later additions make any contribution to the significance of the listed building and the majority have been somewhat crudely added. Their removal is therefore supported as it will allow the original form, detail and character of the listed building to be in part restored. This will in particular enhance the front elevation where the removal of the entrance doors and canopy to the former Varsity public house will enable the reinstatement of missing window openings and details, allowing in part the symmetry of the pattern of fenestration and architectural detail that characterises the distinctive renaissance style of the building to be restored.

The façade of the building will further benefit from the removal of the canopies that were erected for the entrance and smoking area of the 'Basement' bar in the lower ground floor. The initially submitted plans showed that these were to be retained, but amendments made during the application process now show these canopies as being removed.

To the south elevation, facing the side lane, the proposed removal of metal escape stairwells, escape doors, extractor fans, louvres etc to enable the

restoration of windows will likewise enhance the architectural qualities and character of the listed building.

The removal of the modern brick roof extensions and dilapidated roof to the rear wing is acceptable because, as noted above, these are later additions and have no particular historic value. Those features of historic and architectural interest in the roofscape of the rear wing i.e. chimneys, parapet walls and gables with terracotta copings, are all proposed to be retained. A method statement will be required for these demolition works, describing how the brick extensions and roof structure will be carefully taken down and how the historic features to be retained will be protected whilst this is carried out, including the salvaging of the east gable second floor window. Should Members be minded to approve the application, this may be conditioned.

The most significant element of the development scheme is the new second floor extension that is proposed to sit on top of the rear wing after the 20th century additions described above have been removed. This extension will provide additional floorspace to make the overall scheme viable, but will increase the overall height of this part of the building with the addition of a contemporary lightweight glass and aluminium structure with a pitched standing seam effect composite roof.

The extension is considered to be acceptable in principle and the lightweight contemporary design approach is considered appropriate so that it can be clearly read and distinguished as a modern addition to the late Victorian / Edwardian building. There were initially concerns over the form and resultant height of the extension; as originally designed it was considered too high and top heavy on the listed building, mainly as a result of its pitched roof form. This was discussed with the architect and the roof design has since been modified with a shallower pitch reduced from 15 degrees to 10 degrees. This has reduced the impact of the extension and the applicant has advised that the roof pitch has been reduced to the minimum which is feasibly possible to allow for the construction of the proposed extension. As set out above, without the extension to allow the use of the roof space, the proposed development would not be a viable proposition to the applicant and as such, the proposed extension is considered to be, on balance, acceptable. It is proposed to be carried out in a reversible manner so as to minimise potential for long term harm to the listed building and would facilitate the return to use and the extensive improvement works which also form part of this proposal, as described above.

The initially submitted plans proposed solar panels on the roof of the new extension. It was considered that these would appear too stark, reflecting the light and drawing attention to the extension and away from the architectural qualities of the listed building. Following discussion with the architect, the solar panels have been omitted from the proposals.

The proposed dormer extension to the rear roof plane of the front wing is of no concern in principle in heritage terms. This is a sympathetic addition to a secondary elevation and will not imbalance the symmetry of the elevation. The detail of this dormer should match the existing dormers exactly, including the window frame profiles and materials and the submitted plans appear to show that this will be the case.

The proposed ground floor rear extension and new build accommodation with green landscaped roof in the rear yard area will be largely hidden from public views, will be substantially subservient to the main building and have been sensitively designed to minimise their impact on the listed building. The green roof and associated landscaping will significantly enhance the currently untidy and unsightly appearance of the rear yard area. Full details and samples of all soft and hard landscaping materials and features will be required and should Members be minded to approve the application, this can be conditioned.

Further works are proposed to the building to facilitate the conversion. Not all of these require planning permission in their own right and are considered in detail in the assessment of the accompanying application for listed building consent - reference 14/02730/LBC.

In conclusion in respect of heritage matters, this proposal will repair, restore and secure the return to full beneficial use one of the most architecturally impressive landmark listed buildings in the City Centre. The preparation of the proposals for the conversion, adaptation and extension of the Listed Building to facilitate its re-use for student accommodation has been carried out on a properly informed basis whereby the design of the scheme has had due regard to its impact on the significance of the listed building and as a result exhibits good conservation and design practice. Overall the proposals will enhance the significance of the listed building and the character and appearance of the Bishopwearmouth Conservation Area; the repair of the terracotta facade and restoration of lost features to the external elevations will have an especially positive impact on the aesthetic values of the building and wider historic street. The proposed extensions have been designed as high quality yet simple lightweight contemporary additions that are appropriate to the listed building and compliment, but do not compete with the exceptional architectural and landmark qualities of the listed building.

Subject to the imposition of the conditions set out above on any planning permission and subject to consideration of the accompanying application for listed building consent (reference 14/02730/LBC), the proposal is considered to accord satisfactorily with the aims of paragraphs 17, 56, 64, 131-134 and 137 of the NPPF in respect of heritage issues, as well as UDP policies B2, B4, B6 and B8, as well as the Bishopwearmouth CAMS.

4) Highway Issues

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe

Policy T14 of the UDP stipulates that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

As set out above, the Network Management Team has been consulted in respect of the proposed development and has advised that the development is within the Central parking zone, walking distance to the University's Chester Road Campus and the adjacent Bridges Multi-storey car park, therefore a relaxation in the parking requirement for this development can be made. It is also noted that the development is within the City Centre with excellent links to public transport and

that 32 secure cycle parking spaces are proposed to the rear of the amenity deck with associated CCTV monitoring. On this basis, the proposed development is not considered likely to cause unacceptable harm to the highway network and given its sustainable location and proximity to City Centre car parks, the lack of on site car parking for the development is not considered to be unduly problematic in this case. The proposal accords satisfactorily with UDP policy T14 as set out above.

5) Archaeology

Paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible). However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by UDP policies B13 and B14. Policies B11, B13 and B14 are considered to be fully consistent with the NPPF.

As set out above, the Tyne and Wear Archaeology Officer has been consulted and has responded to advise that the site lies within the presumed extent of Bishopwearmouth medieval village. However buried archaeological remains are unlikely to be present because the existing building has a basement level which will have disturbed any archaeological remains which may have existed. On this basis, no archaeological work is required and the proposal is considered to accord satisfactorily with UDP policies B11, B13 and B14.

6) Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

Additionally, UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

Policy CN22 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, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

The application is accompanied by a Bat Survey and Breeding Bird Risk Assessment prepared on behalf of the applicant by an ecological consultant. The report provides an appropriate assessment of the building and proposals against possible protected species. Should Members be minded to approve the application, it is recommended that a condition be imposed that the recommendations in the mitigation section of the report are implemented in full. These measures relate to precautions to be taken by contractors in the carrying out of the development, the timing of the development being carried out in order to ensure that the contents of the report remain relevant and general good working practices. Subject to the imposition of such a condition, the proposal is considered to accord satisfactorily with paragraphs 109 and 118 of the NPPF and UDP policies CN18 and CN22.

7) Noise

This reflects that aims of paragraph 123 of the NPPF which states that planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

The application is accompanied by a Noise Impact Assessment prepared by a noise consultant on behalf of the applicant. As set out above, this has been reviewed by the Environmental Health Team which has concluded that whilst external levels of ambient noise are perhaps higher than those located outside of the city centre, recent case law has confirmed that the NPPF is now placed firmly within the context of the Government's policy on sustainable development with emphasis on development of previously used land and mixed use areas. In seeking a balance between the interests of the locality and that of the developer, the applicant has provided a scheme of mitigation which will enable the above criteria to be met. It is therefore recommended that should Members be minded to grant planning permission, a condition should be attached to ensure the implementation of all proposed mitigation measures. Subject to the imposition of

such a condition, the proposal is considered to be acceptable with due regard to NPPF paragraph 123 and UDP policy EN6.

8) Other Issues raised in representation

The Council is currently undertaking a consultation exercise in respect of a Draft Interim Student Accommodation Policy. The intention of this policy is to bring forward policies of the emerging Core Strategy and if the Draft Interim Policy is formally adopted, these policies will be able to be used to supplement the existing UDP policies until such time as the Core Strategy itself is formally adopted. These draft policies relate to proposals for student accommodation and houses in multiple occupation as follows:

Policy DM4.3 states that to assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose-built student accommodation or the conversion of existing buildings for student accommodation within the city centre and on existing university campuses

Provided proposals demonstrate that:

- a. The development meets an identified need in terms of quantity and;
- b. The development meets an identified demand in terms of quality.
- c. The development is of a scale appropriate to its surroundings.
- d. The development is located within close proximity to local facilities and is accessible to the university by foot and cycle and by public transport.
- e. The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development, as more particularly described in the background text to this policy.

Should a proposal come forward which is not located within the areas specified above, the developer will need to demonstrate there are no suitable and available sites to accommodate the proposed development within both the city centre and on an existing campus and ensure compliance with the above points (a-e).

Policy DM4.4 states that proposals for Houses in Multiple Occupation (HMOs)/student accommodation will be permitted providing:-

- a. the property is located where increased traffic and activity would not be detrimental to local amenity;
- b. the intensity of use will not adversely affect the character and function of the locality;
- c. the proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- d. adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan.
- e. the proposal would not result in an over concentration of houses of multiple occupation and/or student accommodation collectively.

The representation made by Signet Planning on behalf of the University of Sunderland is not in objection to the scheme, but is intended to provide commentary in respect of the applicant's methodology in devising the scheme. The main issue raised in the representation is in respect of the identification of need for the development, with the writer identifying that some of the numbers

quoted in the applicant's analysis are incorrect. The areas identified as being of concern by the University's consultant relate to the quoted total number of students at the University which is based on 2012/13 figures and has reduced from 14,955 to 12,000, of which 5,000 require accommodation. In addition, the figures quoted by the applicant are in respect of total student numbers and not on campus figures, whilst existing and consented figures quoted in the applicant's statement are inaccurate. The applicant further states that an increase in student numbers is expected, but the University is not expecting this to be the case within the next two to three years.

Having reviewed the commentary provided by the University, the applicant has provided a further response advising that whilst their initially quoted figures may not be current, they highlight a sufficient need for centrally located accommodation totalling 2,632 beds to be provided by the University and private developers. The scheme would see the provision of 164 bed spaces and irrespective of finer details, figures appear to support the scheme as there appears to be a shortfall of approximately 2,400 bed spaces based on worst case figures.

The draft policy states that the City has a supply of 5,365 bed spaces, although an updated position puts this figure at 5,472 due to the completion of developments which had been under construction at the time of the preparation of the draft policy document. In considering these numbers, it is important to note that the text of the Draft Interim Policy (Paragraph 2.15) states that of this total supply (5,472), only a small proportion is actually purpose built student bed spaces and as such can reasonably be accounted for in the supply, as the majority is stock which is not specific to students and as such could provide accommodation for non-students if they so wish. As such, whilst the commentary provided by both the applicant and the University's consultants is noted, it is not considered that it is reasonable to require the applicant to further consider issues of need at the current time. This is based on the limited weight afforded to the Draft Interim Policy at the present time and also the status of the supply as detailed above wherein only a limited amount is quantifiable as dedicated student accommodation.

The proposal is accompanied by a Management Plan which forms part of the applicant's Design and Access Statement. The University's request that a condition be imposed requiring adherence to the submitted management plan has been noted. It is considered that such a condition may be unreasonable and unenforceable. Indeed in similar cases in the past, notably at appeal in respect of a similar use proposed at Wearcourt (APP/J4525/A/12/2183752), the Inspector allowed the appeal and held that a condition requiring adherence to a submitted management plan would be unreasonable due to the ability of other legislative frameworks to ensure the appropriate management of the premises. Furthermore, the recently issued National Planning Policy Guidance states that conditions should be relevant to planning and should not seek to control matters which fall outside of planning legislation.

Whilst it is noted that the draft policy in respect of HMO uses will require adherence to such management plans and potentially allow this requirement to be conditioned on planning permissions, the limited weight present afforded to the policy is such that it is not considered reasonable to impose a condition requiring adherence to the management plan. This is in addition to the findings of the Planning Inspector in the previous similar case as summarised above.

It is also noted that the Draft Interim Policy makes mention of the potential to require applicants for such proposals to enter into Section 106 Agreements or to impose conditions limiting the occupancy of developments such as this to students only or requiring developers to submit student data in order to allow supply to be better monitored and also to prevent the premises from being used as a hostel. In respect of the former, given the limited weight afforded to the Draft Interim Policy at the present time, such a condition/Section 106 Agreement is not considered to be reasonable. In respect of the latter, given that the proposal comprises self-contained accommodation units, its use as a hostel would require a subsequent application for change of use of the building in any case, so such a condition/Section 106 Agreement would not be necessary.

Conclusion

For the reasons set out above, it is recommended that planning permission should be granted subject to the following conditions:

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:

The Site Location Plan - Drawing 1338-13-100, received 4 December 2014;

The Site Layout Plan - Drawing Number 1338-13-101, received 4 December 2014;

The Lower Ground Floor Plan as Existing - Drawing Number 1338-13-102 Revision B, received 4 December 2014;

The Upper Ground Floor Plan as Existing - Drawing Number 1338-13-103 Revision B, received 27 January 2015;

The First Floor Plan as Existing - Drawing Number 1338-13-104 Revision A, received 27 January 2015;

The Second Floor Plan as Existing - Drawing Number 1338-13-105 Revision A, received 27 January 2015;

The Roof Plan as Existing - Drawing Number 1338-13-106, received 4 December 2014;

The Lower Ground Floor Plan as Proposed - Drawing Number 1338-13-108 Revision H, received 4 December 2014;

The Upper Ground Floor Plan as Proposed - Drawing Number 1338-13-109 Revision G, received 27 January 2015;

The First Floor Plan as Proposed - Drawing Number 1338-13-110 Revision D, received 27 January 2015;

The Second Floor Plan as Proposed - Drawing Number 1338-13-111 Revision C, received 4 December 2014;
The Roof Plan as Proposed - Drawing Number 1338-13-112 Revision B, received 12 March 2015;
The Upper Ground Floor Duplex Floor Plan as Proposed - Drawing Number 1338-13-114 Revision A, received 27 January 2015;
The First Floor Duplex Plan as Proposed - Drawing Number 1338-13-115 Revision A, received 27 January 2015;
The Second Floor Duplex Plan as Proposed - Drawing Number 1338-13-117, received 4 December 2014;
The Existing North Elevation/Section and Proposed Demolitions - Drawing Number 1338-13-118, received 4 December 2014;
The Existing West Elevation and Proposed Demolitions - Drawing Number 1338-13-119 Revision C, received 26 February 2015;
The Existing South Elevation and Proposed Demolitions - Drawing Number 1338-13-120, received 4 December 2014;
The Existing South Elevation through Light Well and Proposed Demolitions - Drawing Number 1338-13-121, received 4 December 2014;
The Existing East Elevation and Proposed Demolitions - Drawing Number 1338-13-122, received 4 December 2014;
The Existing West Elevation through Light Well and Proposed Demolitions - Drawing Number 1338-13-123 Revision A, received 25 February 2015;
The Existing North Elevation and Proposed Demolitions - Drawing Number 1338-13-124, received 4 December 2014;
The Cross Sections as Existing and Proposed - Drawing Number 1338-13-125 Revision B, received 27 January 2015;
The North Elevation and Section as Proposed - Drawing Number 1338-13-126 Revision D, received 25 February 2015;
The East Elevation as Proposed - Drawing Number 1338-13-127 Revision B, received 27 January 2015;
The South Elevation as Proposed - Drawing Number 1338-13-128 Revision D, received 25 February 2015 and
The West Elevation as Proposed - Drawing Number 1338-13-129 Revision C, received 25 February 2015.

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.

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full written schedule and samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall commence until a detailed written method statement for the demolition works, describing how the brick extensions and roof structure will be carefully taken down and how the historic features to be retained will be protected whilst this is carried out, including the salvaging of the east gable second floor window have been submitted to and

approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policies B2, B4 and B6 of the Unitary Development Plan.

- 5 No development shall commence until full details and samples of all external hard and soft landscaping materials and features have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policies B2, B4 and B6 of the Unitary Development Plan.
- 6 The development shall be carried out in complete accordance with the Mitigation Section (Section F) of the Bat Survey and Breeding Bird Assessment Report produced by E3 Ecology Ltd, dated July 2014, which shall be adopted and delivered in full in the carrying out of the development hereby approved, unless any variation is first agreed in writing by the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 7 Prior to the occupation of the development hereby approved, the noise mitigation measures specified in the Noise Impact Assessment prepared by Environmental Noise Solutions Limited ref NIA/5292/14/4992/v1 dated 27 June 2014 shall be installed in the building. Once the described measures have been installed, they shall remain in place at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in order to protect the amenities of future occupiers of the proposed development and to accord with policy EN6 of the Unitary Development Plan.

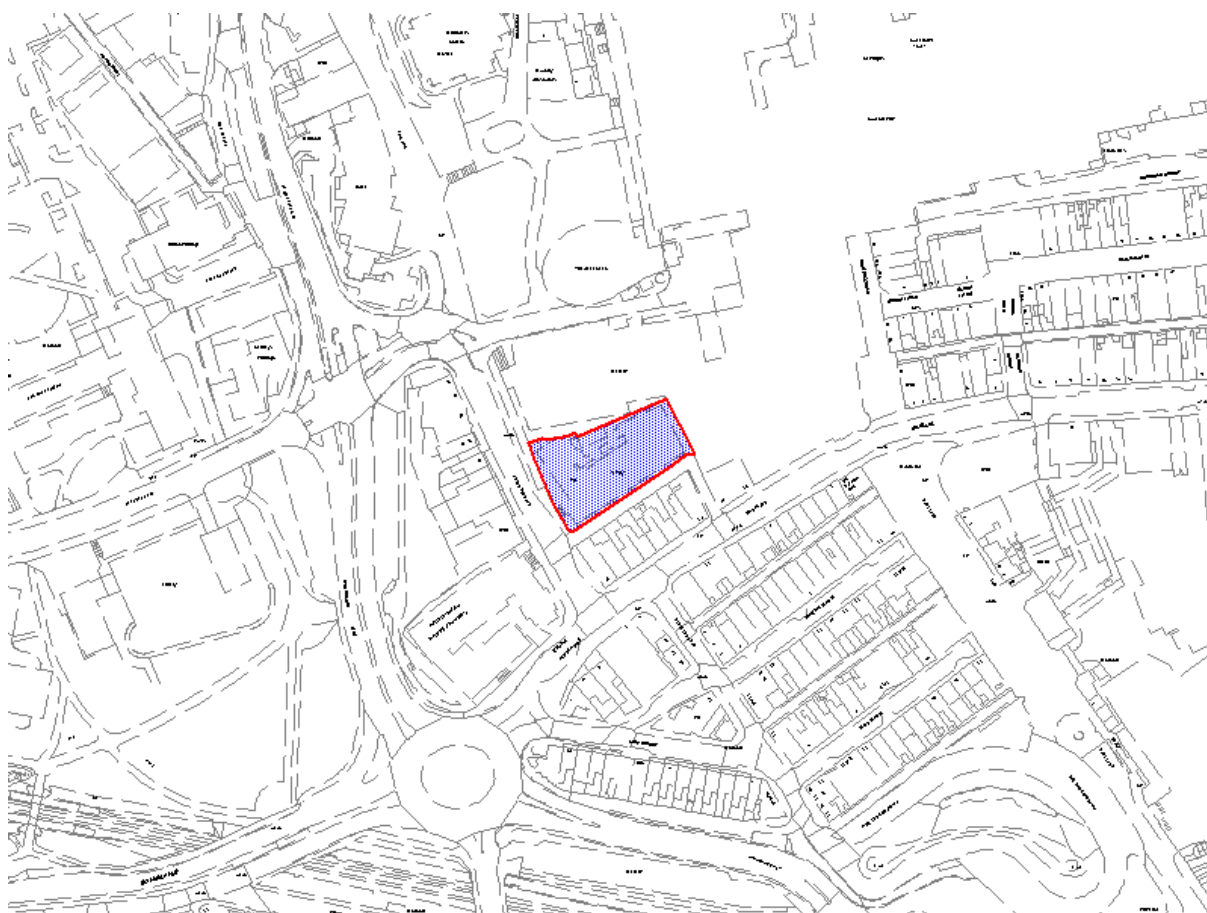
Reference No.: 14/02730/LBC Listed Building Consent

Proposal: Works to facilitate conversion of building to comprise 128 units of accommodation providing 164 student bed spaces and ancillary facilities. Removal of second floor roof extensions, rear roof and part of east elevation and construction of a second floor extension, construction of new dormer and repairs to existing dormer to rear, removal of lower ground floor extension, construction of new accommodation area to the rear to include creation of external/amenity areas to the rear and alterations to doors, windows and boundary railings. Repair and redecoration of existing cupolas, recovering of rear roof, repointing of parapet coping stones, partial demolition and rebuilding of chimney and siting of condensers and air handing units on flat roof. Installation of secondary glazing system and internal alterations to form the new accommodation.

Location: Galen Building Green Terrace City Centre Sunderland

Ward: Millfield
Applicant: J Noble & Sons Ltd
Date Valid: 4 December 2014
Target Date: 29 January 2015

Location Plan



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PROPOSAL:

This application relates to the Galen Building, which is located on Green Terrace in the City Centre. The building was erected between 1899 and 1901 as a technical college and was subsequently extended in 1928.

In recent times, the building has been altered to facilitate its use as two separate drinking establishments on the ground and upper ground floors, which has led to the loss of the original internal layout within these areas. The first and second floors have been vacant for some time and are in a poor state of repair, although the first floor largely retains its original layout. The submitted information suggests that the roof extensions and eastern gable are in a poor state of structural repair.

Listed building consent is sought for works to facilitate the conversion of the building to comprise 128 units of accommodation providing a total of 164 student bed spaces and ancillary facilities.

The works comprise the removal of the second floor roof extensions, rear roof and part of the east elevation and the construction of a second floor extension. The proposal also includes the construction of a new dormer and repairs to the existing dormer to the rear, the removal of the existing lower ground floor extension and the construction of a new accommodation area to the rear to include creation of external/amenity areas to the rear. The proposal also includes alterations to doors, windows and boundary railings, repair and

re-decoration of existing cupolas, recovering of the rear roof, repointing of the parapet coping stones, partial demolition and rebuilding of a chimney and siting of condensers and air handling units on the flat roofed area of the building. Installation of a secondary glazing system is proposed, along with associated internal alterations to form the new accommodation.

The application is accompanied by an application for planning permission for the proposed development - application 14/02729/FUL.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Millfield - Ward Councillor Consultation
Tyne and Wear Archaeology Officer
The Ancient Monuments Society
The Council for British Archaeology
The Georgian Group
The Society for The Protection Of Ancient Buildings
Victorian Society
Twentieth Century Society

Final Date for Receipt of Representations: **12.03.2015**

REPRESENTATIONS:

Neighbours and Interested Parties

No representations have been received.

Consultees

Tyne and Wear Archaeology Officer

The Tyne and Wear Archaeology Officer has considered the submitted Historic Building Record (by The Archaeological Practice) and has advised as follows:

The Galen Building was built as a technical college between 1899 and 1901. It was built by Potts, Son and Hennings of Manchester. It features concrete floors and steel reinforcement. Its grand façade is in red brick and terracotta. The report concludes that the original exterior of the building survives well but that the interior was remodelled around 2000, at which time most significant features were removed. The first floor still retains its original layout.

Inside, tiles, dado rails, cornices and fireplaces survive, notably at the west end of the north wall of the tower room and in a room on the south side of the south range. On the ground floor, glazed brickwork, coloured and leaded windows, a dado rail, moulded cornice and a fireplace survive in the entrance porch and tower. On the first floor, a moulded frieze and cornice and coloured and leaded window survive.

The surviving historic and decorative features (including what remains of the panelled dado, glazed brick, pillars in the south range basement, moulded

cornice and frieze, fireplaces, coloured and leaded windows, cupboards, clock mechanism) should be retained in the new scheme.

The site lies within the presumed extent of Bishopwearmouth medieval village. However buried archaeological remains are unlikely to be present because the existing building has a basement level which will have disturbed or destroyed any archaeological remains which may have existed.

No further archaeological work is required.

English Heritage

English Heritage has recommended that this application be determined in accordance with national and local planning policy guidance, and on the basis of the Council's expert conservation advice.

POLICIES:

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

B_8_Demolition of listed buildings

COMMENTS:

The main issue to be considered in determining this application is:-

Impact upon the Listed Building

Paragraph 131 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Policy B8 of the Unitary Development Plan states that there will be a presumption in favour of retaining listed buildings.

The Galen Building was designed as a purpose built technical college in 1899, and opened in 1901. It is a grade II listed building of immense architectural quality, designed in a 17th century renaissance style, it is key landmark within the Bishopwearmouth Conservation Area and City Centre as a whole. Its tower in particular is a prominent and attractive feature in the skyline and roovescape of the City Centre. The Bishopwearmouth Conservation Area Character Appraisal and Management Strategy (CAMS) describes the building as "a quite spectacular bright red brick and terracotta building with a large square tower surmounted by a dome making it the most prominent building in the southern part of the conservation area. It is richly decorated with intricate architectural features, such as a detailed frieze over the elaborate entrance portico".

The application is accompanied by a Historic Building Record and Significance Statement prepared by the Archaeological Practice Ltd. This statement identifies that the significance of the building, especially in terms of its evidential and aesthetic values, now lies predominantly in its well preserved and high quality external architecture. The façade in particular is rich in significant detail, such as the arms of the Borough of Sunderland with mermaid supporters on the porch and various seated figures, which symbolize the history and original designed purpose of the building as a college to train pupils for careers as seafarers and marine engineers.

Unfortunately, the upper floors and part ground floor of the building have been vacant for many years. The interior of the listed building and elements of its exterior have as a result deteriorated into a poor condition, placing the building at-risk. The interior has also been extensively remodelled in the late 20th century to accommodate previous nightclub and bar uses, and as result most of its internal floor plan and significant features have been lost. More recently part of the lower ground floor has been converted into a bar and some repairs have been undertaken to the roof and terracotta façade, whilst the ground floor part of the building formerly occupied by the Varsity public house has also become vacant.

The proposed conversion of the building for student accommodation is welcomed as it will address the vacant and at-risk state of the listed building and secure a beneficial use which will sustain its conservation into the future. The

accommodation is of a high quality, especially the duplex apartments, and this reflects the quality and spaciousness of the listed building.

The approach to the conversion of the listed building has been suitably informed by the Historic Building Record and Significance Statement. The external elevations are to be preserved and repaired where necessary, and lost window openings and windows are to be restored, conserving and enhancing the exceptional architectural qualities of the exterior of the building. The striking prominence of the building in the street scene and conservation area will be suitably enhanced by these works.

Internal features where they survive will also be retained i.e. fireplaces, dado rails, glazed bricks, friezes, cornicing and terrazzo flooring. Some of these features will be preserved behind new partitions, floors and ceilings, which whilst not desirable is necessary to facilitate the subdivision of the internal spaces into accommodation and enable the routing of servicing etc. A section detail showing this arrangement will be required and should Members be minded to grant listed building consent, this may be conditioned.

The more important surviving internal features will be left on display in communal spaces / rooms, most notably the cased clock mechanism in the tower and the features inside the entrance porch and lobby including moulded cornice, leaded coloured glazing, segmental vault, glazed bricks and dado rail and remains of fireplace.

The proposals seek to demolish the 20th and 21st century additions to the building, both to enable original window openings and other architectural details to be reinstated and to facilitate the proposed second floor roof extension and ground floor rear extension. None of these later additions make any contribution to the significance of the listed building and the majority have been somewhat crudely added. Their removal is therefore supported as it will allow the original form, detail and character of the listed building to be in part restored. This will in particular enhance the front elevation where the removal of the entrance doors and canopy to the former Varsity public house will enable the reinstatement of missing window openings and details, allowing in part the symmetry of the pattern of fenestration and architectural detail that characterises the distinctive renaissance style of the building to be restored.

The façade of the building will further benefit from the removal of the canopies that were erected for the entrance and smoking area of the 'Basement' bar in the lower ground floor. The initially submitted plans showed that these were to be retained, but amendments made during the application process now show these canopies as being removed.

To the south elevation facing the side lane, the proposed removal of metal escape stairwells, escape doors, extractor fans, louvres etc to enable the restoration of windows will likewise enhance the architectural qualities and character of the listed building.

Full details of all windows to be reinstated will be required in the form of 1:20 or 1:10 scale elevation and section drawings. Should Members be minded to grant listed building consent, this may be conditioned. In addition, full details of the proposed secondary glazing to all windows, including the specific product / model

to be used and the precise location and method of fixing is also required and can be conditioned.

It is proposed to undertake external repairs to the roofs, existing windows, terracotta and brickwork. Full specifications and method statements will be required for these works, as will samples of any new external materials i.e. roof tiles, terracotta blocks and architectural mouldings, bricks. The terracotta repairs, reinstatement and all re-pointing works should be carried out by a stone mason, who should provide the specifications and method statements for these works. Should Members be minded to grant listed building consent, all the above may be conditioned.

The removal of the modern brick roof extensions and dilapidated roof to the rear wing is acceptable because, as noted above, these are later additions are no particular historic value. Those features of historic and architectural interest in the roofscape of the rear wing i.e. chimneys, parapet walls and gables with terracotta copings, are all proposed to be retained. A method statement will be required for these demolition works, describing how the brick extensions and roof structure will be carefully taken down and how the historic features to be retained will be protected whilst this is carried out, including the salvaging of the east gable second floor window. Should Members be minded to grant listed building consent, this may be conditioned.

The most significant element of the development scheme is the new second floor extension that is proposed to sit on top of the rear wing after the 20th century additions described above have been removed. This extension will provide additional floorspace to make the overall scheme viable, but will increase the overall height of this part of the building with the addition of a contemporary lightweight glass and aluminium structure with a pitched standing seam effect composite roof.

The extension is considered to be acceptable in principle and the lightweight contemporary design approach is considered appropriate so that it can be clearly read and distinguished as a modern addition to the late Victorian / Edwardian building. There were initially concerns over the form and resultant height of the extension; as originally designed it was considered too high and top heavy on the listed building, mainly as a result of its pitched roof form. This was discussed with the architect and the roof design has since been modified with a shallower pitch reduced from 15 degrees to 10 degrees. This has reduced the impact of the extension and the applicant has advised that the roof pitch has been reduced to the minimum which is feasibly possible to allow for the construction of the proposed extension. As set out above, without the extension to allow the use of the roof space, the proposed development would not be a viable proposition to the applicant and as such, the proposed extension is considered to be, on balance, acceptable. It is proposed to be carried out in a reversible manner so as to minimise potential for long term harm to the listed building and would facilitate the return to use and the extensive improvement works which also form part of this proposal, as described above.

The initially submitted plans proposed solar panels on the roof of the new extension. It was considered that these would appear too stark, reflecting the light and drawing attention to the extension and away from the architectural qualities of the listed building. Following discussion with the architect, the solar panels have been omitted from the proposals.

The proposed dormer extension to the rear roof plane of the front wing is of no concern in principle in heritage terms. This is a sympathetic addition to a secondary elevation and will not imbalance the symmetry of the elevation. The detail of this dormer should match the existing dormers exactly, including the window frame profiles and materials and the submitted plans appear to show that this will be the case.

The proposed ground floor rear extension and new build accommodation with green landscaped roof in the rear yard area will be largely hidden from public views, will be substantially subservient to the main building and have been sensitively designed to minimise their impact on the listed building. The green roof and associated landscaping will significantly enhance the currently untidy and unsightly appearance of the rear yard area. Full details and samples of all soft and hard landscaping materials and features will be required and should Members be minded to grant listed building consent, this can be conditioned.

Conclusion

This proposal will repair, restore and secure the return to full beneficial use one of the most architecturally impressive landmark listed buildings in the City Centre. The preparation of the proposals for the conversion, adaptation and extension of the Listed Building to facilitate its re-use for student accommodation has been carried out on a properly informed basis whereby the design of the scheme has had due regard to its impact on the significance of the listed building and as a result exhibits good conservation and design practice. Overall the proposals will enhance the significance of the listed building and the character and appearance of the Bishopwearmouth Conservation Area; the repair of the terracotta facade and restoration of lost features to the external elevations will have an especially positive impact on the aesthetic values of the building and wider historic street. The proposed extensions have been designed as high quality yet simple lightweight contemporary additions that are appropriate to the listed building and compliment, but do not compete with the exceptional architectural and landmark qualities of the listed building.

Subject to the imposition of the conditions set out above, the proposal is considered to accord satisfactorily with the aims of paragraphs 17, 56, 64, 131-134 and 137 of the NPPF in respect of heritage issues, as well as UDP policies B2, B4, B6 and B8, as well as the Bishopwearmouth CAMS.

For the reasons set out above, it is recommended that Listed Building Consent should be granted subject to the following conditions:

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:

The Site Location Plan - Drawing 1338-13-100, received 4 December 2014;

The Site Layout Plan - Drawing Number 1338-13-101, received 4 December 2014;

The Lower Ground Floor Plan as Existing - Drawing Number 1338-13-102 Revision B, received 4 December 2014;

The Upper Ground Floor Plan as Existing - Drawing Number 1338-13-103 Revision B, received 27 January 2015;

The First Floor Plan as Existing - Drawing Number 1338-13-104 Revision A, received 27 January 2015;

The Second Floor Plan as Existing - Drawing Number 1338-13-105 Revision A, received 27 January 2015;

The Roof Plan as Existing - Drawing Number 1338-13-106, received 4 December 2014;

The Lower Ground Floor Plan as Proposed - Drawing Number 1338-13-108 Revision H, received 4 December 2014;

The Upper Ground Floor Plan as Proposed - Drawing Number 1338-13-109 Revision G, received 27 January 2015;

The First Floor Plan as Proposed - Drawing Number 1338-13-110 Revision D, received 27 January 2015;

The Second Floor Plan as Proposed - Drawing Number 1338-13-111 Revision C, received 4 December 2014;

The Roof Plan as Proposed - Drawing Number 1338-13-112 Revision B, received 12 March 2015;

The Upper Ground Floor Duplex Floor Plan as Proposed - Drawing Number 1338-13-114 Revision A, received 27 January 2015;

The First Floor Duplex Plan as Proposed - Drawing Number 1338-13-115 Revision A, received 27 January 2015;

The Second Floor Duplex Plan as Proposed - Drawing Number 1338-13-117, received 4 December 2014;

The Existing North Elevation/Section and Proposed Demolitions - Drawing Number 1338-13-118, received 4 December 2014;

The Existing West Elevation and Proposed Demolitions - Drawing Number 1338-13-119 Revision C, received 26 February 2015;

The Existing South Elevation and Proposed Demolitions - Drawing Number 1338-13-120, received 4 December 2014;

The Existing South Elevation through Light Well and Proposed Demolitions - Drawing Number 1338-13-121, received 4 December 2014;

The Existing East Elevation and Proposed Demolitions - Drawing Number 1338-13-122, received 4 December 2014;

The Existing West Elevation through Light Well and Proposed Demolitions - Drawing Number 1338-13-123 Revision A, received 25 February 2015;

The Existing North Elevation and Proposed Demolitions - Drawing Number 1338-13-124, received 4 December 2014;

The Cross Sections as Existing and Proposed - Drawing Number 1338-13-125 Revision B, received 27 January 2015;

The North Elevation and Section as Proposed - Drawing Number 1338-13-126 Revision D, received 25 February 2015;

The East Elevation as Proposed - Drawing Number 1338-13-127 Revision B, received 27 January 2015;

The South Elevation as Proposed - Drawing Number 1338-13-128
Revision D, received 25 February 2015 and
The West Elevation as Proposed - Drawing Number 1338-13-129 Revision
C, received 25 February 2015.

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.

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full written schedule and samples of the materials and finishes to be used for the external surfaces, including tiles, bricks and windows for the restoration works to the existing building and the aluminium windows and screens, wall cladding and roof cladding for the new extensions have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall commence until 1:20 or 1:10 scale elevation and section drawings for all new windows, showing dimensions and profiles of frames and glazing bars have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 5 No development shall commence until full details, including drawings, of the secondary glazing to be installed and the method of fixing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 No development shall commence until detailed written specifications and method statements for all repairs, reinstatement and repointing of terracotta and brickwork have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 7 No development shall commence until detailed written specifications and method statements for all external repair works, including to windows, doors, rainwater goods, roofs, cupola, dome, dormers and chimneys have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority

first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 8 No development shall commence until detailed written specifications and method statements for the structural repairs to the roof timbers and the rear gable wall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 9 No development shall commence until detailed written specifications and method statements for all repair and restoration works to surviving internal features, including dado rails, glazed bricks, plaster cornicing and, terrazzo flooring have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 10 No development shall commence until section details through the building showing how surviving internal features will be preserved and, where applicable, protected behind new stud walls, suspended ceilings, flooring, and showing routing of servicing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 11 No development shall commence until a detailed written method statement for the demolition works, describing how the brick extensions and roof structure will be carefully taken down and how the historic features to be retained will be protected whilst this is carried out, including the salvaging of the east gable second floor window have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 12 No development shall commence until full details and samples of all external hard and soft landscaping materials and features have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01638/FUL	Marikal Ltd	Proposed executive residential development for 8 no. bespoke eco homes (amended details received 8/1/15)	06/08/2014	01/10/2014
Barnes	Land East Of Durham Road And Tudor Grove (Humbledon Hill)Durham RoadSunderland			
15/00267/FDC	Kids 1st Nurseries	Demolition of existing single / two storey detached day centre and construction of a 108 place day nursery with associated works including, boundary enclosures, external play areas and car parking.	02/03/2015	27/04/2015
St Michaels	Gorse NurseryGorse HouseThe ElmsGorse RoadSunderlandSR2 7BX			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
14/01461/OUT	Partner Construction Limi	Residential development of upto 250 no. residential dwellings, including landscaped open space and footpath connections, and details of site access.	23/06/2014	22/09/2014
Silksworth	Land AtSilksworth Lane/Silksworth RoadSilksworthSunderl and			