

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

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

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

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1.

City Centre

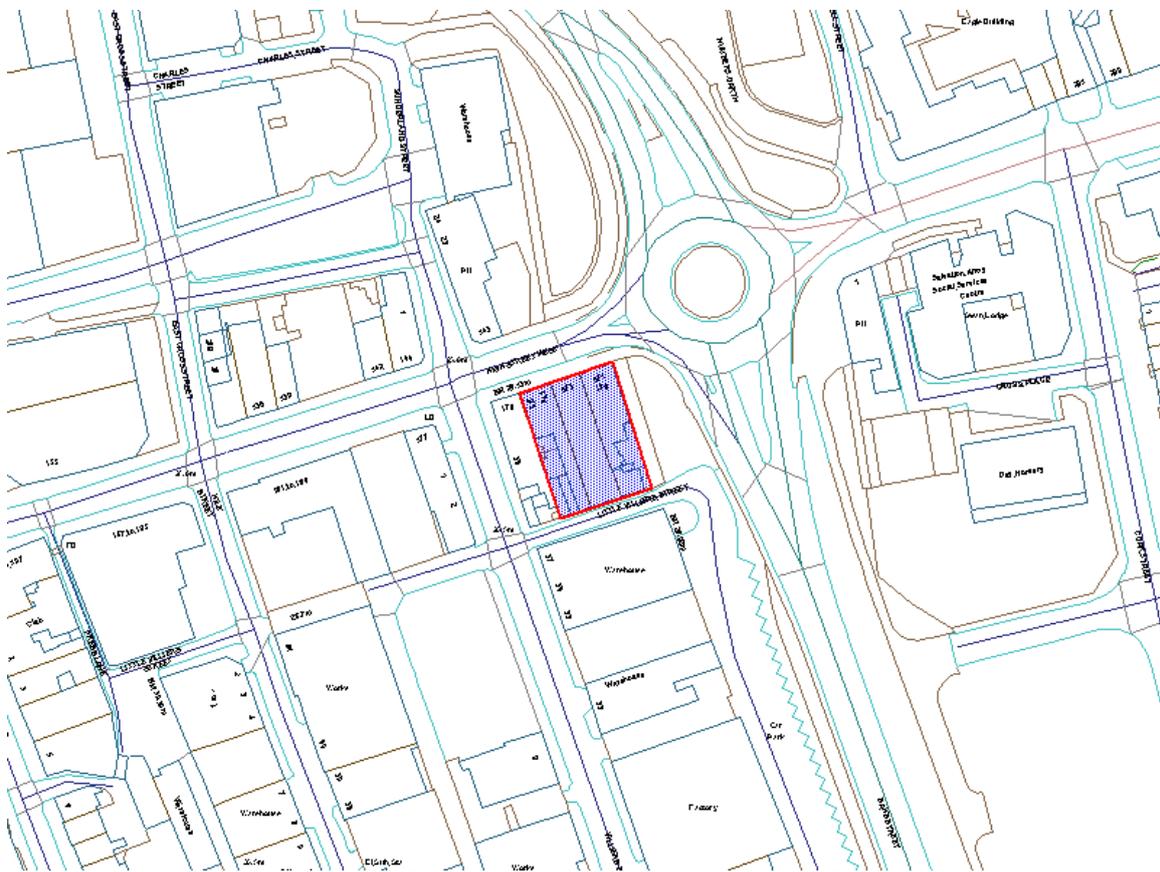
Reference No.: 08/04562/FUL Full Application

**Proposal:** Proposed alterations, refurbishment and extension of existing buildings to provide 15no. apartments, 2no. ground floor shop units ( use class A1 ) and ground floor office space.

**Location:** 170-175 High Street West Sunderland

**Ward:** Hendon  
**Applicant:** M K Builders  
**Date Valid:** 9 January 2009  
**Target Date:** 6 March 2009

### Location Plan



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### PROPOSAL:

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

The proposed development affects a group of three derelict three-storey terraced properties standing within the Old Sunderland Riverside Conservation Area. The easternmost two buildings in the terrace, nos. 170/171 and 172/173 are Grade II Listed. The buildings feature vacant retail units at ground floor level and storage/accommodation in the upper floors. The offices of the Sunnyside Partnership (176 High Street West) adjoin the western end of the row. The terrace stands adjacent to the roundabout junction between High Street West and Sans Street/Wear Street, which form part of the ring road around the City Centre, and so occupies a prominent position at a gateway to the Sunnyside area of the City Centre.

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

The three buildings subject to this application have been subject to a number of recent planning and listed building consent applications. The conversion of nos. 170-173 High Street West to 9 no. flats, with associated internal and external works, was approved in 2007 (see app. nos. 07/03159/LBC and 07/03160/FUL). A Conservation Area Consent application to demolish a three-storey offshoot to the rear of non-listed no. 174/175 was approved in 2008 (see app. no. 08/02168/CON), but the proposal to convert the building to three apartments was withdrawn (app. no. 08/02167/FUL). The application was withdrawn following a fire to the rear of no. 172/173; the applicant wished to explore the potential for a scheme to develop the three properties in the terrace as a whole rather than in a piecemeal manner.

This full planning application has been accompanied by an application for Listed Building Consent (app. ref. 09/00312/LBC) to permit the refurbishment, alteration and extension of the two Grade II Listed Buildings within the group. Members will recall that the Listed Building Consent application was presented to the Development Control (South Sunderland Area) Sub-Committee of 3rd March 2009; Members were minded to grant Listed Building Consent but, in accordance with the requirements of section 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Circular 01/2001 (Arrangements for handling heritage applications - notifications and directions by the Secretary of State), it has been referred to the Government Office for the North East. A response from the Government Office in relation to the Listed Building Consent application is expected shortly.

In common with the application for Listed Building Consent, this application proposes the demolition of the fire-damaged rear third and severely dilapidated central third of no. 172/173, which occupies the entire depth of its plot and so abuts the lane (Little Villiers Street) serving the rear of the terrace. Part of the rear wall has collapsed onto the lane, which has been closed to the public. A Structural Engineer's report has been submitted, which states that the rear section of no. 172/173 is structurally unstable and in an unsuitable condition for re-use - it is recommended the building be demolished to the rear building line so

that a structurally acceptable re-build can be carried out. The demolition at no. 170/171 amounts to the removal of a single-storey offshoot and single-storey outbuilding in its rear yard. The proposed demolition work will effectively serve to clear the rear yards of the three properties of outbuildings and extensions.

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

The application proposes the erection of a three-storey extension of highly contemporary design to the rear of the terrace. It will project from the rear of no. 170/171, occupying its entire plot, before turning to run alongside the rear boundaries of the remaining two properties in the group, thus creating a frontage onto Little Villiers Street. The first and second floors will be finished in striking white render with white relief features, but the ground floor will be brick. The extension will contain most of the proposed apartments as well as garage space for four vehicles at ground floor level (access taken from Little Villiers Street) to the rear of no. 170-175. Garage and pedestrian doors in the ground floor rear elevation are to be timber. First and second floor glazed balconies are proposed to eight of the apartments, facing east over Sans Street and south over Little Villiers Street, whilst a communal decked area is proposed at the south-east corner of the plot at second-floor level.

A single-storey extension to the rear of nos. 172/173 and 174/175 will provide a continuation of the ground floor office and retail space found in the retained historic buildings. Above this will be created a first floor landscaped courtyard, which will be overlooked by all first and second floor apartments housed in both the proposed extension and the retained historic buildings. The front elevations of the historic buildings will be renovated, with replacement rooflights, renewal of the roof finish and ridge tiles, refurbishment of sash windows and new cast-iron gutters and downpipes. It is also proposed to remove an unusual first floor bay window to the front of no. 172/173 and replace it with three sash windows to match those above. New windows will also be installed to the currently blank gable elevation of no. 170/171. Planning permission and Listed Building Consent for works to renovate the shop fronts will be submitted once the new units are sub-let.

Internally, the retained buildings are proposed to be subdivided to provide a combination of residential, retail and office space. The ground floors of nos. 170/171 and 174/175 will be used as retail space and that of 172/173 as an office. The first, second and third (roofspace) floors will each contain one apartment respectively.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Northumbrian Water  
County Archaeologist  
Sunniside Partnership  
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **11.02.2009**

## **REPRESENTATIONS:**

Public consultation

No letters of representation have been received in response to the public consultation carried out in respect of this application.

Northumbrian Water

Northumbrian Water have made no objection to the proposed scheme.

County Archaeologist

The County Archaeologist is satisfied with the extent of archaeological building recording that has been carried out given the state of the three buildings.

Environmental Health

The City Council's Environmental Health section has made a number of recommendations in respect of this application:

- due to proximity of site to nearby premises, applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Environmental Services, Pollution Control Section. The application should be made prior to the commencement of works.
- on site operations should only take place between 07.00 and 19.00 Monday to Friday and 07.30 and 14.00 on Saturdays
- consideration should be given to the selection of machinery and methods of operation in relation to noise generation
- provision should be made for the reasonable prevention of dust generation
- emission of dark smoke from the burning of combustible material on site shall be prohibited
- development site is in close proximity to a major road; it is recommended that a noise assessment, carried out by a suitably qualified noise control consultant, is undertaken and measures adopted to ensure that noise does not cause nuisance or disturbance to residents of the proposed development

It is considered that the recommendations of Environmental Health can be covered by appropriately worded conditions and informative notes.

## **POLICIES:**

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

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
H\_5\_Distribution of sites for new housing (over 10 units)  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
B\_4\_Development within conservation areas  
B\_6\_Measures to preserve and enhance conservation areas  
B\_8\_Demolition of listed buildings  
CN\_22\_Developments affecting protected wildlife species and habitats

## **COMMENTS:**

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

- The principle of the proposed development
- The design of the proposed development and its impact on the character and appearance of the Old Sunderland Riverside Conservation area
- The impact of the development on residential amenity
- The impact of the proposed development on highway safety
- The impact of the proposed development on protected species

Principle of the proposed development

The proposals map of the City Council's Unitary Development Plan Alteration No. 2 (Central Sunderland), adopted in 2007, identifies the proposal site as being within the Sunnyside Strategic Location For Change. It is therefore subject to policy EC5B, which states that the City Council will promote diversification in such areas by securing a range of appropriate uses as specified for each individual area.

Policy SA55B.1 states that the City Council will continue to encourage the development of the Sunnyside area as a lively, mixed-use urban quarter with a high-quality physical environment. It dictates that uses falling within use classes A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), B1 (Business) and C3 (Housing) should be predominant. Uses falling within use classes A1 (Retail), C1 (Hotels), D1 (Non-residential Institutions (but only art galleries and museums)) and D2 (Assembly and Leisure (restricted to health and fitness on top floors only)) are acceptable additional uses. In particular, the policy seeks to encourage a greater concentration of residential accommodation within Sunnyside. Proposals for conversion, redevelopment and infill to achieve the desired uses are particularly encouraged.

In addition to the above, policy H5A sets out the contribution the central areas of the City subject to UDP Alteration No. 2 should make towards housing targets, in line with the strategy set out in the Interim Strategy for Housing Land (ISHL). The Sunnyside area is expected to make a contribution of 550 residential units between 2004 and 2012. Up to 900 units could be created by 2021 through the conversion of premises and redevelopment of sites, providing the historic character of the area is not threatened.

The proposal site is also subject to the requirements of the Sunnyside Planning and Design Framework Supplementary Planning Document (SPD). The SPD seeks to deliver the proposals of the UDP Alteration No. 2 by providing a detailed planning policy and design framework to guide new development within the Sunnyside area. Policy SPDF6 of the SPD states that all new proposed uses within the Sunnyside area must fall within the 'preferred' and 'acceptable' uses for the relevant character area. The development site lies within the 'Eastern Sector' character area, and within this area uses falling within Use Classes C3 (Housing) and B1 (Offices) are preferable, with A1 (Retail, but specifically specialist non-chain) defined as acceptable.

The SPD also expands upon the aforementioned policy H5A of UDP Alteration No. 2 by noting that over 400 residential units have been granted planning consent by November 2007, close to the allocation for 2004-2012 set out by the policy. The success of Sunnyside in terms of providing housing and ongoing developer interest (as evidenced by this application) could possibly result in additional housing coming forward within the Sunnyside area within the plan period. The 'roll forward' of the overall housing allocation for the area (i.e. 900 units by 2021) will be considered by the upcoming Housing Allocation Development Plan Document (DPD). Until this occurs, planning applications for 10 or more residential units will be considered on their individual merits.

The principle of the use of this site for mixed use residential, commercial and office development (at least in relation to nos. 170-173 High Street West) has already been established via the approval of application nos. 07/03159/LBC and 07/03160/FUL in 2007. Notwithstanding this, the proposed conversion and extension of 170-175 High Street West to provide 15 residential apartments and ground floor office and retail space is considered to broadly comply with the highlighted relevant UDP Alteration No. 2 and Sunnyside SPD policies. Therefore, in land use terms, the principle of the proposed development is considered to be acceptable as it will contribute to the housing needs of the City Centre and the regeneration of the Sunnyside area as a mixed-use urban quarter.

As the proposed scheme involves the creation of more than 10 two-bedroomed residential units, under policy H21 of the UDP there is a requirement for formal equipped play/open space. Given the constraints of this City Centre site, it is considered appropriate in this instance for the developer to make a financial contribution towards formally equipped playspace at a nearby site through a Section 106 agreement. Two such sites have been identified, namely the playspaces at Mowbray Park and Hudson Road.

The design of the development and impact on the Old Sunderland Riverside Conservation Area

Policy B2A of the UDP Alteration No. 2 states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit. It gives a comprehensive list of requirements for new development to adhere to, including the need for new development to reinforce or enhance the established urban character and respond to and reinforce the scale, form, massing and patterns of townscape development which makes a positive contribution to the distinctive townscape and architectural qualities of the area.

The policy also states that all new major developments will be encouraged to achieve high energy efficiency (BREEAM and Eco-Homes 'very good' or 'excellent' rating) and a 10% embedded energy supply from renewable resources (unless it can be demonstrated that this is not feasible). This requirement is reiterated by policy SPDF2 of the Sunnyside SPD.

Policy SA55B.1 of the UDP Alteration No. 2 states that new development within the Sunnyside area should be of a scale and design which complements the existing prevailing scale and character of the vicinity.

Policy SPDF3 of the Sunnyside SPD requires all new development within the Sunnyside area to conform to the key design objectives set out in the City Council's Central Area Urban Design Strategy SPD and demonstrate that they will achieve the highest possible standards of design and architecture and use materials and detailing in keeping with the distinctive character and qualities of the Sunnyside area.

The SPD identifies the junction adjacent to the site between High Street West and Sans Street as being a key 'gateway' to the Sunnyside area. As such, it is subject to policy SPDF7, which states that the City Council will seek to promote and facilitate measures to improve the quality of gateway sites and establish high quality landmark buildings or structures at such locations. The comprehensive refurbishment or redevelopment of buildings or sites which make a negative contribution to gateways will also be encouraged.

The SPD also sets out a Masterplan for development within East Sunnyside, i.e. the area between Sunnyside Gardens and the Sans Street Inner Ring Road, which the development site falls within. The two Listed Buildings subject to this application are identified as an historic asset to the Eastern Sector of the Masterplan area and their appropriate refurbishment and redevelopment is welcome.

The development site lies within the Old Sunderland Riverside Conservation Area and therefore the proposal is subject to the requirements of policies B4 and B6 of the City Council's adopted Unitary Development Plan (1998). Policy B4 states that all new development within Conservation Areas must preserve and enhance their character and appearance. Policy B6 states that this aim will be achieved by various means, including the retention of existing buildings and general physical improvements to the built environment.

Policy B8 of the UDP states that there will be a presumption in favour of the retention of Listed Buildings and that demolition works will only be granted consent when all avenues allowing their retention have been exhausted and when an appropriate redevelopment scheme has been approved. The appropriateness of the proposed demolition and refurbishment works to the Grade II Listed 170/171 and 172/173 High Street West has already been discussed in the report of the tandem Listed Building Consent application (ref. 09/00312/LBC) which, Members will recall, was presented to the Development Control (South Sunderland Area) Sub Committee of 3rd March 2009. As such, no discussion of this aspect of the proposed scheme is offered here. The application for Listed Building Consent is currently being assessed by the Government Office for the North-East.

The City Council's Planning Implementation (Conservation) section is generally satisfied with the proposed scheme. The comments received in response to consultation state that the extension to the rear of the three buildings is, although striking and bold, appropriate in this context and provides residential accommodation to a good standard. The materials proposed to be used in its construction seem acceptable but the submission of a palette for approval is requested.

Concerns were raised, however, at the proposed removal of the first floor bay window to the front of no. 172/173. Although this is not an original feature, the bay window is of considerable historic and aesthetic interest and its retention is desirable. Replacing the bay with sash windows designed to match those found elsewhere in the building could prove to be very difficult and unlikely to be a successful approach to take. Clarification was also requested as to the work to be undertaken to retain chimney stacks to the three buildings. No details have been submitted with the application with regard to work to be undertaken to restore the dilapidated ground floor shop fronts to the three buildings; further applications for work to the shop fronts will be submitted when they are sub-let.

In response to consultation, the Sunnyside Partnership broadly welcomes the proposed development, stating that it is consistent with the regeneration strategy of the Sunnyside area and will bring an important group of historic buildings back into use. However, the Sunnyside Partnership also opposes the removal of the first floor bay window to 172/173 High Street West and questions the extensive use of render to the east and south elevations of the proposed, a material discouraged by the Sunnyside SPD. The comments also question the size of some of the apartments being created within the retained Listed Buildings (which are below the recommended 66 sq. metres); however, given the constraints of working within Listed Buildings, it is considered on this occasion that a degree of flexibility is acceptable.

The Sunnyside Partnership has also pointed out that the Sunnyside SPD sets out the principle of using Little Villiers Street (the lane to the rear of the terrace) as an improved pedestrian through-route, to be utilised more fully when wider-scale development takes place to the south of the site. The proposed scheme utilises Little Villiers Street for servicing and access to in-curtilage parking provision, and it is recommended that the applicant ensures the scheme will not compromise the aim of providing an enhanced pedestrian route. However, given that no plans have been submitted to redevelop the area to the south of Little Villiers Street, it is not considered reasonable to expect the applicant to take this into account, especially as the use of the lane as a result of the proposed development is likely to be low.

The proposed extension to the rear of no. 170-175 High Street West is similar in scale and design to the scheme approved in 2007 by application nos. 07/03159/LBC and 07/03160/FUL. This scheme also proposed the extensive use of render to the development at the rear of the retained buildings. Notwithstanding this, the proposed development is considered to provide a high standard of design befitting its location at a prominent 'gateway' to the Sunnyside area. The scale and massing of the development to the rear of the buildings is appropriate in relation to the adjoining retained Listed Buildings and, through the use of render, represents a clearly contemporary addition that contrasts and complements the historic frontages. The proposed internal first floor courtyard is

considered to be an innovative means of providing an element of shared amenity space.

The eastern elevation of the proposed extension, facing across the Sans Street Inner Ring Road, contains a number of residential balconies and design features, such as triangular-shaped projecting sections of red render containing 'Juliet' balconies, which give it an interesting and 'active' appearance, in contrast to the rather sterile industrial and commercial units found to its south. By incorporating balconies into the rear elevation of the extension to the rear of 170-175 High Street West, the scheme will also introduce greater activity to Little Villiers Street (the lane to the rear of the premises), but the internal parking will be hidden from view behind timber garage doors.

The proposed scheme also has the benefit of bringing a terrace of three severely dilapidated historic buildings back into use. The agent of the applicant has agreed to restore the first floor bay window to the front of no. 172/173, thus retaining a highly distinctive and attractive feature of the building, and reinstate the chimney pots and stacks. The successful refurbishment of the three buildings will contribute greatly to the streetscene of this section of High Street West and significantly improve the appearance of this gateway to the Sunnyside area. The use of the three ground floor units as retail/office space will also help to return an active frontage to this section of High Street West, as desired by the Sunnyside SPD.

The applicant has also stated a desire to incorporate features into the scheme to achieve a 'very good' BREEAM/EcoHomes accreditation, at least in relation to the new build to the rear of the terrace. It is proposed that a condition requesting details of the means by which such accreditation will be achieved is attached to any approval of planning permission.

The design and appearance of the proposed new build and the renovation work to the Listed Buildings is considered to broadly comply with the aforementioned relevant policies and guidance of the UDP, UDP Alteration No. 2 and the Sunnyside Planning and Design Framework SPD. The scheme is considered to represent a good standard of design and as such, the impact of proposed development on visual amenity, the character and appearance of the Old Sunderland Riverside Conservation Area and the historic nature of the adjoining Listed Buildings is considered to be acceptable.

#### Impact of development on residential amenity

Policy B2A of UDP Alteration No. 2 requires new development to respect and enhance the best qualities of nearby properties and the locality and retain an acceptable level of privacy (including proposals for extensions to existing buildings). The proposed scheme raises no concerns with regard to the residential amenity of neighbours, for there are no residential dwellings within the immediate vicinity of the site. The proposed scheme is considered to provide a good standard of accommodation and amenity to potential occupants, with generally spacious room sizes and the use of balconies and the aforementioned internal courtyard. The apartments to the rear of the new-build have a fairly poor outlook southwards across Little Villiers Street to the proximate wall of the opposite warehouse building, however this is offset by the provision of balconies overlooking the shared courtyard.

Given the above, the proposed scheme is considered to comply with the requirements of policy B2A and this aspect of the proposal is therefore considered to be acceptable.

#### Impact of development on highway safety

Policy T14 of the City Council's adopted UDP states that proposals for new development should: be accessible to pedestrians and cyclists as well as users of public and private transport; not cause highway safety problems; make appropriate provision for safe access and egress by vehicles; make provision for the loading and unloading of commercial vehicles; and indicate how parking requirements will be met.

Policy T23A of UDP Alteration No. 2 states that within Central Sunderland, residential development lying between 400 and 800 metres of a Metro station should normally provide an average of 1.25 parking spaces per dwelling. Conversions to residential will not, however, be required to provide any on site parking. The submitted scheme includes four dedicated parking spaces to the ground floor of the rear extension. Given that the proposed scheme comprises of a conversion and extension of the three historic buildings, it is considered that the minimal on site parking proposed is, in this case, acceptable.

The City Council's Transportation section has noted that as the development site lies within a central location and within walking distance of train, Metro, bus and taxi links, parking standards can be relaxed. No parking provision is required for the ground floor retail uses. The use of Little Villiers Street for access to the proposed in-curtilage parking provision is considered to be acceptable.

With reference to the above, the proposed scheme is not considered to raise any significant concerns with regard to highway safety or parking provision and as such it is considered to broadly comply with the requirements of policy T14 of the UDP and T23A of UDP Alteration No. 2.

#### Impact of the development on protected species

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

As 170-175 High Street West are of a significant age, relatively close to water (namely the River Wear) and in a derelict state, the applicant was requested to submit a bat risk assessment with the application, although the likelihood of bats using the buildings for roosting or hibernation is low. The report concludes that given the City Centre location of the buildings, the fire damage and the absence of any crevices or access points in the exterior walls, the potential for bat roost or hibernation sites is very low. There is no potential bat feeding habitat in the area around the buildings and there are no known bat roosts close to this location. In

line with good nature conservation practice, a method statement has been provided to guide the contractors carrying out the demolition work.

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

## Conclusion

With regard to the above, the proposed refurbishment and extension scheme is considered to comply with the relevant policies and guidance found in the UDP, UDP Alteration No. 2 and the Sunnyside Planning and Design Framework SPD. The proposed development will serve to bring three severely dilapidated but historically important buildings back into use through refurbishment and appropriate extension, to the considerable benefit of this part of High Street West and the Sunnyside area. The proposed mix of residential, retail and office uses within the scheme is appropriate and desirable within the Sunnyside area and will introduce a greater level of activity to the vicinity. The proposed development is therefore considered to be acceptable.

However, the aforementioned Section 106 agreement has not yet been completed. As such, Members are recommended to delegate the decision to the Director of Development and Regeneration who is minded to approve the application subject to the signing of the S106 Agreement by 10th April 2009, or alternatively refuse the application if the agreement is not signed by this date.

## **RECOMMENDATION: DELEGATE to Dir. of Development and Regeneration to;**

- 1) Grant permission subject to the receipt of satisfactory revised plans and information, appropriate conditions and subject to completion of a Section 106 agreement by 10th April 2009 or such other date as is agreed by the Director of Development and Regeneration, or;
- 2) Refuse permission on grounds related to the lack of provision of children's play space should the legal agreement not be completed by 10th April 2009 or such other date as is agreed by the Director of Development and Regeneration.

## **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 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or 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; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 3 Notwithstanding the approved plans, the garage doors in the south elevation of the extension hereby approved shall be fitted with roller shutters so as not to open over the adjacent highway, and maintained as such thereafter in the interests of highway safety and to comply with policy T14 of the adopted UDP.
- 4 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a detailed method statement of the proposed demolition of the buildings to the rear of 170-173 High Street West has been submitted to and approved in writing by the City Council in its capacity as Local Planning Authority. For the avoidance of doubt, the method statement shall include a clearly annotated plan confirming the exact extent of demolition, written details of the means of demolition and the removal of material from the site. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the buildings and comply with the requirements of policies B8 and B10 of the City Council's adopted Unitary Development Plan (1998) and PPG15.
- 5 Notwithstanding the approved plans, the demolition hereby granted consent shall not commence until an archival record of the buildings to be demolished has been taken once they have been made accessible, in the interests of providing a record of historic fabric and to comply with the requirements of policies B8 and B10 of the UDP and PPG15.
- 6 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a method statement providing precise details of the of the work necessary to retain the first floor bay window to the front of 172-173 High Street West have been submitted to and approved in writing by the City Council in its capacity as Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and in order to comply with the requirements of policies B8 and B10 of the UDP and PPG15.
- 7 Notwithstanding the approved plans, prior to the commencement of development precise details of the methods to be used for the cleaning of all brickwork and stonework shall be submitted to and approved in writing by the City Council in its capacity as Local Planning Authority. For the avoidance of doubt, the submitted details shall include a methodology for non-abrasive technique of cleaning of the stone and brick work and shall include precise details of an area of brickwork and sandstone to be used to trial the cleaning method. A timetable for the trial cleaning of the brick and stone work shall be agreed in writing with the Local Planning Authority prior to any cleaning of stone/brickwork taking place, in order that the Local Planning Authority can observe the cleaning method taking place. Once agreed, the cleaning shall be carried out in complete accordance with the approved details to a timetable to be first agreed in writing with

the Local Planning Authority, in the interests of protecting the historic fabric of the building and to comply with the requirements of PPG15.

- 8 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a drawing showing any areas where re-pointing is required is submitted to the City Council in its capacity as Local Planning Authority. New pointing must be undertaken in a pure lime mortar, the composition and finish of which must be agreed in writing with the City Council in its capacity as Local Planning Authority prior to the commencement of any works, and the removal of any defective pointing shall only be carried out by hand. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.
- 9 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a method statement providing precise details of the work necessary to restore or replace window frames has been submitted to and agreed in writing with the City Council in its capacity as Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.
- 10 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a drawing and method statement giving precise details of the proposed roof construction, including any necessary supporting steel work, has been submitted to and approved in writing with the City Council in its capacity as Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.
- 11 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a drawing giving precise details of eaves detailing and rainwater goods has been submitted to and approved in writing with the City Council in its capacity as Local Planning Authority. For the avoidance of doubt, the eaves detailing and rainwater goods should be of a historic pattern gleaned from surviving evidence. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.
- 12 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a drawing giving precise details of the works proposed to restore chimney stacks has been submitted to and approved in writing with the City Council in its capacity as Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.

- 13 The approved demolition shall be carried out in complete accordance with the method statement in the 'Bat Assessment for three terraced buildings at 170-175 High Street West, Sunderland' submitted with the application, dated November 2008, so as not to harm a protected species and comply with policy CN22 of the adopted Unitary Development Plan (1998).
- 14 The demolition and construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 15 The ground floor of nos. 170/171 High Street West and 174/175 High Street West shall, as indicated on the floorplans submitted with the application, be used for purposes falling within Use Class A1 (retail) of the Town and Country Planning Use Classes (Amendment) Order 2005, or any statutory instrument revoking and re-enacting that Order, in order to achieve a satisfactory form of development and to accord with policy B2 of the UDP and the requirements of the Sunnyside Planning and Design Framework Supplementary Planning Document.
- 16 The ground floor of no. 172/173 High Street West shall, as indicated on the floorplans submitted with the application, only be used as an office falling within use class B1 of the Use Classes (Amendment) Order 2005 and for no other purpose (including any other purpose in Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order (Amendment) 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or any change of use permitted by that Order or by any statutory instrument revoking and re-enacting that Order), so as to achieve a satisfactory form of development and to accord with policy B2 of the UDP.
- 17 The ground floor retail and office uses hereby approved shall not be operated for the purposes hereby approved between the hours of 18.00 and 07.00 on weekdays and Saturdays, or between 17.00 and 09.00 on Sundays or Bank Holidays, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 18 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 19 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 20 The area indicated on the submitted plans for the parking of vehicles shall be laid out in accordance with the approved plans and shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.
  
- 21 Notwithstanding the approved plans, within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the City Council in its capacity as Local Planning Authority. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to the BREEAM/Ecohomes 'Very Good' standard, unless otherwise agreed in writing, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP and Policies SPDF1 and SPDF2.

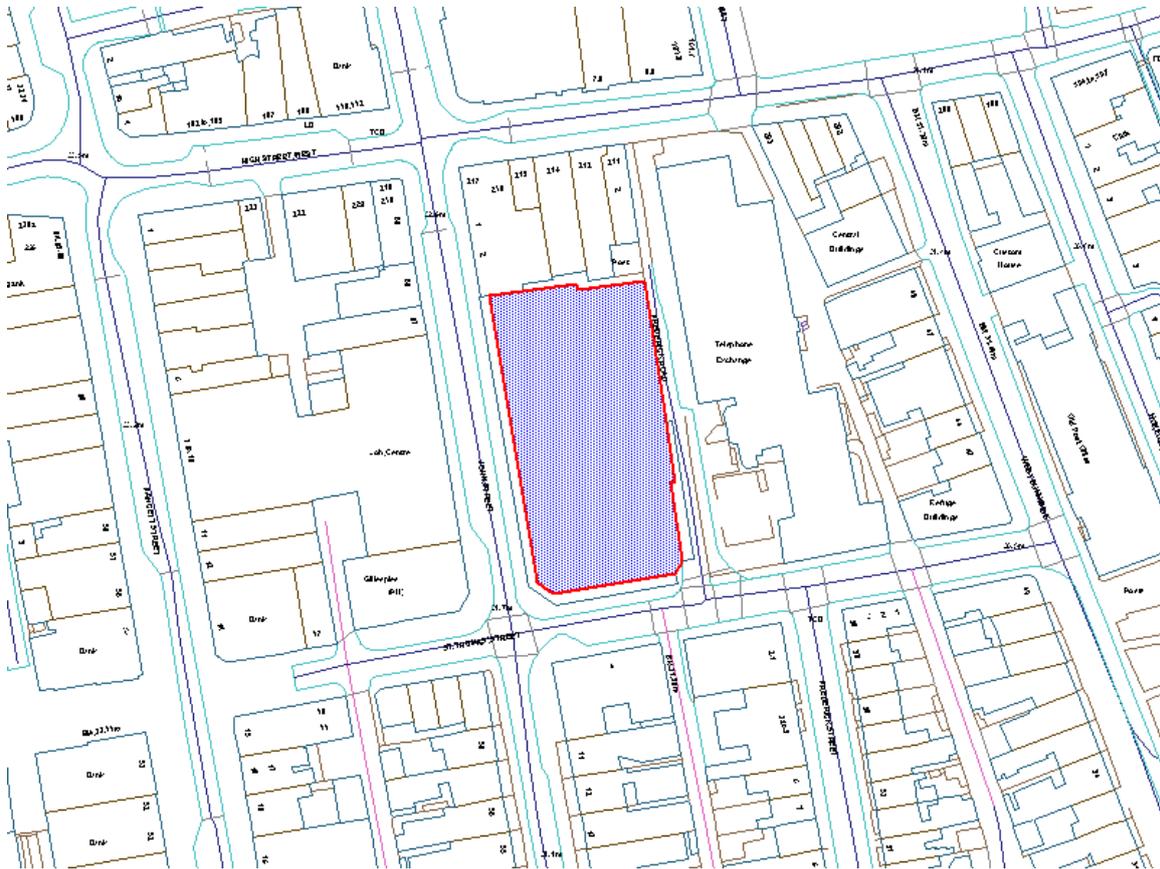
Reference No.: 08/04727/FUL Full Application

**Proposal:** Proposed reduction in retail floor space to existing retail department store and the conversion of three floors to hotel use, including additional floorspace to fourth floor and elevational treatments.

**Location:** Joplings Ltd John Street Sunderland

**Ward:** Hendon  
**Applicant:** Sunderland Turton Llp  
**Date Valid:** 9 February 2009  
**Target Date:** 6 April 2009

### Location Plan



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### PROPOSAL:

Proposal is for the reduction in retail floor space to existing retail department store and the conversion of three floors to hotel use, including additional floorspace to fourth floor and elevational treatments at the Joplings building, John Street, Sunderland.

This property is a prominent building in the Central Sunderland Conservation Area and occupies a significant corner location in this historic part of Sunnyside and is considered to be a distinctive local landmark. Joplings department store has an important place in the social and economic development of the city, opening in High Street East in 1804, before moving to High Street West in 1878 where it stayed until the present premises opening in John Street in 1954.

The proposal involves the segregation of the Joplings building so that the existing department store is re-located to the basement, ground and first floor levels, whilst the hotel will be located on the second, third and fourth floor levels. The incorporation of the hotel use requires re-building and refurbishment of the building at third and floor levels. This will take the form of a lightweight glazed structure as viewed from John Street and Thomas Street.

The proposal also involves the positioning of a separate hotel entrance at the northern end of the John Street elevation. It is proposed that this entrance will have a blue surround extending upwards to the point where the existing brick elevation meets the proposed lightweight glazed structure. The rear elevation of the building will also benefit from a greater degree of variety and interest through the introduction of projecting box windows and render. This will improve the setting of Frederick Road, which is a rear lane connecting Thomas Street and High Street West, and also make the rear lane a more attractive environment for pedestrians.

The application has supported by a brief report entitled "Structural Engineers Comments in Support of Planning Application", Design and Access Statement, photomontage of the proposed development, Transport Statement, Design/Heritage Statement and Street scene illustrations.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

ARC  
Sunnyside Partnership  
County Archaeologist  
English Heritage  
Northumbrian Water  
Fire Prevention Officer  
Force Planning And Police Architectural Liaison Officer  
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **20.03.2009**

#### **REPRESENTATIONS:**

Northumbria Water has no objections to the proposed development

County Archaeologist recommends that a photographic record is taken of the building before conversion. It is considered that as Joplings is not an old building this photographic record does not need to be taken by an archaeologist. There should be photos of all exterior elevations, close up views of features of interest such as doors, windows, signage, architectural detail etc, a selection of interior views showing views of various floors, plus close up views of any original detail.

A copy of the photographs - a small selection printed on good quality photo paper and a copy of all the images on CD - should be lodged with the County Archaeologist for the Tyne and Wear Historic Environment Record and another either with Sunderland Local Studies Library or Tyne and Wear Archives. Therefore if Members are minded to approve an appropriate condition, as recommended by the County Archaeologist, could be included on any decision notice.

Community and Cultural Services commented that on-site operations should take place between the hours of 07:00 and 19:00 Monday and Friday and 07:30 and 12:00 Saturdays and at no time on Sundays and Bank Holidays. The proposed development is situated in a busy city centre location and may be subject to relatively high levels of intrusive noise. As such the development shall be afforded commensurate levels of protection conducive to good sleeping or resting conditions. Therefore the applicant shall have regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:1999, Sound insulation and noise reduction for buildings - Code of practice.

Furthermore, where dust is likely to occur means of removing the dust that arises should be planned and provided, such as water hoses, road sweepers and window cleaners, as far as practicable damped down prior to and during the demolition. Therefore if Members are minded to approve a condition should be included requiring the submission of a construction methodology for the development.

English Heritage considers that the application should be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.

Sunniside Partnership (SP) considers the proposal is in accordance with the policy guidance set out in the adopted Sunniside Planning and Design Framework Supplementary Planning Document (SPD). It is considered that the proposal seeks to retain the important features of the building and the incorporation of a contemporary, lightweight glazed treatment to the upper floors of the building is an appropriate response. However, the SP has reservations in regards to the hotel entrance, which will be discussed further in the design section of this report.

## **POLICIES:**

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

SA\_69\_Shopping development within the principal area (exclusion of bulky goods)

SA\_97\_Provision of parking space in major new developments  
SA\_83\_Steps to enhance the appearance of older properties  
SA\_78\_Design of developments in the defined shopping and office areas  
SA\_74\_Criteria for provision of new cultural, leisure and recreational facilities  
B\_4\_Development within conservation areas  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The key issues to consider in relation to this application are:

- Land-use and Policy Considerations
- Design and Conservation Considerations
- Highway Considerations
- Residential Amenity Considerations

### Land-use and Policy Considerations

Guidance provided in Planning Policy Statement 6 (PPS6): Planning for Town Centres (2005) states that hotels are a town centre use and encourages that wherever possible growth should be accommodated by more efficient use of land and buildings within existing centres.

As a consequence it is considered that the development accords with the guidance provided by PPS6 through being a town centre use, which is able to be accommodated through the efficient use of land in an existing centre, promoting the development of a town centre use and in a location accessible by a choice of means of transport including public transport, walking, cycling and private car.

Regional Spatial Strategy (July 2008) policy 16 provides guidance on promoting tourism and it is considered that the development supports the aims of the guidance, as it is able to deliver environmental improvements to the Sunnyside area of the City through the redevelopment of a landmark building.

In regards to local planning policy, Unitary Development Plan (UDP) policy EC9 provides guidance on hotels and conference centres in the centres of Sunderland and Washington, which are on sites that are well related to the primary road network and in association with major recreation and leisure developments. Consequently it is considered that the proposal accords with policy EC9, as it is located in the centre of Sunderland and is accessible through a choice of sustainable transport (metro, rail, bus and bicycle). The provision of car parking for the hotel through using existing multi-storey car parks is considered acceptable.

UDP policy S2 seeks to give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification to existing centres. The development would support the economic viability of the retail premises through retaining the basement, ground and first floors of the Joplings building for retail (A1) purposes whilst the hotel (C1) would occupy the second, third and fourth floors. The redevelopment of the three upper floors to a

hotel (C1) further supports guidance in Policy S2 through complementing the retail function of the City Centre.

UDP Alteration No. 2 policy EC5B seeks diversification to encourage as wide range of uses and as such hotel development is considered ancillary to many uses detailed in this policy. Therefore the proposal would assist in supporting the delivery of the diversification sought by the City Council. Furthermore, the development accords with policy SA55B.1 as it involves the conversion and redevelopment of a landmark building in the City and provides an acceptable use (C1 Hotel). The development would also support the aim to encourage mixed-use developments within the Sunnyside and Tavistock areas.

In conclusion it is considered that the development proposal meets with the aims, objectives and policy guidance at national, regional and the city level, and as such the principle of development is considered acceptable.

### Design and Conservation Considerations

The retention (and repair/cleaning) of the external brickwork elevations and general horizontal pattern of fenestration of the existing building is desirable from a conservation viewpoint. Whilst not of great historic interest when compared with most buildings in the Sunnyside Conservation Area, it is nevertheless a good example of its period and sits reasonably well in its particular site given the scale, form and characteristics of buildings in the immediate vicinity, especially those in the opposite side of John Street.

The proposed extension on top of the existing building, whilst of a considerable size, has been designed in a manner that will reduce its impact and make it clearly distinguishable as a modern addition to the existing building. The use of glazing as the external material will give the extension a relatively lightweight appearance that should not dominate the existing brick building. This should also minimise its impact on surrounding listed/historic buildings and on this part of Sunnyside Conservation Area.

However, there are reservations regarding the proposed entrance to the Hotel on John Street. The concerns relate to the use of the Hampton's corporate blue portal feature and the issue of its prominence on the building and wider street scene. Consequently, further consideration is being given to reduce the prominence of this entrance and it is envisaged that further comments will be made in the supplement report.

Notwithstanding the hotel entrance issue, the success of the scheme will ultimately depend upon the quality of materials used. It is essential that all external materials are agreed. The palette of materials should be limited as set out in the design guidance in the Sunnyside Planning and Design Framework and should reflect the high quality required in the Conservation Area.

Moreover, the materials should complement those selected for the adjoining public space being developed at the junction of Frederick Road and St Thomas Street, where light grey granite street furniture and York stone paving will be utilised. Furthermore, a specification/method statement should also be submitted for the cleaning of the brickwork (and re-pointing if necessary) to the existing

building, where a gentle steam/water based cleaning technique should be adopted.

The principle of retaining the corner clock feature is welcomed as this is a significant landmark in the area, but the opportunity for a contemporary replacement should be considered. Nevertheless, the details of the signage will require an application for express consent to the Local Planning Authority (LPA) as governed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### Highway Considerations

The proposals indicate modification to the existing canopy over John Street and St Thomas Street. Both these streets are adopted highway and may require a licence for any modification. As a consequence if Members are minded to approve it is considered necessary to include an informative stipulating that contact should be made with the City Council's Highways Maintenance Section to discuss arrangements, consents and conditions for the necessary works to be carried out over the highway.

At the pre-application enquiry stage and in light of the Traffic Regulation Order (TRO) on John Street, which restricts the use of this road to Buses and Cycles only, the LPA queried whether the developer was certain of predicating a hotel development in the absence of any designated car parking and private vehicular access. The architect, acting on behalf of the developer confirmed, via email correspondence, that they were aware of the situation.

Nevertheless, the proposed site plan indicates a taxi drop off to John Street in front of the hotel entrance. In order for this to become a reality it is imperative for the applicant to recognise that this will have to adhere to the procedures as directed by the Road Traffic Regulation Act 1984. Essentially any modification to the TRO would be subject to public advertisement and as such potential objection(s), and therefore confirmation of the variation cannot be guaranteed. All costs associated with the modification of legal traffic orders would need to be met by the applicant.

In regard to the absence of a private vehicular access and parking facilities, it is considered that courtesy of the close proximity of the Sunnyside Multi Storey Car Park (24 hours) and the fact that Sunderland Station is 275m walk distance from the site and as bus stops are located on the frontage of John Street the proposal is considered acceptable in respect to pedestrian and vehicular safety and in accordance with UDP policy T14.

### Residential Amenity Considerations

There is bed sit accommodation abutting the northern elevation of the Joplings building along Frederick Road and as a consequence residential amenity considerations are relevant in determining this planning application. In this regard as the property is already a department store the concentration of retail to the basement, ground and first floors is considered acceptable. Furthermore, as the bed sit accommodation equates to the ground and first floor levels of the Joplings building the proposal will maintain the current situation.

Nevertheless, conditions restricting the hours of construction and the agreement of construction methodology in conjunction with an informative explaining to the hotel developer that regard should be had to guidance contained in the World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:1999, the proposal is considered to be acceptable in respect to residential amenity and in accordance with UDP policy B2.

#### Conclusion

There are design issues which require further consideration, it is anticipated that these issues will be resolved in time to allow a recommendation to be made on the supplement report.

**RECOMMENDATION: Dir. of Dev. and Regeneration to Report**