

## **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/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

**North  
Sunderland**

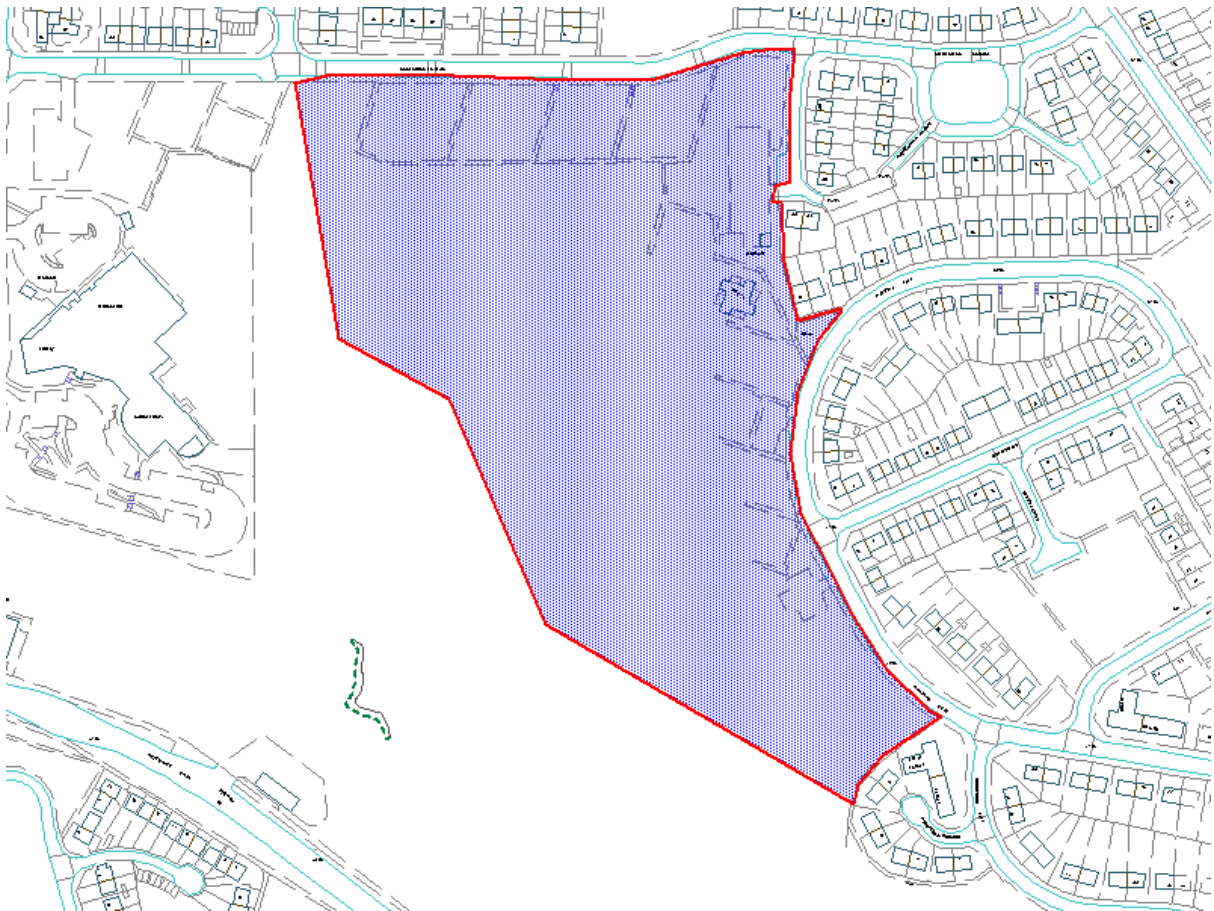
**Reference No.:** 15/00123/FUL Full Application

**Proposal:** **The erection of 88 dwellings consisting of 2,3 and 4 bed homes with associated hard and soft landscaping. To include stopping up and diversion of highway.**

**Location:** Land At Kidderminster Road, Rhondda Road, Ravenna Road And Robertson Square Sunderland

**Ward:** Redhill  
**Applicant:** Gentoo  
**Date Valid:** 3 February 2015  
**Target Date:** 5 May 2015

### Location Plan



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### PROPOSAL:

The proposal relates to the erection of 88 dwellings consisting of 2,3, and 4 bed homes with associated hard and soft landscaping and the stopping up and

diversion of highway at land at Kidderminster Road, Rhondda Road, Ravenna Road and Robertson Square, Sunderland.

The development seeks to provide a total of 51 properties for rent with the remaining 37 for sale.

The total site is circa 4.4 hectares and consists of the former "cluster blocks" three storey flats which fronted onto Kidderminster Road and Ravenna Road to the north east of the site. To the south west of the site is the People First / Customer Service Centre (Bunny Hill Centre) on Hylton Lane which contains a library, gym, cafe and medical drop in centre, whilst the remaining area to the south is existing open space.

The site is brownfield having previously contained blocks of three storey flats in a "S shape".

The site is allocated within the Unitary Development Plan (UDP) for housing (NA7.4), the site also encroaches inside the Hylton Dene Local Nature Reserve (LNR) which was declared in August 2003 and includes Hylton Castle, the Main Dene, Tiledsheds, Bunny Hill and Colliery Pond. The Bunny Hill (formerly Hylton Castle Grassland) Local Wildlife Site (LWS) is an unimproved natural grassland on the hillside that dominates the hillside and displays Magensian Limestone communities.

The site has previously been granted outline planning permission dating back to 2005 for residential development, however consent was never implemented and has subsequently expired. (ref.05/04020/SUB).

Members may also recall that planning application ref. 13/04717/FUL for a similar residential development was approved at North Sunderland Development Control Sub-Committee dated 30.09.2014.

The current proposal seeks minor modifications to the layout of the most recently approved scheme with an additional access being taken from Ravenna Road and the blocking up of the through road previously linking vehicular traffic to Rutherford Square.

The application has been supported by the following documents:

- Flood Risk Assessment
- Archaeological Desk-Based Assessment
- Interim Travel Plan
- Transport Statement
- Air Quality Assessment
- Geotechnical Desk Top Study
- Preliminary Ecological Assessment
- Extended Phase 1 Habitat Survey
- Habitat Regulations Assessment - Screening Opinion
- Open Space Assessment
- Design and Access Statement
- Statement of Community Involvement
- Statement of Affordable Housing

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Northern Electric  
Network Management  
Redhill - Ward Councillor Consultation  
Redhill - Ward Councillor Consultation

DC North Chair And Vice Chair Consultation  
Fire Prevention Officer  
Durham Bat Group  
NE Ambulance Service NHS Trust  
Force Planning And Police Architectural Liaison Officer  
Tyne And Wear Archaeology Officer  
Director Of Children's Services  
Environmental Health  
Natural England  
Public Rights Of Way Officer  
Environment Agency  
Northumbrian Water

Final Date for Receipt of Representations: **16.03.2015**

## **REPRESENTATIONS:**

Natural England - No Objections.

Environment Agency - No Objections.

County Archaeologist - The application has been supported by an archaeological desk based assessment and it is recommended that a series of archaeological work is required should the application be approved. Any future work on site can be controlled by the imposition of three conditions relating to archaeological excavation and recording, archaeological post excavation and publication in a suitable journal of the findings of the archaeological fieldwork undertaken.

Northumbrian Water Limited - No issues to raise with the above application, provided the application is approved and carried out within the strict accordance with the submitted document entitled Northumbrian Water Consultee Response. In this document it states:

"Surface water can be disposed via the public sewerage network at a restricted rate of 60 litres per second split between manholes; 7303, 8201, 8101 & 7302."

Neighbour Representations - No letters of objection received.

## **POLICIES:**

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

B2 Scale, massing layout and setting of new developments  
B3 Protection of public/ private open space (urban green space)  
R1 Working towards environmentally sustainable development  
R3 Infrastructure provision, etc. in association with developments  
CN13 Protection and enhancement of important views  
CN14 Landscaping schemes and developments prominent from main transport routes  
CN18 Promotion of nature conservation (general)  
CN19 Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites  
CN20 Developments affecting designated/proposed SSSI's  
CN21 Developments affecting designated / proposed LNR's, SNCI's or RIGS  
CN22 Developments affecting protected wildlife species and habitats  
CN23 Measures to conserve/ improve wildlife corridors  
L7 Protection of recreational and amenity land  
T14 Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 Parking standards in new developments  
NA7 Sites for new housing  
H4 Density of housing development to at least reflect that of the locality  
B11 Measures to protect the archaeological heritage of Sunderland (general)  
B13 Sites and monuments of local importance affected by development  
B14 Development in areas of potential archaeological importance

## **COMMENTS:**

The main issues to consider in the determination of the application are:

- The principle of residential development.
- Form of development proposed. (Design, Scale, Massing, Layout and Appearance, including Landscaping).
- Ecology and Biodiversity.
- Archaeology
- Drainage and Flooding.
- Ground Conditions.
- Highway Considerations.
- Heads of Terms for potential Section 106.

The Principle of Residential Development.

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of

Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight can be given to the development plan.

Paragraph 14 confirms that at the heart of the NPPF is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan making and decision taking.

In respect of taking decisions on planning applications it states that the presumption in favour of sustainable development means:

"Approving development proposals that accord with the development plan without delay; and  
Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;  
(a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or  
(b) Specific policies in this Framework indicate development should be restricted."

In this particular instance, whilst the land is allocated for housing under UDP policy NA7.4, (adopted 1998) part of the site impinges directly upon Hylton Dene Local Nature Reserve (LNR) declared in 2003, whilst also being within proximity to the Natura 2000 sites at the coast. The siting of both the LNR and Nature 2000 sites with respect to this development are significant material considerations and will be discussed further under the ecology and biodiversity section of the report, along with the impacts (both positive and negative) upon the other various heading outlined above.

It is noted that paragraph 119 of the NPPF states that:

"The presumption in favour of sustainable development (Paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

Whilst the relevant impacts of the development upon the LNR and Natura 2000 sites will be discussed further, the application site is still considered suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2013 (SHLAA) as a "deliverable" housing development site which is available, suitable and viable for residential development.

The proposal is therefore considered to be acceptable in principle, subject to the assessment of the other impacts of the development which are considered below.

Form of Development Proposed. (Design, Scale, Massing, Layout and Appearance, including Landscaping).

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state 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'.

UDP policy B2 reflects the above, stating that:

"The scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

Section 10C of the Residential Design Guide SPD recommends a minimum distance of 21m be provided between main facing windows and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in the above standard may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above matters are achieved. The proposal largely adheres to the above minimum requirements and it is not considered that any property would be afforded an unsatisfactory level of amenity.

In design terms, the development seeks to provide a variety of house types (18) comprising 2,3 and 4 bedroom houses ranging in size from 60.2 square metres to 117.2 square metres and totalling 88 dwellings, including a variety of bungalow, two and three storey buildings across a site that varies in ground levels from plot to plot. The development provides a low density of housing 20.2 dwellings per hectare, reflective of both house types and the overall size of the individual plots.

The proposed site layout has been informed by the inclusion of individual plot ground levels, furthermore section drawings through the predominant active frontages have indicated how the topography of the land and varying heights of the dwellings will be read within the existing street scenes.

The surrounding context of the site consists of predominantly two storey semi-detached properties of traditional construction, however the south east of the site is bound by bungalows. The scale of properties is considered acceptable and responds to the context of the site, in particular the three storey properties on the western boundary which take advantage of the extensive views and topography of the site. In terms of architectural detailing, the proposal provides a variety of house types, with a mix of bricks and roof tiles to add to the variations in fenestration across the development.

The development provides a pedestrian route along the western edge of the site bordering the LNR, wildlife site and wildlife corridor and should Members be minded to approve the application, it is considered that a condition requiring full details of the boundary enclosures to these properties should be attached to ensure that this elevation provides better natural surveillance and a more positive environment to the public realm.

For this particular scheme it is considered imperative that the current proposal provides a comprehensive form of development reflective of the adjacent housing. The proposal is considered to be appropriate in terms of density and scale relative to the local context which creates a robust, logical and meaningful design solution in response to the constraints of the site. The massing of development is considered appropriate within the context of the site and the use of a range of house types of varying designs, footprints and height adds interest and quality to the overall scheme. The relatively simple, modern architectural style of the units reflects the design ethos of the adjacent housing.

In terms of landscaping, the application has been accompanied by a suitable and comprehensive scheme which would contribute to creating a high quality and well-connected public realm. However, the final details of landscape planting, species mix and layout must still be agreed and it is therefore suggested that, should Members be minded to approve the application, a suitably worded conditions should be imposed on the permission.

#### Impact upon Residential Amenity

Having regard to UDP policy B2 as detailed above, the nearest dwellings to the application site would be those of the established properties along Rhondda and Ravenna Road. A distance of at least 21m would be afforded between the dwellings of these and the currently proposed scheme, which accords with the spacing standards set out by the Residential Design Guide SPD. In addition, the properties would be separated by existing front gardens of these properties and the road. Accordingly, it is not considered that the proposal would compromise the amenity afforded to adjacent units as existing or prospective.

In respect of construction practices, it is advised that a suitably worded planning condition be imposed on any grant of consent which requires further information to be provided in respect of construction and delivery hours, plant/machinery, suppression of dust, noise etc.

#### Ecology and Biodiversity.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addition to the above The Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular relevance in the assessment of this proposal.

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-



- If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI which is likely to have an adverse effect on a SSSI should not normally be permitted. Where an adverse effect is likely, an exception should only be made where the benefits of the development clearly outweigh the impacts on the features of the SSSI;
- Opportunities to incorporate biodiversity in and around development should be encouraged;
- The following wildlife sites should be given the same protection as European Sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites and
  - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are a number of designated sites within the vicinity of the proposal, these include both statutory and non-statutory sites. The statutory sites being the Northumbria Coast Special Protection Area, the Durham Coast Special Area of Conservation, Hylton Castle Cutting, Claxheugh Rock and Ford Limestone Quarry and Wear River Bank Sites of Special Scientific Interest. Whilst the non-

statutory sites include Hylton Dene Local Nature Reserve (LNR) and Bunny Hill Local Wildlife Site (formerly Hylton Castle Grassland SNCI), and local wildlife corridors and buffer zones.

Policies CN13, CN14, CN18, CN19, CN20, CN21, CN22, CN23, B3, L7, R1 and R3 are all of particular relevance with regards to safeguarding the ecology and biodiversity of the site and surrounding areas.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast and the incursion into land designated within the LNR, the application has been supported by a Habitats Regulations Assessment - Screening Opinion, a Preliminary Ecological Assessment and a Extended Phase 1 Habitat Survey.

Following consultations with both Natural England and the City Council's Heritage Protection Team on both the current proposal and the previously recently approved scheme (ref. 13/04717/FUL) it is considered that the development proposal alone is unlikely to have a significant effect on the key features of the coastal SPA and SAC. However, when considering the proposal in-combination with other similar proposals in north Sunderland and the wider area the screening opinion needs to ensure no possible Likely Significant Effect through provision of measures to improve local access and habitat provision in Sustainable Areas of Natural Greenspace. Whilst it is acknowledged that the recommendations for ecological mitigation outlined in the June 2014 Habitat Survey Report and the Screening opinion form a positive base line for delivering the necessary compensation, mitigation and enhancement measures, should Members be minded to approve the application it is recommended that a condition is imposed requiring the submission of a detailed mitigation and management strategy that includes:

- off site grassland scrape/rigg and furrow creation
- grassland hay cut and removal regime over the wider Bunny Hill LNR site
- access improvements to the wider network - path creation and signage
- mechanism to sustain the above features and regimes in perpetuity.

Notwithstanding the above, which seeks to mitigate and ensure that there will be no likely significant effect in combination upon the Natura 2000 sites, the proposed development does impinge into the LNR and as such albeit an allocated housing site, further mitigation is required to ensure the improvement and enhancement of the area. Should Members be minded to approve the application it is considered that a condition requiring the development to be carried out in accordance with Section F : Mitigation and Recommendations of the Extended Phase 1 Habitat Survey dated June 2014 shall be imposed.

In summary and following lengthy discussions involving the Agents Development Team, Natural England and the City Council's Heritage Protection Team, it is considered that acting its capacity as competent authority, the LPA have addressed all relevant European Law, National and Local Policies and through the imposition of a series of appropriate mitigation/compensation measures and a robust management plan to ensure compliance, the future development of the site is considered to be acceptable.

Archaeology.

Policies B11, B13 and B14 of the UDP are all concerned with archaeological remains, whilst Section 12 : Conserving and enhancing the historic environment of the NPPF provides the national policies.

Policy B11 states that:

"The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded."

Policy B13 states that:

"The City Council will seek to safeguard sites of local archaeological significance. When development affecting such is acceptable in principle, the Council will seek to ensure mitigation through preservation of the remains in situ as a preferred solution. Where the physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required.

Policy B14 requires the submission of appropriate assessment/evaluation prior to the granting of planning approval. In this instance the proposal was supported by an Archaeological Desk-Based Assessment undertaken by Archaeological Services dated March 2006.

The assessment has identified that the site is of potential prehistoric interest and recommends further geophysical survey work be carried out. With the above in mind and following consultations with the County Archaeologist it is recommended that should Members be minded to approve the application conditions shall be imposed requiring the Archaeological Excavation and Recording of the site, Archaeological Post Excavation Reporting and the publication of fieldwork undertaken.

Drainage and Flooding.

Policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

Policy EN12 states that:

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number or people or properties at risk from flooding; and

2. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water based wildlife habitats.

Both the Environment Agency and Northumbrian Water have been consulted regarding the proposed development. No objections have been offered from either consultee, subject to suitable conditions being imposed should Members be minded to grant planning permission.

The proposal has been accompanied by a Flood Risk Assessment and Surface Water Management Strategy.

The development site is located in Flood Risk Zone 1 : Those sites in Flood Zone 1 with a low probability of flooding should be given a higher priority and developed first, avoiding those sites at risk. The practice guide to the NPPF refers to vulnerability classifications, which are based on the sensitivity of different forms of development. In accordance with the guidance, the intended residential end use for this development is classed as "More Vulnerable."

In light of the above the proposal is not required to undertake a Sequential Test, to demonstrate that there are no available sites in the area with a lower risk of flooding, furthermore the Exceptions Test is not necessary.

The site is not located within or adjacent to a critical drainage area.

Existing Site Drainage: The site is predominantly Greenfield, with former and current areas of roof/hardstanding accounting for approximately 0.61 Ha of the site (13%). The whole of the previous development discharged surface water into the combined sewer to the north of the site, with a total existing 1 in 1 year run-off rate from the site comprising greenfield and brownfield components been calculated at 91.5 litres per second. (Assuming 50mm per hour intensity).

The proposed development is "typical" residential estate development density with landscape open space adjacent to Kidderminster Road. The net developable area (excluding public open space and landscape buffers) has been measured as 2.67 Ha, with a net impermeable catchment of around 1.47 Ha. Whilst only an estimate at this stage, flows from this catchment of both greenfield and brownfield components during the 1 in 1 year storm event are anticipated in the order of 200 litres per second. This rate exceeds the allowable rate (60 litres per second agreed with NWL) and therefore storage will be required on site.

Should Members be minded to approve the application, it is proposed to add a condition requiring full details of all attenuation for surface water flows to be agreed prior to development commencing on site that adhere to the discharge rates identified by NWL as being acceptable.

Ground Conditions.

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

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

- Unstable or potentially unstable;
- Contaminated or potentially at risk from mitigating contamination:

- Potentially at risk from migrating landfill gas or mine gas;

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

The application has been supported by a Preliminary Desk Top Study.

In light of receiving comments from the Environmental Health/Pollution Control section, it is recommended that should members be minded to approve the proposal, the full suite of land contamination conditions be attached to be discharged on receipt of the findings of the above reports.

### Highway Considerations

The application is accompanied by an Interim Travel Plan and a Transport Statement.

Access to the site is provided from three separate points, 44 units will be served from a new access to be created on Kidderminster Road. Two further access points are to be taken from Ravenna Road and Rhondda Road serving the remaining 44 units.

The development has been designed so that there is no vehicular access through the development site between Kidderminster Road and Rhondda Road. The development has also provided a variety of car parking options across the site including, 122 incurtilage parking spaces, 8 courtyard parking areas, 31 garages and 19 visitor parking bays.

Policy T14 of the UDP states that:

"Proposals for new development should:-

- (i) Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- (iv) Make provision for the loading and unloading of commercial vehicles;
- (v) Indicate how parking requirements will be accommodated."

Further to consultations with the Network Management Section, the proposal is considered to be in accordance with the above policy and should Members be minded to approve the application, it is recommended that subject to a condition requiring the submission of a plan showing parking allocated for each plot to avoid confusion over allocation and future adoption, the proposal is considered acceptable.

## Heads of Terms - Section 106 Provision.

The Heads of Terms are to remain consistent with the previous planning approval (ref.13/04717/FUL), however in summary the following identifies what has been previously agreed and is to be added to the current proposal should Members be minded to approve.

### Affordable Housing.

The applicants submitted a bid to the Homes and Community Agency (HCA) for their Affordable Homes Guarantee Programme and were successful in securing funding to deliver 51 affordable homes out of the 88 proposed, providing a total of 58% of affordable homes. This figure exceeds that normally sought from residential developments and is considered to be acceptable.

### Open Space / Equipped Children's Play Space.

As the scheme may propose over 10 dwellings with 2 bedrooms or more, policy H21 requires the provision of formal equipped children's play space. In view of there being no formal on-site children's play space it has been a long established principle that in such instances developers can compensate via a financial contribution, which would be allocated for the provision of new play facilities or the improvement of existing play facilities where appropriate at Community North Sports Complex and Hylton Castle Play Area with funds being utilised to support on going maintenance of the play park. The financial contribution for a development of 88 units would equate to a maximum of £61,688 (£701 x 88).

For the reasons set out above the proposed development appears to be acceptable in principle, however before a recommendation can be made on the application agreement must be reached in respect of the Section 106 contributions.

### Conclusion

With regards to the above, it is recommended that the proposed development represents an acceptable form of development that is compliant with both National and Local planning policies. As such, it is recommended that Members Delegate the application back to the Deputy Chief Executive who is minded to approve the application subject to the conditions listed below and the completion of the S106.

**RECOMMENDATION** : Delegate to the Deputy Chief Executive who is minded to approve subject to the conditions listed and the completion of the Section 106 Agreement.

**RECOMMENDATION: Delegate to Deputy Chief Executive who is Minded to Approve subject to the Conditions Listed and the signing of the Section 106 Agreement.**

## 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:

Drawing No. GEN/43A/001 rev. P2, Location Plan received 23.01.2015.

Drawing No. GEN/43A/002 rev. P12, Proposed Site layout received 23.01.2015.

Drawing No. GEN/43A/003 rev. P7, Proposed Overall Site Layout received 23.01.2015.

Drawing No. GEN/43A/005 rev. P1, Topographical Survey received 23.01.2015.

Drawing No. GEN/43A/006 rev. P3. Proposed Overall Site Layout, Materials Layout received 16.04.2015.

Drawing No. GEN/43A/050 rev. A, Green Space Layout received 23.01.2015.

Drawing No. GEN/43A/051 rev. A, Existing Desire Lines Across Site received 23.01.2015.

Drawing No. GEN/43A/800-01 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-02 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-03 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-04 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-05 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-06 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-07 rev. T1, Boundary Details received 23.01.2015.

Drawing No. GEN/43A/800-09 rev. T1, Boundary Details received 23.01.2015.

Drawing No. 3859 - FRA03, Drainage Strategy Plan received 27.01.2015.

Drawing No. GEN/43A/010(P1) Sage, received 23.01.2015.

Drawing No. GEN/43A/011(P1) Sage(2), received 23.01.2015.

Drawing No. GEN/43A/012(P1) Fern (North), received 23.01.2015.

Drawing No. GEN/43A/013(P1) Fern (South), received 23.01.2015.

Drawing No. GEN/43A/014(P1) Pine (North), received 23.01.2015.

Drawing No. GEN/43A/016(P1) Acacia, received 23.01.2015.

Drawing No. GEN/43A/017(P1) Fairway, received 23.01.2015.  
Drawing No. GEN/43A/018(P3) Laurel, received 23.01.2015.  
Drawing No. GEN/37A/019(P1) Meadow, received 23.01.2015.  
Drawing No. GEN/37A/020(P1) Meadow(2), received 23.01.2015.  
Drawing No. GEN/43A/021(P1) Fulwell, received 23.01.2015.  
Drawing No. GEN/43A/022(P1) Sage(3), received 23.01.2015.  
Drawing No. GEN/43A/023(P2) Laurel (Plot 22), received 23.01.2015.  
Drawing No. GEN/37A/024(P1) Meadow(3) (Plot 11) received 23.01.2015.  
Drawing No. GEN/43A/025(P1) Hemlock, received 23.01.2015.  
Drawing No. GEN/43A/026(P1) Ash, received 23.01.2015.  
Drawing No. GEN/43A/027(P2) Elder, received 13.03.2015.  
Drawing No. GEN/43A/028(P1) Elm, received 23.01.2015.  
Drawing No. GEN/43A/029(P1) Laburnum, received 23.01.2015.  
Drawing No. GEN/43A/030(P1) Larch, received 23.01.2015.  
Drawing No. GEN/43A/031(P1) Larch(2), received 23.01.2015.  
Drawing No. GEN/43A/032(P1) Redwood, received 23.01.2015.

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, the development hereby approved shall take place in full accordance with the submitted Materials Layout drawing (GEN/43A/006 rev P3 received 16.04.2015 unless otherwise first agreed in writing with the Local Planning Authority. In order to provide a satisfactory form of development and in the interest of visual amenity and to comply with policy B2 of the saved adopted Unitary Development Plan.
- 4 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 5 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure between plot nos. 73 - 88 inclusive and plot 11 shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall thereafter be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 6 No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, earthwork survey, evaluation trenching and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority . Reason : The site is located within an area identified as being of potential archaeological



interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved Unitary Development Plan policies B11, B13 and B14.

- 7 The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (6) has been submitted to and approved in writing by the Local Planning Authority. Reason : The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved Unitary Development Plan Policies B11, B13 and B14.
- 8 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason : The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.
- 9 The development hereby approved shall not commence until a detailed scheme for the disposal of surface and foul water for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details in order to prevent the increased risk of flooding from any sources in accordance with Policy EN12 of the Unitary Development Plan and Section 10 of the National Planning Policy Framework.
- 10 Land Contamination : Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation or demolition works must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 11 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 11 Site Characterisation : Unless otherwise agreed in writing by the Local Planning Authority development must not commence other than demolition works until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any

contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12 Remediation Scheme : Unless otherwise agreed by the Local Planning Authority, development must not commence other than demolition works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

13 Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 14 Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 15 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 which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 16 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.
- 17 The development shall be carried out in accordance with the E3 Ecology Extended Phase 1 : Habitat Survey, Kidderminster Road, Downhill, Report No.1 Final received June 2014 with particular reference to Section F : Mitigation and Recommendations. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.

- 18 Notwithstanding any details provided within the E3 Ecology : Habitat Regulations Assessment - A Screening Opinion - Kidderminster Road, Downhill, Report No.1 received June 2014 and prior to the commencement of works on site, a detailed mitigation and management strategy for the provision of off site grassland scrape/rigg and furrow creation, grassland hay cut, access improvements to the wider footway network and a mechanism to sustain the above regimes, shall be submitted to and approved in writing by the Local Planning Authority in the interest of ecology and in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 19 Before the development, hereby permitted, is commenced, a plan showing the parking allocated for each plot is required to be submitted to and approved in writing by the Local Planning Authority. The allocated car parking shall be laid out in accordance with the approved plan before the respective plot no.building is occupied. The area 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.

2.

North  
Sunderland

Reference No.: 15/00208/LB4 Listed Building Consent (Reg 4)

Proposal: **Installation of 6 no. conservation area style roof lights and internal works to facilitate change of use to offices.**

Location: Monkwearmouth Branch Library Church Street North Sunderland SR6 0DR

Ward: St Peters  
Applicant: Mcc Media  
Date Valid: 16 February 2015  
Target Date: 13 April 2015

### Location Plan



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### PROPOSAL:

The proposed works affect the recently-closed Monkwearmouth Branch Library on Church Street North, Sunderland. The detached library building fronts onto the one-way system of Church Street North which feeds into Dame Dorothy Street to the south. The surrounding area presents a general mix of commercial and

residential uses with The Fort Public House positioned to the immediate north, vacant commercial uses on the opposing side of Church Street North to the west and a terrace of 8no flats located to the immediate south.

The purpose built library building dates from 1909, is Grade II Listed and presents a highly attractive ornate red brick and ashlar frontage to the street. The library was closed, along with eight other branches, in late 2013 as part of the City Council's reorganisation and modernisation of its library services.

The application seeks listed building consent to undertake works to the building as required to facilitate its change of use from a library to offices. The works are to include the installation of 6no Conservation style roof lights and the subdivision of the wider open spaces to form smaller offices and editing suites. An accompanying application for full planning permission relating to the change of use has been submitted with this application.

The applicant owns and operates a media firm based on St Peters Campus and intends to purchase the building to run his business whilst subletting individual rooms to complementary small businesses. The applicants company MCC Media which is understood to be an award winning Production Company which specialises in documentaries, training DVD's and corporate communication videos. The majority of the applicant's work is within the Public Sector across health/education and training.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

St Peters - Ward Councillors Consultation  
DC North Chair And Vice Chair Consultation  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **25.03.2015**

#### **REPRESENTATIONS:**

Neighbours

No representations have been received from local residents following the publicity of the application.

## **COMMENTS:**

As a starting point, regard must be given to the statutory obligation placed upon Local Planning Authorities by the aforementioned Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires LPAs to have special regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, which should be viewed as a 'golden thread' running through both plan-making and decision-taking. Within the overarching role of delivering sustainable development, the planning system should be underpinned by a series of 12 core land-use planning principles. The most pertinent core principle in relation to the current application is that the planning system should seek to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Section 12 of the NPPF provides more detailed guidance in relation to conserving and enhancing the historic environment, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 131 then states that in considering proposals, 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 and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining Listed buildings.

The Council's Built Heritage officer has, in response to consultation, advised that the proposal has been subject to pre-application discussions with the architect and Heritage Protection Team and that the works are considered to be acceptable in principle.

It has been acknowledged that the proposal will importantly secure the future of a vacant and deteriorating listed building in to a beneficial use and in a manner that is generally sympathetic to its significance.

Although the internal open plan library space will be required to be subdivided to accommodate the new office suites, the sub-division will be reversible and the stud walls are to be carefully cut around the existing features such as skirtings, dado rails, cornicing, columns etc. Further and wherever possible, such features including some bookshelves will remain exposed.

Notwithstanding the above, there is some concern over how the proposed new suspended ceilings appear to cut across windows in some offices. These

suspended ceilings should be tapered/angled off as they approach the windows so the full windows can be revealed.

In summary, the Council's Built Heritage officer has advised that the proposals are considered to be generally acceptable, subject to the following conditions:

- section details through building showing precise details and arrangement of proposed new internal roof construction, including the proposed central lightwell and revealed arch to reception area. A site visit is requested to be arranged once the existing suspended ceilings have been removed and the original ceiling revealed.
- sections details showing how partitions walls will be cut-around surviving features such as skirtings, dados and cornices and how suspended ceilings will be angled-off adjacent to windows.
- Specifications and method statements for any external and internal repair works, including windows, doors, internal timberwork and plasterwork, structural repairs to roof timbers etc.
- details and samples of any external materials i.e. new roof slates.
- full details of proposed conservation rooflights, including type and sizes.

In summary, the Council's Built Heritage team advise that the proposals will assist in securing the long-term future of a Grade II Listed building. Some details still require final agreement, but it is accepted that these matters can be covered by appropriately worded conditions imposed on any grant of consent.

Consequently, the proposals are considered to be generally acceptable in relation to their impact on the heritage significance of Monkwearmouth Branch library and to comply with the requirements of paragraphs 128, 129, 131 and 132 of the NPPF and policy B8 of the UDP. It is consequently recommended that Members should be minded to grant Listed Building Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below.

**RECOMMENDATION: Grant Listed Building Consent In Accordance With Regulation 4 of the Town and Country Planning General Regulations 1992. (as Amended) and the conditions set out below.**

**Conditions:**

- 1 The works to which this permission relates must be begun not later than 3 years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the works are 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 location plan and existing floor plan received 16.02.2015 (Plan ref: 1497 01)

The existing sections received 11.02.2015 (Plan ref: 1497 03)

The proposed floor plans and roof plans received 11.02.2015 (Plan ref: 1497 02)

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 The works hereby granted consent shall not commence until full sections through the building showing the precise details and arrangement of the internal roof construction, including the proposed central lightwell and revealed arch to reception area, have been submitted to and approved in writing by the City Council as Local Planning Authority. The works shall then be carried out in complete accordance with the approved details, unless otherwise first agreed in writing, in order to maintain the significance of the building as a heritage asset and comply with the requirements of paragraphs 131 and 132 of the NPPF.
- 4 The works hereby granted consent shall not commence until full details, to comprise elevations/sections, showing how the partition walls of all new internal areas of subdivision will be carefully cut around surviving features such as skirting, dado rails and cornicing and how suspended ceilings will be angled-off adjacent to windows, have been submitted to and approved in writing by the City Council as Local Planning Authority. The works shall then be carried out in complete accordance with the approved details, unless otherwise first agreed in writing, in order to maintain the significance of the building as a heritage asset and comply with the requirements of paragraphs 131 and 132 of the NPPF.
- 5 The works hereby granted consent shall not commence until full specifications and method statements for any external and internal repair works, including: windows, doors, internal timberwork and plasterwork, structural repairs to roof timbers have been submitted to and approved in writing by the City Council as Local Planning Authority. The works shall then be carried out in complete accordance with the approved specifications and method statements, unless otherwise first agreed in writing with the City Council, in order to ensure the works are carried out in an appropriate manner and to comply with the requirements of paragraphs 131 and 132 of the NPPF.
- 6 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and samples of all external materials and finishes to be used 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.

- 7 The rooflights hereby approved shall not be installed until details of their specification and precise dimensions 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, in order to maintain the historic fabric and character of the listed building and to comply with paragraphs 128, 129 and 132 of the National Planning Policy Framework.

3.

North  
Sunderland

Reference No.: 15/00243/FU4 Full Application (Reg 4)

**Proposal:** Change of use from library to offices, to include installation of 6 no.conservation area style roof lights and associated works.

**Location:** Monkwearmouth Branch Library Church Street North Sunderland SR6 0DR

**Ward:** St Peters  
**Applicant:** Mcc Media  
**Date Valid:** 16 February 2015  
**Target Date:** 13 April 2015

### Location Plan



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### PROPOSAL:

The proposed change of use affects the recently-closed Monkwearmouth Branch Library on Church Street North, Sunderland. The detached library building fronts onto the one-way system of Church Street North which feeds into Dame Dorothy Street to the south. The surrounding area presents a general mix of commercial

and residential uses with The Fort Public House positioned to the immediate north, vacant commercial uses on the opposing side of Church Street North to the west and a terrace of 8no flats located to the immediate south.

The purpose built library building dates from 1910, is Grade II Listed and presents a highly attractive ornate red brick and ashlar frontage to the street. The library was closed, along with eight other branches, in late 2013 as part of the City Council's reorganisation and modernisation of its library services.

The application proposes to change the use of the vacant library building into an office use falling within use class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing authorised use of the building as a library falls within use class D1 (non-residential institutions) of the Order.

The applicant owns and operates a media firm based on St Peters Campus and intends to purchase the building to run his business whilst subletting individual rooms to complementary small businesses. The applicants company MCC Media which is understood to be an award winning Production Company which specialises in documentaries, training DVD's and corporate communication videos. The majority of the applicant's work is within the Public Sector across health/education and training.

The proposed works are to be substantially carried out internally and an accompanying application for Listed Building Consent has been submitted with this application.

The proposed change of use affects the entire library floorspace, which currently comprises a lobby, a main room and three smaller partitioned rooms. The internal conversion proposes 6no offices, 2no editing suites, a staff room, 2no store rooms, a photocopying room and reception area.

The proposed office use is anticipated to employ a total of 5 no. persons although no indication of the proposed operational hours has been provided.

The library building still belongs to Sunderland City Council but the application has been submitted by MCC Media with notice served on the Council as building owner.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
St Peters - Ward Councillors Consultation  
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **25.03.2015**

## **REPRESENTATIONS:**

Neighbours

No representations have been received from local residents following the publicity of the application.

## **POLICIES:**

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

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

B2 Scale, massing layout and setting of new developments

NA43 Encourage the revitalisation of the environment in Monkwearmouth Improvement Area

CF2 Consideration of alternative community uses when existing sites become surplus

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

T22 Parking standards in new developments

## **COMMENTS:**

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

- 1) Principle of the development.
- 2) Impact on visual/residential amenity
- 3) Highway issues.

### 1 Principle of 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.

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

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:-
  - (i) 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
  - (ii) 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, the UDP Alteration Number 2 (Central Sunderland) adopted in 2007 and the Regional Spatial Strategy.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, NA43, CF2, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

## 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood. Policy NA43, meanwhile, advises that the City Council will continue to encourage the revitalisation of the visual and functional environment of the Monkwearmouth area

As has been noted above, the application site lies within a mixed commercial/residential setting whilst the library building itself has historically been used for non-residential purposes. Further the re-use of the building would secure its longer term future and prevent it from falling into disrepair. Having regard to the requirements of policies EN10 and NA43 of the UDP, it is considered that the proposed office use is broadly acceptable within such a context.

Also relevant to the consideration of the application is policy CF2 of the UDP, which states that where buildings in a 'community use' become surplus to requirements, priority will be given to alternative public/community uses. This echoes the advice of paragraph 70 of the NPPF, which states that the planning system should guard against the unnecessary loss of valued community facilities

and services (e.g. local shops, meeting places, sports venues, cultural buildings, public houses and places of worship).

The building subject to the application is a purpose-built library which was operated as such by the City Council until its closure as part of a City-wide reorganisation of library services in late 2013. As would be anticipated, the closure of a number of libraries generated some opposition and protest from members of the public and other organisations, who were against the loss of what were argued to be highly valuable community facilities.

The Council's Land and Property team has, however, advised that the building was specifically marketed for the purposes of a community lease in 2013 with a closing date set for December 2013. However it is understood that the buildings location, lack of parking and listed status discouraged bidders and the Council received no interest or bids for the property. As such, the building was subsequently advertised for commercial uses in 2014.

No representations were received in response to the public consultation exercise undertaken in respect of the current planning application and as such, there does not now seem to be any strong local objection to the proposed use of the premises or any individuals or organisations interested in putting forward an alternative 'community' use of the premises.

Consequently, there does not appear to be any obvious realistic likelihood of the longstanding library use being maintained or an alternative 'community' use coming forward in the short term and as such, it is suggested that it is reasonable in this case to consider the merits of another, non-'community' use of the building. The alternative would be that the Listed Building, which is of significance to local and heritage importance, will continue to stand empty into the future.

With reference to the above comments, it is considered that the proposed change of use is acceptable in principle, having regard to the prevailing land uses in the locality, and will secure the longer term future of an important heritage asset within the city.

The proposed change of use is therefore considered to accord with the requirements of policies EN10, NA43 and CF2 of the UDP and the relevant core principles and paragraphs of the NPPF.

## 2) Impact on visual/residential amenity

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

In terms of impact on visual amenity the proposal would have no demonstrable impact. The conservation style roof lights would be positioned within a roof slope behind the main fascia/elevation of the building and consequently would not be visible from Church Street North.

The general area presents a mix of uses and the site is located on a busy classified road. The proposed use of the building for the purposes of small scale

office accommodation is not considered to be particularly intensive and is unlikely to generate any additional noise and disturbance over and above those experienced from the library. Whilst residential flats are located to the immediate south of the host building it is not anticipated that the nature of the use would have any demonstrable adverse impact on pre-existing living conditions of the occupants.

In light of the above reasoning the proposal is considered to be acceptable without unduly impacting on the amenities of nearby properties. The development therefore accords with UDP policy B2.

### 3) Highway issues

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires development to be afforded an appropriate level of dedicated parking.

The Council's Network Management team has noted, in response to consultation that the library building is situated on a busy one-way street with double yellow lines to the front, further the premises has no off-street or other dedicated parking for staff and/or visitors. On this basis it is likely that on-street parking will increase to the south of the property in Wickham Street. Wickham Street is a heavily parked residential and commercial street, with double yellow lines for a distance of 28m in length. In respect of the above Network Management sought clarification on the number of visitors that would be expected to visit the site throughout the day.

In addition to the above clarification has also been sought on access to the service yard and storage and collection of waste.

In response to the above the agent has confirmed that the proposed office use would not generate more than 6 visitors per day with current projections being around 2 visitors based on existing experience. In addition, the applicant has confirmed that he is looking to hire spaces from nearby business.

The storage and collection of waste bins has been confirmed as remaining as per the method previously utilised by the library (i.e. located within the side lane). Whilst this situation is clearly not ideal, the Local Authority run library had historically operated waste storage/collection in this manner due to level differences between the yard and side lane. As this proposal would not worsen the pre-existing situation and given the context of the site it is considered that the provision for bin storage is acceptable in this particular instance.

Network Management have in response acknowledged that the applicant is pursuing additional parking and that projected visitor numbers are low. Notwithstanding, it must be recognised that the building stands within a mixed use area comprising a number of uses which combine to generate the existing levels of on-street parking to the streets within the vicinity of the library building. The previous use of the building as a library would have made a notable contribution to the levels of short-term on-street parking in the locality and it is considered that the proposed use of the building is intensive to the extent that it



would unacceptably increase the level of on-street parking in comparison to the previous use and within the context of the locality.

Further, it must also be recognised that any given use of this commercial premises would likely necessitate car borne journeys including more intensive D1 uses such as crèches and clinics for which planning permission would not be required.

It is therefore considered necessary to take a pragmatic approach to the proposal and whilst the concerns of the Network Management team in respect of on-street parking are acknowledged, it is considered that the implications of the proposed change of use in relation to parking and more general highway and pedestrian safety matters are acceptable given the previous use of the building and the context of the area. The proposal is therefore considered to accord with the requirements of UDP policies T14 and T22.

## Conclusion

With reference to the above, it is considered that the principle of utilising the former library building for the purposes of an office is acceptable. In addition, for the reasons set out above it is considered that the impact of the proposal on living conditions of nearby occupiers will be acceptable. The Council's Network Management team has raised some concerns in relation to the generation of on-street parking, but for the reasons given above, the implications of the change of use in respect of parking and highway and pedestrian safety are considered to be acceptable.

In reaching this view, regard has been given to the fact that the proposal will bring a currently-vacant building of significant local social and heritage value back into a viable alternative use, a position which is supported by the core principles of the NPPF.

The proposal is therefore considered to be compliant with the requirements of policies EN10, B2, NA43, CF2, T14 and T22 of the UDP and the relevant parts of the NPPF and consequently, it is recommended that Members Grant Consent under Regulation 4 of the Town and Country General Regulations 1992 (as amended), subject to the following conditions

**RECOMMENDATION: GRANT Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as Amended) subject to the conditions listed.**

## 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 location plan and existing floor plan received 16.02.2015 (Plan ref: 1497 01)

The existing sections received 11.02.2015 (Plan ref: 1497 03)

The proposed floor plans and roof plans received 11.02.2015 (Plan ref: 1497 02)

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.

4.

North  
Sunderland

Reference No.: 15/00336/FU4 Full Application (Reg 4)

Proposal: **Change of use of open space to private garden to include erection of a boundary wall/fence (AMENDED PROPOSAL AND SITE BOUNDARY)**

Location: Land Between 42 And 43 Fairlands East Fulwell Sunderland SR6 9QX

Ward: St Peters  
Applicant: Mr Dawn Reay  
Date Valid: 1 April 2015  
Target Date: 27 May 2015

### Location Plan



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### PROPOSAL:

Planning permission is sought to change the use of an approximately 30sq.m area of public open space to extend the private gardens of nos. 42 and 43 Fairlands East. The resultant gardens would be enclosed by 1.8m high boundary

treatment comprising a brick wall with timber fencing above supported by brick pillars at no. 42 and close-boarded timber fencing at no. 43.

The application site exists as an area of well-maintained grassed open space which is currently under the ownership of the Council. The land borders a public footway which runs along the front of properties in Fairlands East and provides pedestrian links to numerous residential streets in the locality. The site is situated on the inside of a bend to the side of 2no. two-storey terraced dwellings abutting a sun lounge which has recently been erected at no. 42 and a high close-boarded fence and gable end of no. 43. These dwellings are orientated perpendicularly to one another, have relatively small private gardens to their side and vehicular highway exists to the rear. A larger area of open space is situated on the opposite side of the public footway and the area is generally well planted, containing numerous trees.

Planning permission (ref. 14/02075/FUL) was granted to erect the aforementioned sun lounge to the side of no. 42 Fairlands East in November 2014.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
St Peters - Ward Councillors Consultation  
DC North Chair And Vice Chair Consultation  
Environmental Health

Final Date for Receipt of Representations: **28.04.2015**

#### **REPRESENTATIONS:**

One representation has been received in objection to the application to date on the grounds that the proposal would conflict with the open-plan nature of the estate, which is a condition of the deeds of properties in the estate. In response to this, it is noted that any impact on openness will be considered, however the terms of deeds are not, in their own right, material to the planning merits of the proposal. This resident submitted a formal request to speak at the committee meeting in respect of this application but has since confirmed verbally that she does not wish to speak at the meeting.

The Council's Environmental Health section advised that the developer consider any potential contamination within the site, but did not recommend the imposition of a condition to this regard, and recommended that measures be taken during construction works to minimise disturbance to neighbouring residents.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

## **POLICIES:**

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

B2 Scale, massing layout and setting of new developments  
B3 Protection of public/ private open space (urban green space)  
EN10 Proposals for unallocated sites to be compatible with the neighbourhood  
T14 Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues to consider in assessing the application are the principle of the proposed change of use, visual amenity and highway/public safety.

The site in question is allocated for housing by the UDP and has since been developed as such. Therefore, policy EN10 is applicable which states that the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

Policy B2 of the UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' whilst policy B3 relates to the protection of public and private open space from development which would have a serious adverse effect on its amenity, recreational or neighbour conservation value. In addition, policy T14 of the UDP sets out that proposals should not compromise highway safety or the free passage of traffic.

Section 9 of the adopted Household Alterations and Extensions SPD goes on to state that planning permission for new walls, fences or other means of enclosure may be refused if they seriously detract from the appearance of the area, such as in open-plan estates or cul-de-sacs where any boundary structures in prominent locations would be out-of-keeping. This section goes on to advise that fences, walls and other means of enclosure may not be allowed on corner plots if they detract from the character of the area or are prejudicial to highway safety.

The application site is situated within an established residential area and, given that the proposal constitutes the extension of the curtilage of residential properties, the proposal accords with UDP policy EN10.

The properties in Fairlands East, including the host dwellings, generally have open-plan frontages onto a public footway with the exception of a small number of properties which have enclosed front gardens. It is considered that this open aspect, together with the planting and wider open nature of the locality which is

well maintained, provides a particularly pleasant environment along the public footway.

Whilst the proposal would result in the loss of part of a wider area of open space, it is noted that the proposed fence line would not protrude beyond the front building line of either host dwelling and a grassed area of at least 1.7m at its most narrow point would be retained between the fence and public footway. Therefore, it is not considered that the proposal would compromise the open nature of the local area and, provided that appropriate brickwork is used and the fencing is finished in an appropriate dark brown colour and its posts are located internally, it is not considered that the proposal would be harmful to the character or amenity of the locality.

In terms of safety, it is noted that that the proposed fence line forms an obtuse angle at its closest point to the public footway and would be set away from the footway so, whilst the fencing would be close-boarded, it would not present a blind corner. In addition, the land would still be afforded natural surveillance by other dwellings in Fairlands East and Edgeworth Crescent to the south.

## Conclusion

For the reasons given above, the principle of the proposed change of use is considered to be acceptable it is not considered that the proposal would compromise visual amenity or highway/public safety, in accordance with policies B2, B3, EN10 and T14 of the adopted UDP and section 9 of the adopted Household Alterations and Extensions SPD.

However, the statutory period for the receipt of representations does not expire until 23 April 2015, subsequent to the preparation of this report but prior to the meeting of the Sub-Committee; any representations received in this interim period will be reported to the Sub-Committee.

Provided that no further representations are received which introduce matters not already addressed by this report, it is recommended that Members grant consent under Regulation 4 of The Town and Country Planning General Regulations 1992, subject to the conditions set out below.

**RECOMMENDATION: GRANT Consent Under Regulation 4 of the Town and Country Planning General Regulations 1992 (as Amended) subject to the conditions listed.**

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan [as amended] received 01.04.2015  
Existing and Proposed Elevations and Site Plans [as amended] received  
01.04.2015

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, the brickwork of the boundary wall hereby approved shall match that of the host dwelling and all fencing hereby approved shall be stained dark brown within two weeks of installation and retained as such thereafter unless the Local Planning Authority first agrees any variation, in writing, in the interest of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 4 The support posts of the fencing hereby approved shall be situated internally to face the host dwelling and wholly within the curtilage of the dwellinghouse, in the interest of visual amenity and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.

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**Reference No.:** 15/00559/LAL LAP Listed Building

**Proposal:** **Restoration of Roker lighthouse and tunnel including new internal fittings, pointing of lighthouse exterior and cleaning of granite.**

**Location:** Roker Pier Lighthouse North Dock Marine Walk Sunderland SR2 0PL

**Ward:** St Peters

**Applicant:** Office Of The Chief Executive

**Date Valid:** 17 March 2015

**Target Date:** 12 May 2015

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### Location Plan



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### PROPOSAL:

Listed Building Consent is sought for restoration works at Roker Pier, Marine Walk, Sunderland. The proposal involves various works which concentrates on the interior restoration of the lighthouse, the pointing and cleaning of the



lighthouse exterior and small areas of restoration work to the pier tunnel, in particular the floors and walls.

Roker Pier is situated at the southern end of Roker beach lying approximately 0.5km north of Sunderland Harbour. The Pier, along with the South Pier, forms the outer sea defences of the docks and river mouth. Roker Pier is curved and is 609.60m long, 10.6m wide at the shore side, increasing to 12.10m wide at the seaward end and terminating in a roundhead measuring 20.10m across.

## HISTORY

Begun in 1885, the Roker pier complex was the last of the great engineering projects undertaken by the River Wear commission (RWC); a group of coal owners, merchants, landowners and ship-owners who over 200 years transformed Sunderland harbour from a meandering channel of shifting sandbanks into one of the largest shipping ports in the country. In many ways, Roker Pier and lighthouse, designed by RWC resident engineer Henry Wake, represents the pinnacle of their achievements and has been as a symbol of Sunderland's maritime and industrial heritage for nearly 130 years. During this time it has stood witness to various historic events as well as the changing tides of the city's fortunes - the growth of Roker and the city of Sunderland; two World Wars; the provision of worker's' holidays and emergence of the British seaside resort; the development, peak and decline of the local coal and shipping industries, and more recently the gradual process of regeneration - all of which are reflected in the heritage of the pier.

Roker Pier is a Grade II listed structure (NL No. 1279906) and lies within the Roker Park Conservation area (SCC 2007). It extends 609m into the North Sea, with the lighthouse located at the end, designed to protect the harbour from high seas and storms. The pier is constructed of red Aberdeen granite, accommodating an integral tunnel along its full length, originally provided to allow the lighthouse keeper access during adverse weather. Over the years it has been incessantly battered by high winds and large waves and still forms part of the primary sea defences protecting the Port of Sunderland and harbour properties. In this time the structure has remained vulnerable to failure in structural integrity, water ingress and its ability to be used by the public.

## PROPOSAL

The structure has been subject to extreme weather and changes in technology and the loss of its keepers, factors that have all resulted in the loss of historic fabric. To address the decline of the building Sunderland City Council has embarked upon an ambitious restoration project which has seen the restoration of the lantern house, the replacement of the pier deck and this proposal which are all funded by the Council and Heritage Lottery Fund.

The proposal involves restoration works on the interior of the lighthouse, pointing and cleaning of the exterior of the lighthouse and areas of restoration works to the tunnel walls and floors, with the restoration of surviving features and installation of authentic replacements, where required.

The works generally comprise refurbishment and like for like repairs to the interior of the lighthouse including replacement Minton and Hollins tiles, restored and renewed oak parquet flooring, re-installation of mahogany panelling, cleaning of terrazzo floors, re-painting and plastering, new handrails, repair windows and a

new mains and electric system comprising period fittings with LED technology. Externally the lighthouse will be cleaned and repointed, with repairs to the granite steps and roundhead surface.

The tunnel remains in use today in order to access the lantern in high seas and to assist rescues where topside access is deemed unsafe. Interventions within the tunnel are minimal and therefore many historic features remain untouched. The minor proposed works to the tunnel are to carry out minor concrete repairs to the floor and walls and refurbish the drains.

Due to the exposed coastal location of the pier there is only a small window of opportunity to carry out the required works and if successful would be proposed over the summer months (May to October 2015). The works would lead to a partial closure of the certain parts of the pier to ensure safety of the public, with access to the majority of the pier retained.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

St Peters - Ward Councillors Consultation  
Tyne And Wear Archaeology Officer  
Environmental Health  
English Heritage  
Amenities Societies  
Environment Agency  
The Society For The Protection Of Ancient Buildings  
The Georgian Group  
The Ancient Monuments Society  
The Council For British Archaeology  
Victorian Society  
Campaign To Protect Rural England

Final Date for Receipt of Representations: **01.05.2015**

#### **REPRESENTATIONS:**

Neighbours:  
No representations have been received.

Consultees:  
The final date for consultee responses has also expired with the last date being 1st, 8th and 9th April 2015. The following responses have been received:

Historic England  
Historic England were consulted and if Members are minded to grant listed building consent, the application would need to be referred to the Secretary of

State for Communities and Local Government for determination, in accordance with Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. A response has been received, raising no objections to the proposal. The following general observations were however noted.

Following recent works to the pier deck, they very much welcome this next stage in the conservation of Roker lighthouse and pier and the continued efforts of the Council to restore and make the most of this important local landmark. The proposal is a positive step forward not only towards securing the future of this nationally significant grade II listed heritage asset but in supporting the wider regeneration scheme of the area.

The works follow good conservation principles by repairing and retaining historic features and fabric where possible and, when complete, will complement the work already carried out to the pier

The application is considered to satisfy the requirements of section 131 of the NPPF and it is recommended that application be determined in accordance with national and local policy and on the basis of the in-house conservation team advice. It is stated no further consultation is necessary with English Heritage.

#### Built Heritage:

The proposed works to Roker Pier has been subject to detailed involvement from the Built Heritage Team and as such the application is considered to be acceptable subject to the imposition of conditions pertaining to materials and finishes approved on site during construction and a method statement for the erection of external scaffold to be agreed prior to installation.

#### Environmental Health

Upon the expiry of the consultation period no comments or representations have been received.

#### National Heritage

Upon the expiry of the consultation period no comments or representations have been received.

#### National Amenities Societies:

Upon the expiry of the consultation period no comments or representations have been received.

#### Network Management:

Upon the expiry of the consultation period no comments or representations have been received.

#### County Archaeologist:

Fully support the scheme, the tunnel and lighthouse have been archaeology recorded and as such no further archaeological work is required.

#### The Society for the protection of Ancient Buildings

Upon the expiry of the consultation period no comments or representations have been received.

The Georgian Group

Upon the expiry of the consultation period no comments or representations have been received.

The Ancient Monuments Society

Upon the expiry of the consultation period no comments or representations have been received.

Council for British Archaeology

Upon the expiry of the consultation period no comments or representations have been received.

The Royal Commission on Historical Monuments of England

Upon the expiry of the consultation period no comments or representations have been received.

Victorian Society

Upon the expiry of the consultation period no comments or representations have been received.

Campaign to Protect Rural England

Upon the expiry of the consultation period no comments or representations have been received.

## **POLICIES:**

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

B4 Development within conservation areas

B6 Measures to preserve and enhance conservation areas

B7 Demolition of unlisted buildings in conservation areas

B10 Development affecting the setting of listed buildings

## **COMMENTS:**

### **POLICIES**

The main issues under consideration in the assessment of this application relate to the impact of the development upon the character and appearance of a Grade II Listed Building.

#### **Policy Considerations**

At the heart of the National Planning Policy framework is the presumption in favour of sustainable development. Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'core planning principles' that underpin the planning system. Section 12 of the NPPF, incorporating paragraphs 126-141, principally expands upon this and seeks to conserve and enhance the historic environment. The paragraphs from section 12 relevant to this application are as follows:-

Paragraph 128: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 131: 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 into 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 134: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137: 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.

Paragraph 141: Local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

#### Local adopted planning policy and guidance

The council's saved Unitary Development Plan (UDP) adopted in 1998 is the statutory development plan for Sunderland. Highlighted below are the relevant planning policies for this application.

#### B4: Development in Conservation areas

All development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance.

#### B6: Preserve and Enhance Conservation areas

The council will preserve and enhance the character or appearance of conservation areas; measures will include:-

- Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
- Giving special attention to the preservation of important views into and out of the area;
- Promoting environmental improvement and enhancement programmes.

#### B7: Demolition in Conservation Area

Applications for demolition of unlisted buildings in a Conservation Area will be determined by the extent to which the integrity, character and appearance of the area is affected, taking into account any replacement proposals. Where unlisted buildings make a positive contribution to the character or appearance of a conservation area, the criteria in policy B8 which concerns the demolition of listed buildings will apply.

#### B10: Development and listed buildings

The city council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The proposed works are considered to be a positive step and of significant benefit to the wider Conservation Area and will allow the structure to be open for the public to use and will enhance the visitor experience. The lighthouse and pier tunnel are historically significant features of the story of the piers' construction and the proposal to seek to replace and restore its original features are considered to be acceptable and in accordance with the above policies.

In accordance with Regulation 13 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, applications made by a Local Authority for listed building consent must be referred to the Secretary of State for determination.

Accordingly, should Members resolve to be minded to grant consent, and subject to the conditions below, the application will then be forwarded to the Secretary of State.

**RECOMMENDATION: Minded to Grant Consent and in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as Amended) and the conditions as set out below :**

- 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location plan drawing No. 001 received on 17.3.15.

- Pier and Tunnel Layout drawing No.1 received on 17.3.15
- Tunnel Sections drawing No. 2 received on 17.3.15
- Lighthouse Plans drawing No. 3 received on 17.3.15
- Lighthouse north elevation drawing No. 4 received on 17.3.15
- Lighthouse south elevation drawing No. 5 received on 17.3.15
- Lighthouse east elevation drawing No. 6 received on 17.3.15
- Lighthouse west elevation drawing No. 7 received on 17.3.15
- Lighthouse section AA drawing No. 8 received on 17.3.15
- Lighthouse section BB drawing No. 9 received on 17.3.15
- proposed basement plan drawing No. 20 received on 17.3.15
- Proposed ground floor plan drawing No. 21 received on 17.3.15
- Proposed first floor plan drawing No. 22 received on 17.3.15
- Proposed second floor plan drawing No. 23 received on 17.3.15
- Proposed third floor plan drawing No. 24 received on 17.3.15
- Proposed external repairs drawing No. 25 received on 17.3.15
- Proposed handrail details drawing No. 26 received on 17.3.15
- Door types and schedule drawing No. 27 received on 17.3.15
- Window guard detail drawing No. 28 received on 17.3.15
- Electrical services basement and ground floor proposed layout drawing no. 0872-(69)- 001 received on 17.3.15
- Electrical services first and second floor proposed layout drawing No. 0782-(69)-002 received on 17.3.15
- Electrical services third and fourth floor proposed layout drawing No. 0872-(69)-003 received on 17.3.15

In order to ensure that the completed development accords with the scheme approved and to comply with policy B4 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 schedule and/or samples of the materials and details/specifications and finishes to be used for all surfaces, including pointing, handrails, paint colour finishes etc 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 B4 of the Unitary Development Plan.
  
- 4 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced, until a detailed method statement for all dismantling and repair work, including specifications of the erection of the external scaffold to be agreed and installed has been submitted to and approved in writing by the Local Planning Authority in the interest of maintaining the historic fabric of the building and to comply with the requirements of Section 12: Conserving and Enhancing the Historic Environment of the National Planning Policy Framework