

Development Control
(North Sunderland) Sub-Committee

SUPPLEMENT

Number:	S1
Application Number:	10/00229/OUT
Proposal:	Proposed residential development comprising 28 no dwellings and associated parking and vehicular access. (Resubmission)
Location:	Land adjacent to Monkwearmouth Tertiary College, Swan Street, Sunderland

As stated in the main report, further consideration was required in regard to the principle of development and the relationship of the proposed development with the adjacent listed Swan Street Centre building.

Principle of development

The proposal for 28 dwellings is considered to be a departure from the adopted Unitary Development Plan (UDP) because as the main land use policy (NA17) associated with the application site has identified it for community facilities, (although specialist housing is also referenced). Under policy NA17 the application site forms part of a wider area incorporating the former Monkwearmouth College and Grange Park Primary School. As the proposed development consists entirely of residential development it is considered not to be in accordance with this fundamental land use policy and as such the adopted development plan.

Nevertheless since the introduction of policy NA17 the ownership of the application site has changed hands on more than once. Firstly the Local Authority, who at the time controlled the former Monkwearmouth College, transferred ownership of the listed Swan Street Centre and surrounding land to the Wearmouth Community Development Trust Ltd (WCDDT), who in turn sold the

land to the applicant, Wylam Leisure. The consequence of these changes in ownership has very real practical implications for the effective implementation of policy NA17.

This policy was formulated at a time when the Local Authority had control and ownership of the entire site and as such would have been in the position to translate this policy's strategic objectives into a coherent development proposal. Furthermore the fact that the ownership of the land has been transferred from public ownership, in the sense that it was in the Local Authority's control, to the WCDT, a limited company, has effectively changed the nature of the site as it then became a capital asset of the WCDT. This has since been underlined by the actions of the WCDT in selling off the land to Wylam Leisure. It is therefore considered that policy NA17 has effectively been rendered incapable of implementation through the passage of time and change of ownership in the land.

Furthermore, it is also relevant to note policy CF2, which supplements policy NA17. Policy CF2 is triggered when land currently in community use becomes surplus to requirements. It states that priority will be given to alternative community uses unless the site is identified for redevelopment in accordance with another proposal of the plan, otherwise the provisions of policy EN10 would apply.

Reviewing satellite images of the site since 1998, which is the year when planning approval (97/01828/FUL) and listed building consent (97/01827/LBC) was granted for the demolition of the 1960s tower block and other outbuildings to facilitate the construction of 27 dwellings, the site has been left derelict and appears to have only been used for informal car parking for the Swan Street Centre. The Enabling Development document submitted in support of the proposal and correspondence from Wylam Leisure refer to three training workshops, approved on the 3 February 2004 (Ref. 03/02861/FUL), being erected on the site. It states that these were constructed and were then subsequently demolished as they had been unoccupied for a considerable amount of time and were proving to be a financial burden to the WCDT. However, the planning service has no records to confirm that the buildings were erected. There is therefore some doubt whether the application site has been in established community use ever since the demolition of the previous Monkwearmouth College buildings.

It is also relevant to note that the application site has been recognised in the Interim Strategy for Housing Land (ISHL). The ISHL was approved by Sunderland City Council on 2 February 2006 and is a material consideration in the determination of planning applications for housing development. The ISHL recognises the site as a brownfield regeneration site, where residential development is supported in principle, with the capacity to hold up to a total of 30 dwellings and although it does not form part of the Unitary Development Plan, it

is nevertheless interim planning guidance as and when the Core Strategy and Allocations Development Plan Document of the Local Development Framework (LDF) are formally adopted.

It is noted that the site has been viewed as being 'Not Currently Developable' in the Sunderland Housing Land Availability Assessment (SHLAA), it needs to be recognised that the SHLAA is not a policy document and as such does not formally determine whether the site should be allocated for housing purposes. The SHLAA is an information tool prepared by Sunderland City Council which assesses sites for their housing potential and development timescale and in conjunction with the ISHL will help to inform both the Core Strategy and the Allocations Development Plan Document. Furthermore, Wylam Leisure obviously consider the site to be able to accommodate housing and believe that it is deliverable otherwise the land would not have been bought and the application submitted.

Therefore as the site has been identified as a potential redevelopment site for housing via the ISHL, it complements to a certain extent the requirements of policy CF2. In addition policy CF2 also states that where proposals do not consist of community uses or are identified for redevelopment elsewhere in the plan the provisions of policy EN10 would apply. Policy EN10 requires new proposals to be compatible with the principal land use of the surrounding area and in this respect the application site is surrounded by existing residential development and as such the proposal is in accordance with this policy.

- Summary

It is considered that the transfer of land ownership has effectively superseded the LPA's ability to practically implement the provisions of policy NA17, whilst the land has largely remained derelict since the demolition of the former Monkwearmouth College buildings and as such it is debatable whether it is in existing community use. Furthermore the development site has been identified in the ISHL as a regeneration site with the ability to accommodate a maximum of 30 residential properties and the form of development proposed complements the predominant residential land use of the area. Therefore the principle of residential development is considered to be on balance acceptable.

Listed building considerations

UDP policy B10 requires the City Council to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The proposal and circumstances in which it has been brought forward raise many concerns. Primarily the issues relate to the amenity and aesthetics of the listed Swan Street Centre building and the future sustainability of the listed building.

The concern is that the proposed development will adversely affect the operational efficiency of the listed building by constraining ancillary servicing space, which was formerly available before the land was privately sold to the applicant, Wylam Leisure. In this respect there is the potential that the development could prove to be a constraining influence and as such endanger the future survival of the listed building, but in reality it is the sale of the land by the Wearmouth Community Development Trust Ltd (WCDDT) which has brought about the situation beyond the control of the Local Planning Authority (LPA). Any refusal of permission is highly unlikely to result in the land being sold back to the WCDDT.

- Enabling Development

Before considering those issues it is beneficial to consider the scheme in the context of 'Enabling Development'. The term 'Enabling Development' is applied where a proposal would normally be considered unacceptable in planning terms but public benefits exist which are sufficient to justify it being carried out, and which could not otherwise be achieved. In order to help LPAs, Councillors, developers and local communities to determine what is 'Enabling Development' English Heritage has produced detailed policy guidance which advocates a presumption against 'Enabling Development' unless it meets specified criteria.

The applicant has submitted an Enabling Development Statement in support of the proposed development. It is considered that the 'Enabling Development' document submitted by the applicant in support of this proposal contains several incorrect statements. It is based on the understanding that the sale of the land by WCDDT to the applicant absolves Wylam Leisure of any responsibility for the listed building and its setting. Having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant case law the proposal is undoubtedly taking place within the curtilage of the listed building.

However, the difficulty for this proposal is that the usual route to justify 'Enabling Development' has been removed by the fact that a sale was agreed between Wylam Leisure and the WCDDT some two years ago without the knowledge of the LPA. Furthermore the exact details of this transaction have not been confirmed and it is unclear whether the proceeds have been used to secure the future of the listed building, as would have been required (via a Section 106 agreement and / or other condition attached to the granting of a planning consent) had the deal been referred to the Council at that time as part of a planning proposal.

Nevertheless, it is important to note that the land is no longer in the ownership of the WCDDT and has been functionally separated from the listed building. This presents the LPA with a difficult proposition in terms of adequately justifying that the proposal represents 'Enabling Development', as the independent actions of the two parties have made it difficult for the LPA to control the situation.

Furthermore, it is important to re-iterate that 'Enabling Development' proposals are those which would otherwise be considered unacceptable in planning terms and in this respect it is again relevant to note that the application site has been recognised in the ISHL and the land use proposed is acceptable in relation to that document and policy EN10 of the UDP.

Furthermore, another issue to consider is the fact that on the 26 March 1998 (Ref. 97/01828/FUL & 97/01827/LBC) planning approval and listed building consent was granted for a development which altered and refurbished the listed Swan Street Centre building for use as a series of training workshops together with the demolition of the 1960's tower block and other outbuildings to facilitate the construction of 27 houses. Although it is noted that the applicant was the WCDT and as such a more clear and satisfactory financial link existed between this scheme and investment into the listed building, the principle of residential development has been previously recognised.

Therefore, it is considered that as the site is recognised in the ISHL and given the 97/01828/FUL permission, it is arguable whether the requirement for 'Enabling Development' justification is strictly applicable. This is particularly relevant considering that when the site formed part of the College it originally housed extensive surface car parking and 1960s built development, including a multi-storey block. It is therefore debatable that the setting of the listed building will be detrimentally affected when viewed in this context, that the proposed residential development is effectively redeveloping the site left derelict by the demolition of those previous buildings, buildings that paid limited regard to the setting of the Swan Street Centre building.

It is therefore crucial to consider the conservation concerns regarding the amenity and aesthetics of the listed Swan Street Centre building and the future sustainability of the listed building.

- Amenity and Aesthetics of the listed building

There are concerns as to whether the proposed development is 'in context' being the curtilage of the listed building and particularly whether the insertion of this modern development into this historic environment is sympathetic. However the layout of proposed development is undoubtedly influenced by the L-shaped nature of the site and the fact that it is surrounded by existing residential development. Any proposed development has to successfully relate to the listed building whilst also not impinging upon the residential amenity of existing residents.

As discussed in the previous residential amenity section in the main agenda report the proposed development is considered on balance to adequately account for the surrounding residential properties. It is therefore considered that the reduction of the scheme from 34 to 28 dwellings has gone some way in

ensuring the proposed development will complement the existing form of development in terms of layout.

Nevertheless, in light of the 97/01828/FUL approval the proposed density of development has been broadly recognised previously as being acceptable. Furthermore, ensuring that the detailed design of any proposed dwellings will have been influenced by a thorough and detailed assessment of the listed building would be crucial to the overall acceptability of the scheme. It is considered that at present the proposed units do not adequately account for its setting, especially in respect to elevational treatment and materials, whilst the height of the proposed units, particularly those which are prominent when viewed from Swan Street need to demonstrate that they respect the setting of the Swan Street Centre. It is therefore considered that the proposed scheme does not satisfactorily relate to the listed building, but given that this is an outline planning application this would be addressed by keeping 'appearance' and 'scale' as reserved matters.

Furthermore, there are also concerns regarding the lack of information about the proposed treatment regarding the listed front boundary enclosure to the Swan Street Centre. However the front boundary enclosures are separately listed and as such any alteration would require listed building consent. In this regard it is important to note that those sections of the railings that have been damaged and removed in the past should be re-instated, which will undoubtedly have implications for highway and adoption considerations.

Nevertheless due to the requirement for any modification to the front boundary walls requiring listed building consent and in conjunction with the incorporation of a boundary enclosures condition for the remainder of the site, should Members be minded to approve, the proposal is considered to adequately account for this aspect of the proposed development.

- Future sustainability of the listed building

Regarding the future sustainability of the listed Swan Street Centre building, it is considered tenuous for the LPA to reasonably and satisfactorily determine this stand alone development proposal on what it views as the operational requirements of WCDT. It also has to be recognised that the WCDT have independently sold the land, which was originally in the ownership of the local authority when the site and listed building was part of Monkwearmouth College. The implication therefore is that the WCDT considered it surplus to their requirements. Indeed if the loss of the land compromises the Centre's ability to develop or improve its own site that is a separate issue from the current application.

It is therefore necessary to re-iterate that no matter how unfortunate the fact that the land is no longer in the ownership of the WCDT, it has to be recognised that

the WCDT's ability to use this land for existing or future operational needs has been lost. Any such use would require the consent of Wylam Leisure, who are the applicant for this planning application. Consequently any future proposed use for the listed building will have to be carefully considered within this context and assessed on its own individual merits.

- Summary

The applicant's ability to demonstrate that his proposal represents 'Enabling Development', given the fact that the land is now in the separate ownership from that of the listed Swan Street Centre, is recognised. In addition the fact that the application site is recognised in the ISHL as a regeneration site for residential development is also a material consideration. Furthermore, the site is a brownfield site, formerly occupied by a 1960s College development, with a previous 1998 planning consent for mixed residential and workshop development (ref. 97/01828/FUL).

It is therefore considered on balance that the re-development of the site for residential purposes, subject to the detail of appearance and scale being reserved for reserved matters approval, would be in the interests of the wider area and in recognition of the satisfaction of residential amenity considerations. Consequently the proposal is considered, on balance, acceptable in respect to listed building considerations.

CONCLUSION

Further to the issues as detailed above the proposed development for 28 dwelling houses is considered, on balance, to be acceptable in respect to the principle of development and the adjacent listed Swan Street Centre building. However, as the predominant land use policy for the site, i.e. NA17, earmarks the site for community use, the proposed development represents a departure from the UDP and as such another consultation process in the form of a site and press notice is required notifying the community that the application does not accord with the provisions of the adopted Development Plan.

Therefore the recommendation is that the application be delegated to the Deputy Chief Executive, with the intention that subject to no new objections being received the application should be approved in accordance with the conditions listed below and after the expiry of the consultation process. However, in the event that objections raising issues not covered in this report are received the application will be brought back before Members at the next available Sub Committee meeting.

Recommendation: Delegate to the Deputy Chief Executive

Conditions:

1. Three Years
 2. Reserved Matters – Appearance, Scale & Landscaping
 3. Approved Plans
 4. Hours of construction
 5. Scheme of working
 6. Scheme of soft landscaping
 7. Scheme of hard landscaping
 8. Landscaping maintenance – 5 years
 9. Submit materials
 10. Disposal of Surface Water
 11. Archaeological Excavation and Recording
 12. Archaeological Post Excavation Report
 13. Site clearance between September and February (ecology)
 14. Additional ecological checking survey
 15. Tree protection and fencing
 16. Replacement tree planting
 17. Tree planting plan
 18. No additional tree felling
 19. Code Level 3 Sustainable Homes
 20. Boundary enclosures
 21. Wheelwash
 22. Trapped gullies
 23. Off-street parking
 24. Pegging out
 25. Permitted Development rights removed
-
-