

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 2015.

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 Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

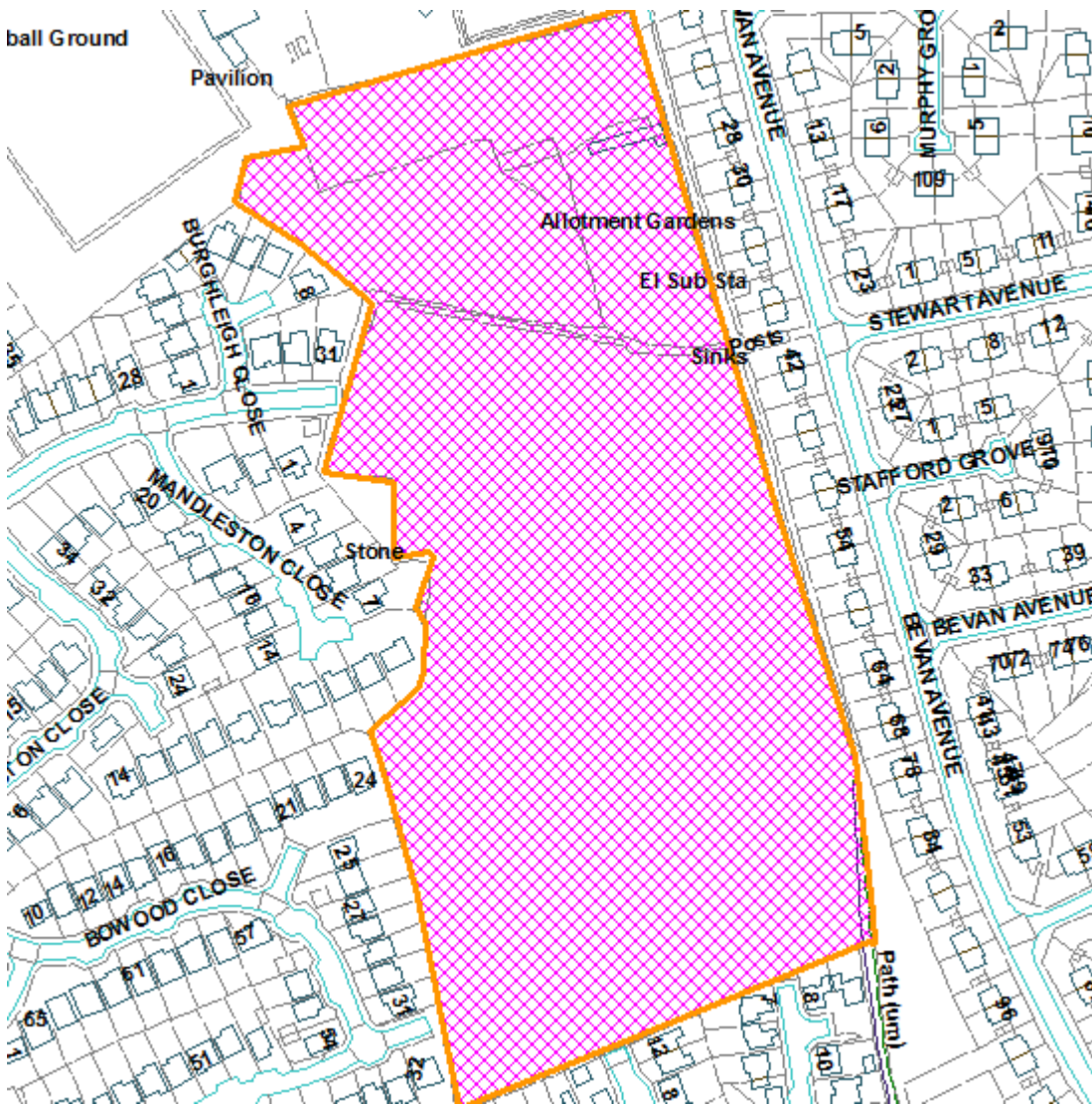
Reference No.: 15/01789/SUB Resubmission

Proposal: **Reserved Matters application (outline 10/03941/OUT) for erection of 150 dwellings, with details relating to appearance, landscaping, layout and scale. (Rushford Phase 2.)(Resubmission).**

Location: Land To The Rear Of Bevan Avenue Sunderland

Ward: Ryhope
Applicant: Persimmon Homes At Persimmon Homes Durham
Date Valid: 2 September 2015
Target Date: 2 December 2015

Location Plan



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PROPOSAL:

The application is the resubmission of reserved matters for the erection of 150 dwellings on land to the rear of Bevan Avenue, Sunderland.

The original Reserved Matters (ref : 14/00899/REM) was approved dated 19.05.2015, however following engineering works on site, it has become necessary to alter levels across the site. In light of the need for the resubmission the Sutton house type has been replaced by the Souter house type throughout which is basically the same dwelling type but with a dormer rather than just roof lights to the room in the roof.

Outline planning approval 10/03941/OUT was determined on the 31.03.2014. This approval left all but access for reserved matters consideration.

The site is bound to the south, east and west by existing housing development, whilst to the north lies Ryhope Welfare Ground. The topography of the site is of sloping nature. The site slopes down from the highest point at the southern boundary northwards towards a brook which dissects the site in an east to west orientation. The site also falls away to the east during the slope towards the north of the site.

The site can be divided into two main sections; the southern area which forms the majority of the site and is dominated by arable field and the northern area which is dominated by coarse grassland and an area of derelict / underused allotments. The site is currently operational with civil engineers installing drainage and finding levels across the site, whilst a number of plots are currently under preparation.

It is noted that a Section 106 Agreement was undertaken associated with the extant outline permission 10/03941/OUT, it related to the play contributions, allotments, contributions towards the Great North Forest and Burdon Lane Park. Furthermore the scheme provides upgrades to existing non-vehicular links to bus stops and improvements to the bus stops as required through condition 8 of the outline planning approval.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
The Highways Agency
Environment Agency
Environmental Health
Northumbrian Water
Director of Children's Services
Tyne and Wear Archaeology Officer
Natural England
Force Planning and Police Architectural Liaison Officer
Ryhope - Ward Councillor Consultation

Final Date for Receipt of Representations: **13.10.2015**

REPRESENTATIONS:

County Archaeologist - An archaeological desk based assessment was produced in 2008. A geophysical survey and archaeological trial trenching were carried out in 2014. The geophysical

anomalies were found to relate to changes in the natural geology, not to archaeological features. No further archaeological work is required.

Environment Agency - No objections.

Northumbrian Water - No issues to raise.

Third Party Representations - Concerns have been raised over the construction access to the site, and the manner in which Persimmons commenced work on site prior to informing neighbours and providing safety measures to ensure that both pedestrians and vehicles could utilise the access without been put in danger.

In response to the above, the developer Persimmons have been contacted by the Local Planning Authority and a scheme of highway improvements have been implemented to ensure that the operation of the site is not prejudicial to highway safety. Condition 7 of the outline consent relating to improved construction traffic access has been formally discharged.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_3_Protection of public/ private open space (urban green space)

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

COMMENTS:

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

1. Principle of development.
2. Design and residential amenity.
3. Highway considerations.
4. Ecological and open space considerations.

1. Principle of development.

The development proposed already benefits from outline planning permission (ref 10/03941/OUT) therefore the principle of locating residential development on this site is established and cannot be given any further consideration.

2. Design and residential amenity.

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies and how these are expected to be applied. The NPPF advocates a presumption in favour of sustainable development and seeks to boost the supply of new housing.

Section 7 of the NPPF identifies the need for development to provide good design. Paragraph 56 states in part that:

"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Policy B2 of the saved adopted Unitary Development Plan relates specifically to design and requires the scale, massing and layout of new developments to respect and enhance the best

qualities of the area and to provide an acceptable amount of privacy, amenity, whilst protecting visual and residential amenity.

In addition to the above, Sunderland's Residential design Guide is a Supplementary Planning Document (SPD) which provides a set of guidelines that seek to ensure a high standard of residential development within Sunderland. The current proposal has been supported by a Design and Access Statement that has considered the context, movement, mix and neighbourhood, layout and urban form, space around the home, complete and thorough design and energy and resources efficiency for the development.

In assessing the current reserved matters proposal due consideration has been given to remaining matters relating to scale, appearance, layout and landscaping. Addressing each in turn.

Scale - The scale is reflected in the height, width and length of each building and has been formulated in the context of the surrounding residential properties which consists of fairly traditional 2, 2.5 to 3 storey family housing, providing predominantly 3 and 4 bedroom family homes.

The massing of the development has been designed to integrate with its surroundings. Finished slab levels have been submitted which allow for variations in height on each individual plot and in certain instances and where the topography of the site necessitates a number of dwellings are split level and require 3 storey developments on split levels to accommodate the drop in land levels.

House frontages (widths) on average range from 4.0 metres for the smaller terraced units to approximately 9.0 metres for the larger dwellings providing both a range and diversity in design that provides more character to the development.

Appearance - The architecture, materials, colour and texture of the proposal have been considered by the introduction of 13 house types, with a selection of building materials including bricks and tiles, submitted via condition 20.

Following discussions with the agent a number of the more prominent plots across the site have introduced bespoke architectural features to add to the overall mix of the appearance of the proposed house types.

Layout - In terms of levels of residential amenity of existing dwellings that surround the site, whilst it is recognised that the site topography is challenging, finished slab levels have been provided and various sections have been cut through the development in order to fully assess implications upon levels of the amenity afforded existing neighbouring properties. With the above in mind, the proposed dwellings on the perimeter of the development and their relationship with the existing properties do generally accord with the spacing standards as set out in Residential Design Guide with the exception of plot 60 and 31 Bowood Close where the spacing is approximately 12 metres, which equates to a 2 metres shortfall in the context of the 14 metres normally required by the policy. However, this is considered acceptable in this instance due to there being no primary windows in plot 60's facing gable, a drop in ground levels and the siting due east of 31 Bowood Close.

Regarding the spacing relationships between the plots contained within the site, the layout of the site has evolved following indicative layouts submitted with the outline planning application to ensure that levels of amenity provided are appropriate for each individual plot across the site.

Areas allocated as open space have been incorporated into the layout that are overlooked from the adjacent houses so that they benefit from natural surveillance and will be illuminated by street lighting after dark.

Landscaping - The proposal has evolved following the constraints of the site, namely topography, the existing watercourse through the site and the layout and gradient of the road. Due to the level differences across the site, the proposal seeks to plant along streets and in open spaces to diffuse some on the built forms. The watercourse open space area focuses on native planting and ecology, whilst areas to the south of the site provide more formal planting including trees and shrubs.

In conclusion, it is considered that the design and level of residential amenity is broadly reflective of the indicative outline approval and characteristic of the adjacent phase 1 development. The selected materials and boundary enclosures are considered to provide a suitable mix to the overall appearance of the area, whilst the topography of the site and variety of house types and sizes further add to the visual aspect of the development. In summary it is considered that matters relating to scale, appearance, layout and landscaping are all compliant with the general design principles of the NPPF, accord with UDP policy B2 and are informed by the guidance provided with the Residential Design Guide SPD.

3. Highway Considerations.

Paragraph 32 of the NPPF relates specifically to highways and states in part that:

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Whilst policy T14 of the UDP requires new development to be readily accessible by pedestrians and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

In terms of the layout the proposal has been supported by a full set of engineering drawings providing levels along the vehicular access routes through the site to ensure gradients throughout the site are not undesirable from a highway safety and accessibility perspective.

Matters relating to original concerns relating to private parking courts, visitor parking areas and in curtilage parking have all been reflected in the revised layout for the proposal with modifications made that seek to resolve potential concerns raised over the potential car ownership levels of future occupants.

Following a meeting with the agents and the Network Management Section, it is considered that the amended layout has adequately addressed the highway engineering issues and as such the proposal is considered to be acceptable and in accordance with policy T14 of the UDP.

4. Ecological and Open Space Considerations.

It is a requirement of the EU Habitat Directive 1992 and the Conservation Regulations 2010 that any plan or project that is likely to lead to a significant adverse effect on a statutory European site will be subject to Habitat Regulations Assessment. The Habitat Directives applies the precautionary principle to protected areas; plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of European sites. Rushford Phase 2 is in close proximity to the designations and is situated within South Sunderland Growth Area which has just recently undergone its own HRA and incorporates a very

comprehensive suite of mitigation measures as well as strong safeguards for implementation through agreed funding proposals and extensive partnership working along with on-going monitoring proposals. It can then be concluded that the South Sunderland Growth Area SPD will not have an adverse effect on the integrity of the Northumbria Coast SPA/Ramsar site or Durham Coast SAC, either alone or in-combination. The HRA of SSGA is the assessment of a strategic plan and does not remove the need for further HRA at lower planning level tiers but it should be used to inform and support project specific HRA where required. Rushford Phase 2 required the information from SSGA HRA to help inform their Screening Assessment which reached the conclusion that through the proposed comprehensive suite of mitigation measures identified in both assessments and paid for through a section 106 agreement, there will be no likely significant effects on the integrity of the Northumbria Coast SPA/Ramsar site or Durham Coast SAC, either alone or in-combination.

In light of the above a Deed of Variation was sought to the original Outline Consent via the original reserved matters application to remove a previously identified payment toward Burdon Lane Park and introduce a payment towards the provision of Strategic Access Management Measures.

Conclusion.

The proposed scale, appearance, layout and landscaping are considered to be acceptable and in accordance with the policies contained within the Council's saved adopted UDP and Residential Design Guide SPD. It is therefore recommended that Members approve the application subject to the conditions detailed below.

Recommendation : Approve

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or

minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE

Conditions:

1 The development to which this permission relates must be begun not later than whichever is the later of the following dates.

- (a) the expiration of three years from the outline approval of planning permission.
- (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved, 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:

- Site Location Plan received 02.09.2015.
- Drawing No. TGR-001 Rev L, Proposed Site Layout, received 17.12.2015.
- Drawing No. SK11 Proposed Highway Contours, received 11.12.2015.
- Drawing No. 279-TOPO-01 Topographical Survey, received 02.09.2015.
- Drawing No. 279-PLN002 Proposed Finished Floor Levels received 02.09.2015.
- Drawing No. 279-PLN001 Rev B, Site Sections received 11.12.2015.
- Drawing No. 279/A/FPE/010, Feature plot elevations received 02.09.2015.
- Drawing No. CD-WD01, Chedworth Plans and Elevations received 02.09.2015.
- Drawing No. CA-WD01, Clayton Plans and Elevations received 02.09.2015.
- Drawing No. HB-WD01, Hanbury Plans and Elevations received 02.09.2015.
- Drawing No. HT-WD01, Hatfield Plans and Elevations received 02.09.2015.
- Drawing No. HC-WD01, Highcliff Plans and Elevations received 02.09.2015.
- Drawing No. LY-WD01, Lumley Plans and Elevations received 02.09.2015.
- Drawing No. RC-WD01, Rockcliff Plans and Elevations received 02.09.2015.

- Drawing No. RS-WD01, Roseberry Plans and Elevations received 02.09.2015.
- Drawing No. RF-WD01, Rufford Plans and Elevations received 02.09.2015.
- Drawing No. SU-WD01, Souter Plans and Elevations received 02.09.2015.
- Drawing No. WD-WD01, The Waddesdon Plans and Elevations received 02.09.2015.
- Drawing No. WS-WD01, Winster, Plans and Elevation received 02.09.2015.
- Drawing No. CG-WD01, The Cragside Plans and Elevations received 07.01.2016.
- Drawing No. SGD-01, Single/Double Garage received 02.09.2015.

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 Prior to the occupation of any part of the permitted development, details of the means of enclosure to be installed at the emergency access at the emergency access at Bowood Close shall be submitted to and approved in writing by the Local Planning Authority in the interest of amenity and highway safety and to accord with policies B2 and T14 of the saved adopted Unitary Development Plan.

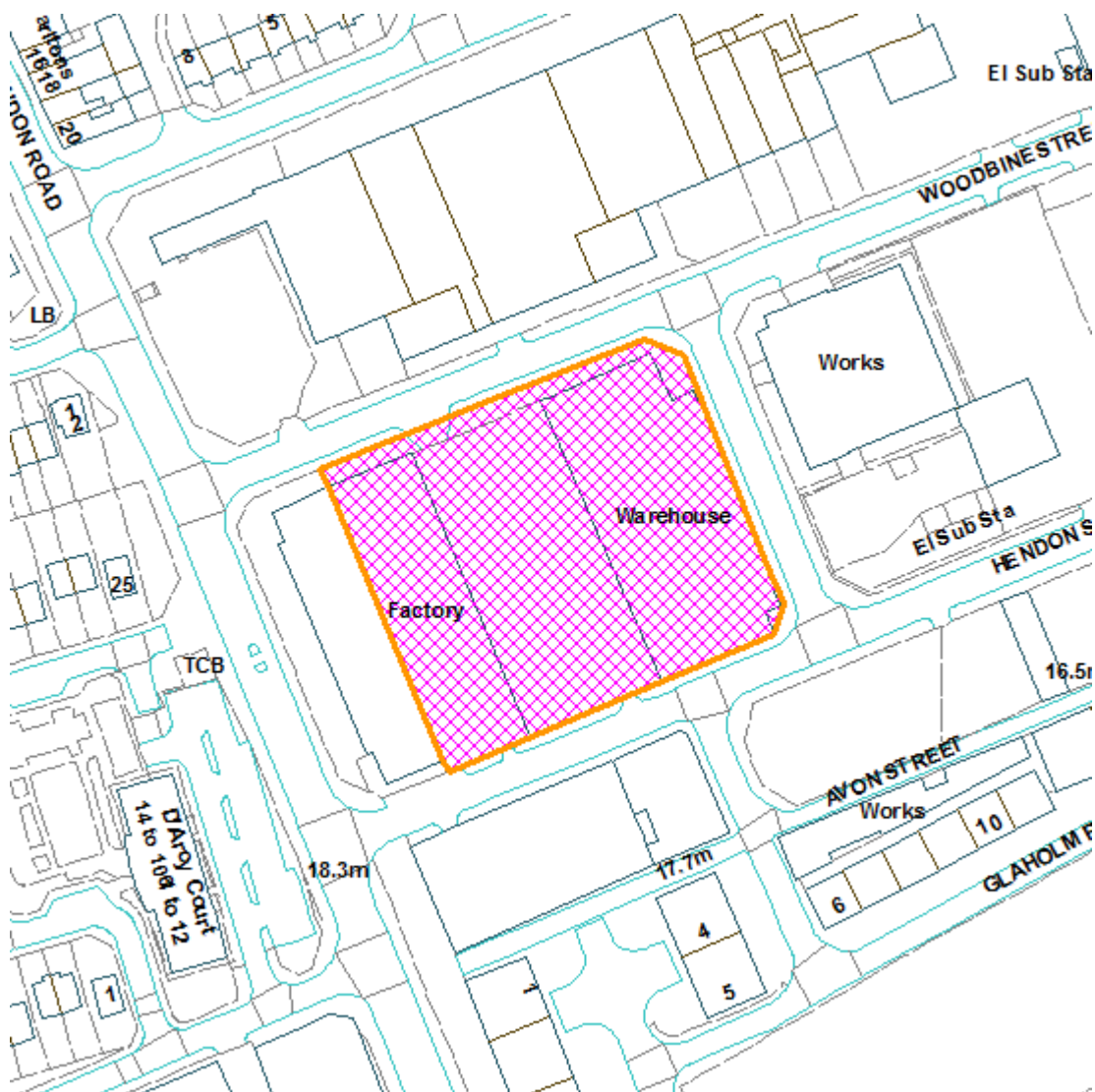
Reference No.: 15/02023/FUL Full Application

Proposal: **Change of use to Timber Merchants (sui generis) alterations to elevations and re-roof buildings.**

Location: Former Sunderland Furniture Warehouse Hendon Street And Vacant Property Between Hendon Street And Woodbine Street Sunderland SR1 2NL

Ward: Hendon
 Applicant: Mr David Nordstrom
 Date Valid: 30 October 2015
 Target Date: 29 January 2016

Location Plan



INTRODUCTION

Planning permission is sought for a change of use of a former warehouse/storage facility into a timber merchant on land between Hendon Street and Woodbine Street, Hendon. The application proposal includes the construction of a new metal pitched roof over an existing office area and a canopy over the entrance to one of the units, along with other external alterations, described below.

The subject premises comprises two pitched roofed two-storey buildings constructed in brick and metal cladding with a concreted parking/servicing/external storage area in between, situated on the edge of the Hendon Industrial Area, just to the west of Moor Street. The site was formally used as a storage/distribution depot. Immediately to the west of the site one of the buildings abuts a single storey building that fronts Hendon Road. This is occupied by Total Sport NE Ltd. The Hendon Industrial Area in which the property is located is characterised by commercial and industrial development where premises are predominantly occupied for offices, light / general industry, and storage / distribution purposes. Such uses are classified as use classes B1, B2 and B8 respectively under The Town and Country Planning (Use Classes) Order 1987 (as amended). The west side of Hendon Road, however, is residential in character, with D'Arcy Court residential tower block standing directly opposite.

The site is relatively large, occupying an area of 6,700 sq. m. The two buildings within the site have a gross internal floor space of 3715 sq. m and this would remain the same, should planning permission for the change of use be forthcoming. 30 employees are anticipated to be employed at the site. Opening hours are between 07.30 - 18.00 Monday to Friday and 08.00 - 14.00 on Saturday.

PROPOSAL

The application has been submitted by Nordstrom's Timber Merchants, who currently occupy nearby premises at 1-2 Woodbine Street. The applicant states that the existing business has outgrown the current premises and customers have no parking facilities. The proposed premises would provide parking as well as a loading/unloading facility within the site.

The floor plans submitted with the application indicate that the building to the east side of the site would accommodate 1940 sq. m of timber storage area, a door store, showroom and trade counter (approx. . 500 sq. m). This part of the building would have a fork lift entrance and a customer bulk loading area. The building to the west of the site would accommodate a further timber storage area, machine shop, joinery and paint shop (approx. 400 sq. m). This building adjoins Total Sport NE Ltd. Between the building the existing concreted area would be used for parking, which is to be segregated into customer, staff, commercial vehicle parking and loading area. In total, 48 car parking spaces would be provided along with 7 van spaces. These would be accessed via the existing access point, off Woodbine Street to the north.

When analysing the nature of the use as a timber merchant, it is evident that the predominant use would be B8 (storage and distribution of timber and other timber products) which accounts for approximately 62% of trade, manufacturing of products, approx. 27%, with the remaining trade attributed to ancillary retail sales (11%).

Externally, a new metal profiled sheeting roof is proposed over the existing office area to unit 1, which fronts a side road to the east of the site, and this would replace the existing flat roof at ground floor level that is in a poor state of repair. The roof would be to a maximum height of 4.6 m and would extend across the office area for a distance of 46.5 m. The existing buildings are also to be reroofed with metal cladding and insulated. Two roller shutter doors are to be bricked up/ replaced with a high level window and a further roller shutter door is proposed to be altered

to provide a customer access point, each facing the yard area of the premises to the west elevation of unit 1.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation
Environmental Health
Port Manager

Final Date for Receipt of Representations: **17.12.2015**

REPRESENTATIONS:

Neighbour Consultations

No representations have been received as a result of the public consultation period which included letters, site and press notices.

Network Management

No observations or recommendations.

Environmental Health

No objections received, subject to appropriate conditions/informatives relating to the control of noise and pollution to protect the living conditions of nearby residential occupiers.

Port Manager

No response received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EC_2_Supply of land and premises for economic development purposes

EC_3_Support for new and existing economic activity

EC_4_Retention and improvement of existing business and industrial land

SA_1_Retention and improvement of existing employment site

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

T_22_Parking standards in new developments

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF (National Planning Policy Framework) sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.

Particularly relevant in this case is the principle that the planning system should seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed.

At a more local level the planning policies relevant to the consideration of this application are as follows: B2, EC2, EC3, EC4, SA1, T14 and T22 of the City Council's adopted Unitary Development Plan (1998).

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the land use allocation of the proposal site;
2. the principle of the proposed change of use;
3. the impact of the proposed use on the existing employment area;
4. the impact of the proposed development on highway and pedestrian safety;
5. the impact of the proposed development on visual amenity.

1. Land use allocation of the proposal site

The subject building is situated within an area allocated for economic development by the proposals map of the City Council's adopted Unitary Development Plan (1998). Policy EC4 of the UDP states that within existing areas, uses falling into use classes B1 (offices and businesses), B2 (industry) and B8 (storage and distribution) are most appropriate. Possible ancillary uses where required to meet the needs of each site are identified as use class A1 (shops up to 50sqm), use class A2 (offices where services are provided for the general public), use class A3 (food and drink outlets), use class C1 (hotels), use class D1 (community facilities), use class D2 (assembly and leisure) and open space.

Policy SA1 of the UDP is site specific to the South Sunderland area and advises established industrial/ business areas and sites within them will be retained and improved. The primary and ancillary land uses echo those identified within UDP policy EC4.

The proposed use as a timber merchant is classed as 'sui generis' in the Town and Country Planning (Use Classes) Order 1987 (as amended) These are uses which do not fall within the four main use classes. The proposal includes a large element of class B8 (storage and distribution) but there is also an element of manufacturing (B1/B8) and retail (A1). In terms of policy EC4 the use is therefore considered to be appropriate in this location given that the A1 retail element is of an ancillary nature only.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and is not anticipated to be formally adopted by the Council until 2017. As such, the policies referred to can only be given limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next 2-3 years. The Council's UDP was adopted some time ago, but the area in which the subject property stands is continued to be identified as an established 'Key Employment Area' by the aforementioned emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This designation is based upon the most up-to-date employment land assessments available to the Council.

City-wide policy CS3.3 of the draft Core Strategy states that 'key' employment areas will be maintained through the improvement, development and intensification of land and premises for economic development (i.e. B1, B2 and B8 use classes) purposes. In addition to the above, policy DM3.1 is considered to be applicable which identifies alternative ancillary uses in Key Employment Areas as A1 and A3 use classes.

2. Principle of the proposed change of use

The proposed use of the premises for a use to a timber merchant is considered to be compliant with the land and property uses considered to be most appropriate within this employment area, as set out by policies EC4 and SA1 of the UDP and policy CS3.3 of the draft Core Strategy. The proposal, in any event, represents a relocation of the applicant's existing business, in Woodbine Street to larger premises.

The proposed ancillary A1 use does not strictly accord with the abovementioned UDP policies in that the proposed floor area exceeds 50sqm. However, this use is required to meet the needs of the site. Shops (use class A1) are, in any event, identified within policy DM3.1 of the Core Strategy as an acceptable small scale ancillary use required to support, maintain or enhance the business and employment function of the area.

With regard to the above, the proposed A1 element of the use provides an ancillary provision to the predominant use of the building. The A1 use accounts for approximately 11% of the proposed floor area. As such, this element of the proposal is considered to contribute to the primary function of the site for manufacture/ storage/ distribution and supports the economic viability of the property.

In order to determine whether the proposed use of the building is acceptable, all other relevant material planning considerations must first be satisfactorily addressed.

3. Impact of proposed use on remaining employment area

Draft policy DM3.2 of the emerging Core Strategy require consideration to be given to the effect of the introduction of a land use which is not usually appropriate within an employment site and the impact it may have upon the vitality and viability of the remaining site. It is observed, however, that draft policy DM3.2 identifies Hendon as a 'key' employment area, rather than a 'primary' employment area, giving it a secondary importance in the employment land hierarchy. The policy reflects this and accepts the need to adopt a sensible approach to development proposals for non-employment uses, with greater protection given to the employment land of greatest value.

The proposed primary use of the property is fully compliant with land use allocations as detailed above and is unlikely to result in any detrimental impact to the remaining employment area. As such it is the ancillary element of the proposal which requires further consideration.

Given the limited floor area set aside for retailing this use is not deemed to significantly erode the amount of employment land available within the Hendon Area.

As such, it is considered that in this case, the change of use of the building, inclusive of the proposed A1 use, would not result in a detrimental impact to the integrity, function and operation of the remaining employment area of Hendon, in accordance with the requirements of draft policy DM3.2 of the emerging Core Strategy.

4. Impact of proposed development on highway and pedestrian safety

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 new development to be afforded an appropriate level of dedicated car parking provision.

The applicants have submitted trading information in order to help assess the parking implications of the proposal. In response to the consultation, the City Council's Network Management team have raised no objection to the proposed use from a highway safety point of view as the in curtilage parking for the premises has increased and off-street parking & loading has been removed.

In accordance with the above, the proposal is considered to be compliant with the requirements of policies T14 and T22 of the UDP.

5. The impact of the proposed development on visual amenity.

The external alterations to the buildings are of a relatively minor nature in relation to the size, scale and character of the existing buildings and their setting within the industrial estate. As a result the works are considered to comply with policy B2 of the UDP, which requires all new development and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality.

CONCLUSION

The proposed use of the premises for a timber merchant is considered to accord with policies EC4 and SA1 of the UDP and draft policies CS3.3, DM3.1 and DM3.2 of the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). The proposal is considered to be acceptable in land use terms in the Hendon employment area without compromising the remaining employment land. In addition, the proposed change of use and external alterations raise no concerns in terms of visual amenity or highway and pedestrian safety in accordance with policies B2 or T14 and T22 of the UDP.

In light of the above, Members are therefore invited to APPROVE the application subject to the following conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE

Conditions:

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

Roof plan unit 1 W140J, Existing unit 1 W130B, Proposed elevations W140H, Proposed plans W140B, Existing site plan W140K, Existing plan W130G, Proposed plan Unit 1 W140G received 23 September 2015; Existing elevation W140A, Roof plan unit 2 W140E, Location plan, Proposed plan unit 2 W140F received 5 October 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 external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4. No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T22 of the UDP.

5. The premises shall be used for a timber merchant and for no other purpose specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in the interests of maintaining the primary function of the estate and to comply with policies EC4 and SA1 of the UDP of the UDP.

PROPOSAL:

The proposal relates to the variation of conditions 2, 6, 7 and 9 attached to planning application ref. 13/02786/FUL, to allow for changes to external surfacing and approved bin store associated with development approved at land to rear of 24-26 Stockton Road (former Thirkell's Garage site), Sunderland City Centre.

The application proposes to vary four conditions of planning permission reference 13/02786/FUL which, as Members may recall, was approved at the Development Control (South area) Sub-Committee meeting on 25th February 2014. The development proposed by the approved application involved the erection of a part four-/part five-storey student accommodation block, together with the erection of a three-storey building to front Stockton Road and areas of hard and soft landscaping. The development was commenced shortly after the decision to approve the application and is now nearing completion.

The development site, which has an area of approximately 1320 sq. metres, lies to the rear of a block of terraced commercial properties fronting Stockton Road in Sunderland City Centre. The north side of the site is flanked by the south wall of the Grade-II Listed West Park United Reform Church, whilst to its east side are the residential apartment blocks of the City Green development and a temporary car park occupying an as-yet undeveloped plot. The south side, meanwhile, is flanked by 29 Stockton Terrace, which houses 'The Bunker' music rehearsal rooms and recording studios. The application site was previously occupied by a range of buildings serving as a builders' yard and commercial garage and it lies wholly within the Ashbrooke Conservation Area.

The application seeks to vary conditions 2, 6, 7 and 9 of the approved development, which stipulate that:

- development to be carried out in accordance with the approved plans (condition 2);
- details of cycle storage facilities to be submitted and approved (condition 6);
- approved off-street parking provision to be constructed and made available for the lifetime of the development (condition 7);
- submission and approval of a suitable scheme of landscaping (condition 9);

Submissions to discharge conditions 6 and 9 were made shortly after the approval of the initial planning application and details have been agreed by officers under delegated powers (ref. 14/02071/DIS).

The variation of these conditions is sought in order to gain permission for amendments to the approved treatment of the external areas of the development site. The approved scheme essentially involved the provision of a hard- and soft-landscaped 'courtyard' between the new building and the rear of the terrace fronting Stockton Road, with bin storage to the north-east corner of the site, cycle parking areas to the north-east corner and west side of the site and a row of five parking spaces adjacent to the main vehicular entrance from Stockton Road.

The revised proposals comprise the following main elements:

- additional cycle parking rails at the south side of the 'courtyard' and to north-east corner;
- small area of soft landscaping replaced with gravel and planters;
- variations to the levels of the hard landscaping within the 'courtyard' to provide improved ramped access into the new building;

- provision of dedicated access route along edge of courtyard to rear yards of properties fronting Stockton Road;
- relocation of bin store from north-east corner of site to adjacent to entrance from Stockton Road;
- number of parking bays reduced from 5 no. to 3 no. (including one disabled bay) and moved further into site, alongside boundary with church;

The proposed bin store is to be constructed from 2.1 metre high black powder-coated steel railings, interspersed with steel pillars. The west side of the bin store will be flanked by the inside of the boundary wall to Stockton Road.

TYPE OF PUBLICITY:

Press Notice Advertised
 Site Notice Posted
 Neighbour Notifications

CONSULTEES:

Network Management
 Tyne and Wear Archaeology Officer
 Environmental Health
 St Michaels - Ward Councillor Consultation
 English Heritage
 Flood and Coastal Group Engineer

Final Date for Receipt of Representations: **17.12.2015**

REPRESENTATIONS:

Public consultation - no representations received.

Historic England - no comments to offer, with a recommendation that the application be determined in accordance with national and local planning policy guidance and on the basis of the Council's own specialist conservation advice.

Tyne and Wear Fire Authority - no concerns, providing that the gate into the site is at least 3.7 metres wide to accommodate fire service vehicles. To clarify, the gate to the vehicular access from Stockton Road is 4.5 metres in width.

POLICIES:

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

- B_2_Scale, massing layout and setting of new developments
- B_4_Development within conservation areas
- B_10_Development affecting the setting of listed buildings
- T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
- T_22_Parking standards in new developments
- EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

CONSIDERATION OF APPLICATION

The principle of developing the site to provide a student accommodation block has already been established through the approval of application ref. 13/02786/FUL at the Development Control (South area) Sub-Committee meeting on 25th February 2014. In determining the initial

application, consideration was given to the principle of the development and its implications in respect of visual and residential amenity, the character and appearance of the Ashbrooke Conservation Area, the setting of the Grade-II Listed church, urban design, highway and pedestrian safety and land contamination.

The proposed variation of conditions 2, 6, 7 and 9 of the initial approval specifically relate to matters relating to the treatment of the external areas of the site and the amendments sought do not affect the exteriors or interiors of any of the new buildings being erected. As such, rather than revisiting the full range of matters previously considered in the determination of the initial application, this report will primarily focus on the implications of the proposed amendments to the scheme in respect of visual amenity, the character and appearance of the Ashbrooke Conservation Area and the setting of the Listed church and highway and pedestrian safety. For a consideration of the full range of matters listed above, please refer to the report to the Sub-Committee produced in respect of app. ref. 13/02786/FUL.

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should always seek to secure a high quality design and a good standard of amenity, take account of the different roles and character of different areas and conserve and manage heritage assets in a manner appropriate to their significance.

The relevant guidance of the NPPF as detailed above feeds into policies EN10, B4, B10, T14 and T22 of the Council's adopted Unitary Development Plan and policy B2A of UDP Alteration No. 2 (Central Sunderland), which are consequently considered to be pertinent to the determination of this application.

1. Impact of proposals on visual amenity, character and appearance of Conservation Area and setting of Listed building

As noted at the outset of this section of the report, one of the Core Principles of the NPPF is that new development should seek to conserve and manage heritage assets, such as Listed Buildings and Conservation Areas, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, which requires Local Planning Authorities to give consideration to the impact a development proposal will have on the significance of any heritage assets it affects. Particularly pertinent is paragraph 137, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policy B2A of the UDP Alteration No. 2 (Central Area) requires new development to be of a high quality and respect the context of the development site, whilst policy B4 seeks to ensure that new development within Conservation Areas will preserve or enhance their character and appearance. Policy B10, meanwhile, requires development proposals in the vicinity of Listed buildings to respect their character and setting.

The revisions to the scheme sought by the proposed variation of conditions are relatively minor in scope, with the most significant change being the relocation of the bin store. The alterations are considered to be broadly acceptable in terms of their impact on visual amenity and the overall quality of the scheme; however, the implications of the proposals in respect of the

character and appearance of the Conservation Area and the setting of the Listed church are still being given consideration by the Council's Built Heritage officers.

It is anticipated that the Built Heritage officer's assessment of the proposals will be completed ahead of the Committee meeting and details of the consultation comments received will be reported at the meeting.

2. Implications of development in respect of highway and pedestrian safety and parking
Policy T14 of the UDP sets out that development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking. The level of parking required should take into account the nature of the development proposal, the location of the development site and its accessibility via other forms of transport.

In considering the merits of the initial approved planning application, the Council's Network Management team advised that a relaxed approach to normal parking standards was appropriate, on the basis that the application site lies within the City Centre Central Parking Zone, is located adjacent to the Park Lane bus/Metro interchange, is in close proximity to University campuses and near to a number of public car parks. Furthermore, the development is intended to be occupied by students, a demographic generally considered to be characterised by low vehicle ownership.

The revisions to the scheme propose a reduction from 5 no. to 3 no. parking spaces, but, for the reasons set out above, the Network Management team has advised that this number is still considered to be acceptable given the nature of the development and the location of the site. In addition, the Network Management team has confirmed that the servicing, bin storage and cycle storage arrangements remain acceptable (the provision of additional cycle storage facilities is welcomed).

With regard to the above, it is considered that the impact of the proposal on highway and pedestrian safety and the parking and servicing arrangements associated with the development are acceptable, in accordance with the requirements of policies T14 and T22 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the implications of the proposed revisions to the previously-approved scheme in relation to parking and highway and pedestrian safety are acceptable. Furthermore, it is considered that broadly speaking, the revisions are acceptable in terms of visual amenity and the overall quality of the development scheme.

However, as noted above, the implications of the revised proposals in respect of the character and appearance of the Ashbrooke Conservation Area and the setting of the adjacent Grade-II Listed church are still being considered by the Council's Built Heritage team.

It is anticipated that full consideration of the outstanding built heritage matters will be completed shortly and will be reported on a Supplementary Report. The Supplementary Report will also provide details of a recommended decision.

RECOMMENDATION: Executive Director of Commercial Development to Report

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 amended existing site plan received 19/02/2014 (drawing no. RS/71155/01 B);
 - the existing elevations received 24/09/2013 (drawing no. RS/71155/02);
 - the amended proposed floorplans and roof plans received 19/02/2014 (drawing no. RS/71155/03/B);
 - the amended proposed elevations received 24/02/2014 (drawing no. RS/71155/04 C);
 - the amended proposed site plan received 02/11/2015 (drawing no. RS/71155/20);
 - the proposed bin store details received 02/11/2015 (drawing no. RS/71155/40);
 - the property management plan received 24/09/2014.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
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 shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall 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 part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T22 of the UDP.

7. The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
8. All planting, seeding or turfing comprised in the approved landscaping scheme (drawing no. RS/71155/20) 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.
9. 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 must not commence until conditions 10-12 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 13 has been complied with in relation to that contamination, in order 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.
10. Unless otherwise agreed in writing by the Local Planning Authority, development must not commence until an intrusive ground investigation and risk assessment, in addition to the 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'. The

assessment/investigation is necessary 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. Unless otherwise agreed by the Local Planning Authority, development must not commence 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, in order 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.
12. The remediation scheme approved under Condition 11 (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 (referred to in PPS23 as a validation 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, in order 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.
13. 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 10 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 11 (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 12 (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, in

order 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.

14. Notwithstanding the approved plans, the development hereby approved shall not commence until final details of the treatment of the link between the new elevation to Stockton Road and no. 29 Stockton Road have been submitted to and agreed in writing with the Council as Local Planning Authority. The development shall then proceed thereafter in accordance with the approved details, unless an alternative is first agreed with the Council, in order to achieve an acceptable form of development in the context of the historic terrace and Ashbrooke Conservation Area and comply with the requirements of policy B4 of the UDP.
15. No part of the development shall be occupied until the cycle parking/storage provision has been installed and made available in accordance with the approved plans. The approved facilities shall then be retained as such for the lifetime of the development, in order to ensure that adequate and satisfactory provision is made for bicycle parking and storage and to comply with policy T22 of the UDP.

Reference No.: 15/02103/FU4 Full Application (Reg 4)

Proposal: Conversion of former fire station to mixed-use development comprising dance/theatre studios, cafe, bar/restaurant and exhibition space, demolition of training tower, western section of building excluding façade and including single-storey offshoot to west side and rear (former superintendent's house) and first floor rear offshoot, erection of three-storey extension to west side / rear, extension and replacement of balustrade of rear balcony and provision of balustrade to front of main building, lift shaft, chimney stacks, pitched roofs, rooflights, vents, plant and lighting to roof and associated elevational/roof alterations

Location: Former Fire Station Dun Cow Street City Centre Sunderland SR1 3HE

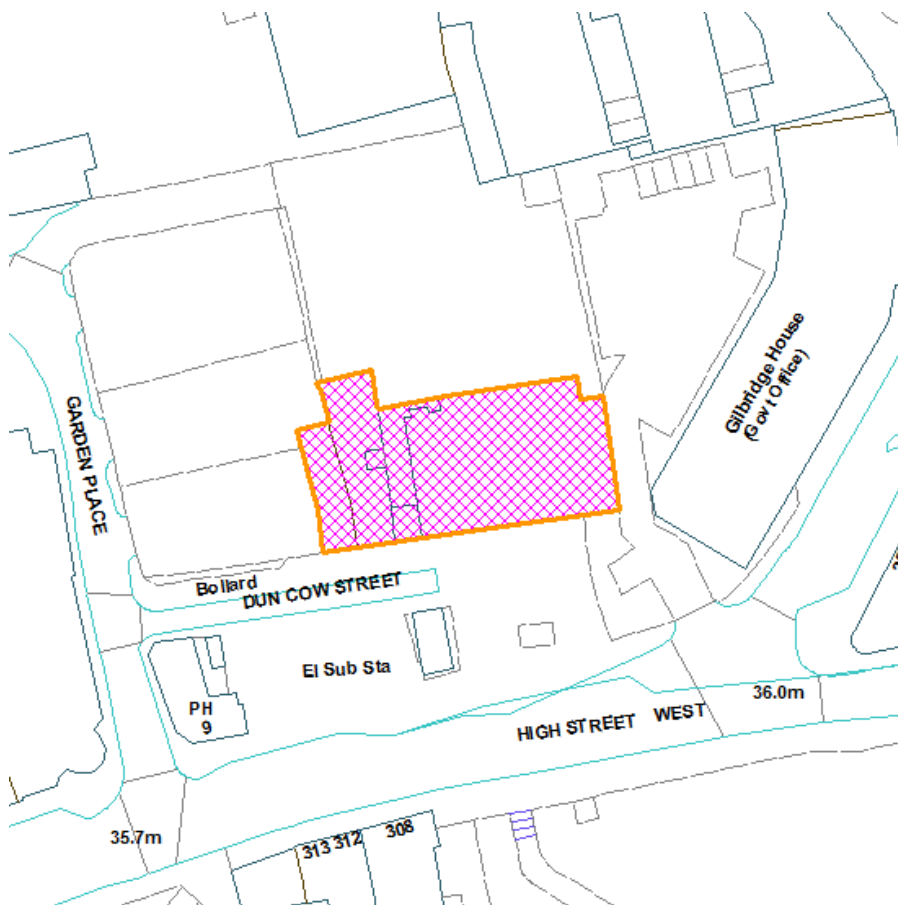
Ward: Millfield

Applicant: MAC Trust C/o Buckley Burnett Limited

Date Valid: 10 November 2015

Target Date: 9 February 2016

Location Plan



Proposal

Planning permission is sought to change the use of the host former fire station building to a mix of uses comprising dance/theatre studios and a café, bar and restaurant, demolish the rear training tower, western section of the original building (excluding the façade) which accommodated the superintendent's house and single-storey offshoots to the west side and rear, erect a three-storey extension to the west side and rear, single-storey extension to the rear with a balcony above, provide rooflights and vents, plant and lighting at roof level and to carry out associated elevational/roof alterations to the building.

The host building has a gross internal floor space of 1323sq.m, which would be increased to some 1360sq.m as a result of the proposed works. This would be divided into 105.3sq.m to accommodate plant and storage in the basement, 550.5sq.m of bar/restaurant and café space at ground floor level, 552.7sq.m for dance and theatre studios at first floor and 151.7sq.m of exhibition and office space in the second floor. No hours of operation have been proposed and it is anticipated by the applicant that approximately 25no. full-time members of staff would be employed at the premises.

The ground floor of the building would be divided into two separate units which would be internally linked, namely a café which would predominantly occupy what would be the newly-constructed western section of this floor and a bar/restaurant which would occupy the larger eastern section. These units would share kitchen and storage areas and have separate front entrances. The bar/restaurant would accommodate a central bar servery within the large former engine room as well as a micro-brewery in its rear section. This floor would also accommodate customer w.c.s, office space, additional storage and staff facilities.

The first floor would accommodate dividable theatre and dance studios, the former of which would be situated to the rear of the building and would lead onto a raised balcony. The western section of this floor would accommodate changing and w.c. facilities in addition to an office and small bar to cater for events which would be held in the studios.

Exhibition space and an associated office would be provided in the second floor of the building, which would accommodate various exhibitions to be staffed by volunteers.

The proposed demolition works comprise the removal of an approximately 50sq.m western section of the original fire station building (i.e. the former superintendent's house), retaining the existing façade, as well as the single-storey offshoot to the west side and rear of the building which has an area of approximately 149sq.m, which is a later addition to the building and also formed part of the superintendent's house. It is also proposed to demolish the first floor of a lean-to rear offshoot which occupies an area of around 8.5sqm as well as the 14.5m high hose tower which exists to the rear of the building; a separate justification document has been provided with the application in respect of the proposed demolition of the tower.

The proposal largely retains the façade of the main building in its present form and includes the provision of glazing and doorways in existing blocked-up openings. The existing undercroft access would be altered from a rectangular to an arched opening and would be fitted with glazing, including sliding doors. New pitched roofs would be provided and a new stone balustrade running the entire width of the building would be provided along the roof frontage, replicating the original form of the building.

The proposed three-storey extension would replace the original superintendent's house, to sit behind the original façade, and occupies an area of approximately 77sq.m. This extension would be predominantly flat-roofed and would incorporate a pitched roof along its front behind the existing parapet. The extension would incorporate a lift shaft which would protrude some 2.2m higher than the flat roof and a glazed stairway would be incorporated to the rear. The gable end of this extension would be finished with render and its rear elevation comprises a mix of render and metal screening/panelling.

To the rear, the floor area of the existing balcony would be increased as a result of the aforementioned first floor lean-to offshoot to be removed and a new glass balustrade would be provided in place of the existing metal railings. Two new windows would be provided at first floor level in place of this first floor offshoot and window recesses would be provided at ground floor level, replicating an original arrangement. A pitched roof is also proposed to be provided over the rear section of the building which, again, is intended to replicate the original form of the building.

In addition to the aforementioned provision of new pitched roofs, it is proposed to demolish and reinstate two chimney stacks and provide two additional chimney stacks; one centrally and another to the eastern extent of the building. A number of rooflights would be incorporated over the proposed extension and pitched roofs and existing building and plant associated with the proposed uses as well as lighting would be incorporated at roof level and, whilst the submission specifies that plant would be contained within an area on the roof of the proposed three-storey extension, specific details of the form or precise position of such equipment has not been provided.

This application has been made by the Sunderland Music, Arts and Culture Trust (MAC Trust) and the proposal would provide the facilities listed above in its own right and is also intended to act as a catalyst for wider aspirations to deliver a new Music Arts and Cultural Quarter in this part of the City Centre.

Site Description

The host building is a prominent Edwardian former fire station which was constructed in 1907 and has remained vacant since 1992. The building is part two- / part three-storeys and of brick construction, includes a basement level and has been notably altered but retains a high proportion of its original external features including a hose tower to its rear in an albeit significantly altered form. The building includes an undercroft access which has been squared off from its original arched form and a later single-storey extension to its west side and rear which provided an addition to the former supervisor's house which was contained within the western section of the building beyond the undercroft access.

The site is situated within the Bishopwearmouth Conservation Area of the City Centre and the Centre's Theatre Quarter, as allocated by the adopted Alteration No. 2 to the Unitary Development Plan and Sunderland City Centre Evening Economy Supplementary Planning Document. The host building is not listed but there are a number of listed buildings within close proximity including the Grade II* listed Empire Theatre to the west and Grade II listed Dun Cow Public House to the west, Londonderry Public House to the east, Magistrates' Court (in part) to the northeast, terrace to the south of the Theatre and Sunderland Minster and Mowbray Almshouses to the south. The uses surrounding the site are varied but predominantly commercial in nature and include, in addition to the aforementioned buildings, shops, restaurants, offices, further public houses and Sunderland Police Station to the north beyond an existing car park. The building fronts onto Dun Cow Street and High Street West beyond from which the site is divided by a large electricity sub-station. There is a green and public on the

opposite of High Street West on the site of the recently demolished Crowtree Leisure Centre which leads onto The Bridges Shopping Centre.

Supporting Documentation

This application is supported by the following documentation:

Condition [of building] Report
Entertainment Sound Impact Assessment
Environmental Sound Survey
Fan and Ventilation Specifications
Flood Risk and Drainage Assessment
Foul Sewerage Connection Details
Framework Travel Plan
Heritage Statement and Archaeological Assessment
Heritage Statement and Design and Access Statement
Phase 1 Geo-Environmental Assessment
Preliminary Ecological Appraisal
Standing Building Survey
Statement of Significance
Supporting Planning Statement
Survey Report and Proposal (woodworm and dry and wet rot)
Tower Justification
Transport Statement
Utility Assessment

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Millfield - Ward Councillor Consultation
Network Management
Business Investment
Environmental Health
Flood And Coastal Group Engineer
Force Planning And Police Architectural Liaison Officer
Fire Prevention Officer
Tyne And Wear Archaeology Officer
Nexus
Theatres Trust

Final Date for Receipt of Representations: **18.01.2016**

REPRESENTATIONS:

Responses to Publicity

One representation has been received as a result of the publicity of this application wherein, whilst the proposed uses of the building and reinstatement of the front balustrade and pitched roofs are supported, concerns are raised over four elements of the proposal, namely.

- Demolition of hose/drill tower - the representation sets out that this structure reflects the changing needs of the fire service over a century of its development, so the alterations which have been made therefore increase rather than diminish its importance, and no adequate justification has been provided for its removal.
- Demolition of superintendent's house - it is set out in this representation that this is a significant part of the building as it is representative of a time when firemen were more tied to their jobs and, having been in the building this year, this resident did not get the impression that this structure is in risk of collapse and it should therefore be retained. A concern was also raised that this element was not included in the description of the development, however the application has since been re-publicised with a more accurate description.
- Lift shaft at roof level - this resident considers that this would look unsightly at roof level
- External materials - the proposed cladding to the rear of the building is considered by this resident to be inappropriate for an Edwardian building and, instead, brickwork should be used

External Consultees

The County Archaeologist supports the proposed uses of the building and recommends the imposition of conditions requiring the submission of an archaeological building report, including a photographic archive of the building and an archaeological watching brief given the possible existence of remains relating to the early medieval, medieval and post-medieval settlements.

Historic England offered no objection and recommends that the application be determined in accordance with national and local policy guidance, on the basis of the Council's specialist conservation advice. In particular, Natural England notes that the demolition of the hose tower and superintendent's house is regrettable and will remove important visual indicators of the history of the site within the Conservation Area, but on balance this is outweighed by the considerable benefits of finding a new use for the building and the work that will be put into remedying previous unsympathetic alterations and the poor condition of the building. As such, the application satisfies the requirements of paragraph 131 and 137 of the National Planning Policy Framework by sustaining and enhancing the significance of the building through a use consistent with its conservation, by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities' and by taking the opportunity to enhance the significance of the Conservation Area.

Northumbrian Water confirmed that it has no comments to offer in this instance.

The Theatres Trust confirmed its support for the application but raised a concern that there would be no direct access between the changing/dressing rooms and the performance spaces and during events performers will have to pass through the public foyer. The applicant was advised of such concerns and responded indicating that these spaces are not intended for theatre-type performances in the traditional sense but rather with a focus on education and community workshops together with use for cabaret-type performances.

The Tyne and Wear Fire and Rescue Service confirmed that it has no objections to the proposal subject to satisfying specific Building Regulation criteria, which have been forwarded to the applicant.

Internal consultees

Built Heritage confirmed its firm support for the proposal, for reasons which will be elaborated upon subsequently in this report.

Environmental Health confirmed that it has no objections to the proposal and provided comments on the potential noise/disturbance and ground contamination issues of the proposed development, which will be elaborated upon in the 'Residential Amenity' and 'Ground Conditions / Contamination' sections of this report respectively. Environmental Health also suggests a series of measures to minimise the generation of noise, dust and vibration during demolition and construction works and consequent disturbance to nearby residents.

The Council's Flood and Coastal Group Engineer advised that the originally submitted drainage information provides insufficient detail on flows from the site as existing and proposed and no provision for the use of Sustainable Urban Drainage Systems is proposed.

Natural Heritage confirmed its satisfaction of the proposal upon compliance with the details set out in the submitted Ecological Appraisal; this matter will be elaborated upon in the 'Ecology' section of this report.

Network Management offered no objections to the proposal, noting that the existing private access and car park comprising 51no. spaces are to be retained and used by staff of, and visitors to, the premises and access arrangements may have to be altered in the future as part of redevelopment plans of the wider area and recommending that cycle storage facilities be provided and all servicing, bin storage and refuse collection take place from the car park to the rear of the premises.

POLICIES:

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

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_10_Development affecting the setting of listed buildings

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

B_15_Developments causing large scale ground disturbance (currently undeveloped areas)

B_16_Assessing, recording and preserving historic sites discovered during development

B_24_Appropriate provision for utility services in building development

CN_18_Promotion of nature conservation (general)

CN_20_Developments affecting designated/proposed SSSI's

CN_22_Developments affecting protected wildlife species and habitats

EC_4_Retention and improvement of existing business and industrial land

EN_1_Improvement of the environment

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_12_Conflicts between new development and flood risk / water resources

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

HA_1_Retention and improvement of established industrial / business areas

S_11_Restriction of non retail uses in parts of the city centre and Washington town centre

S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in assessing the proposal are:

- Land Use;
- Appearance, Conservation and Archaeology;
- Amenity;
- Highway Implications;
- Flood Risk and Drainage;
- Ecology; and
- Ground Conditions / Contamination

Land Use

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development as being a 'golden thread' running through plan-making and decision-taking. In respect of the latter, it is set out that applications which accord with the development plan should be approved without delay or, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Chapter 2 of the NPPF encourages planning policies and decisions to promote competitive town centre environments which offer choice and meet the need to support viability and vitality and broadly promotes town centre uses to, first and foremost, be located within town centres, subject to sequential testing.

Policy S11 of the adopted Unitary Development Plan (UDP) advises that non-retail uses will be restricted in parts of the City Centre, as set out below, whilst policy S12 of this document advises that planning permission for hot food takeaways, restaurants and other similar uses within the former Use Class A3 (which included cafés and public houses) will normally be granted in local centres unless they have a detrimental effect on the environment, residential amenity and/or public/highway safety, subject to satisfying the criteria of policy S11.

The current application site lies within the Central Sunderland Boundary as defined by the adopted Alteration No. 2 to the Unitary Development Plan and, as such, is subject to policy EC10A therein which promotes the regeneration of Central Sunderland through maximising investment in employment, housing, leisure, tourism and education and strengthening the retail function of the City Centre retail core. Policy S2A of Alteration No. 2 deals with retail development and other town centre uses and explanatory paragraph 6.23 of this policy states that 'a broad range of uses already contribute significantly to the character of the City Centre, including shops, financial and professional services, restaurants, business and leisure and cultural uses'. These uses are identified to remain prominent and this approach is considered to be consistent with chapter 2 of the NPPF, as summarised above.

In particular, the site is situated within an area of the City Centre which is allocated as a strategic location for change wherein policy EC5B of Alteration No. 2 is applicable which seeks diversification to secure the following range of uses:

A2 Financial and Professional Services

A3: Restaurants and Cafés

A4: Drinking Establishments

B1: Business

C3: Housing

D1: Non-residential Institutions

D2: Assembly and Leisure

More specifically, the site falls within the designated Theatre Quarter and Alteration No. 2 (paragraph 19.291d) sets out the intention for this Quarter to appeal to older age groups, shoppers and theatre-goers in the interest of achieving a more mixed evening economy and strengthening the Empire Theatre with nearby quality restaurants and café-style bars. The Theatre Quarter is intended to be a place where customers can eat and drink after shopping or after work in relaxed atmospheres which offer low volume music to allow normal levels of conversation.

Policy SA74A of Alteration No. 2 advise that the Council will support the diversification of licensed premises in the City Centre in order to create an evening economy for all groups and refers to the adopted Sunderland City Centre Evening Economy Supplementary Planning Document (SPD), to which all proposals should accord.

Being situated within the designated Theatre Quarter, the host property is subject to the provisions of policies TQ1-4 of the Evening Economy SPD. In respect of land use, policies TQ1 and TQ2 advise that planning permission be granted for up to 6no. additional restaurants, cafés and café-bars (Use Class A3) within the Theatre Quarter whilst no further permissions be granted for pubs/bars (Use Class A4), hot food takeaways (Use Class A5) or nightclubs (Sui Generis) within this Quarter.

Management Proposal 6a of the Bishopwearmouth Conservation Area CAMS specifically deals with the host Fire Station building and the supporting text states that appropriate uses may include cultural or leisure uses to compliment the Empire Theatre whilst ground floor uses with outdoor seating such as cafés and restaurants will be particularly encouraged.

The majority of the proposed uses of the building are considered to accord with the land-use allocations and policies set out above in that the proposal would clearly not result in the provision of more than 10no. Class A3 uses (i.e. the 4no. identified A3 units identified by Appendix B of this SPD and the maximum of 6no. additional A3 uses suggested by policy TQ2) within the Theatre Quarter whilst the upper floor uses generally fall within Class D2 which is identified by policy EC5B of Alteration No. 2 as being acceptable within the designated strategic locations for change in the City Centre.

It is noted that the largest element of the proposal includes a bar whereas policy TQ1 of the Evening Economy SPD, as set out above, advises that no additional Class A4 uses should be permitted within the Theatre Quarter. However, Appendix B of this SPD lists 15no. Class A4 premises within this Quarter which were operational at the time of the preparation of this document (which was adopted in 2008). Of these premises, two have been demolished, two have been merged to a single unit and one has closed, but still has implied consent to operate as a bar. In addition, planning permission (ref. 15/01887/FUL) was granted to change the use of no. 314 High Street West / no. 1 Church Lane to a licensed café/bar. Therefore, there are

currently 11no. operational Class A4 units within the Theatre Quarter and 2no. additional bars could be opened without the requirement for any further consent, which equates to the potential for 13no. Class A4 units to be operating within this Quarter in current circumstances. Whilst the current proposal would increase this number to 14, this is still fewer than the 15no. Class A4 units which were operational at the time of the preparation of this SPD. As such, it is not considered that the proposal is in conflict with policy TQ1, nor would the proposal result in an over-concentration of bars within the Theatre Quarter.

The proposal will importantly secure the future care and sustainable use of a key historic building within Bishopwearmouth Conservation Area that is currently at serious risk, to the detriment of the appearance, ambience and economic wellbeing of this part of the City Centre. The proposed uses would be publicly accessible and would complement the forthcoming public realm improvements of the High Street West Investment Corridor and development schemes in the area.

For such reasons, it is considered that the proposal accords with the economic and cultural aspirations for the Theatre Quarter and, by bringing a prominent historic building back into public use, would enhance the viability of the local area whilst stimulating more interest for further custom and investment in the City Centre, strengthening and diversifying its daytime and evening economy.

Appearance, Conservation and Archaeology

One of the core principles of the 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'.

Paragraph 128 of the NPPF set out that, '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. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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 132 of the NPPF advises that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 133 states that, 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse

consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 134 of the NPPF goes on to state that, '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 141 of the NPPF advises that LPAs 'should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Policies B4 and B6 of the UDP reflect the above and set out that all development within, and adjacent to, conservation areas must preserve or enhance their character or appearance by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries. UDP policy B10 seeks to ensure that development does not adversely affect the character or setting of listed buildings. Reflective of NPPF paragraph 141, policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment. In addition, UDP policy B7 states that 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 development proposals.

In addition, policy B2A of the UDP alteration No. 2 relates to sustainable urban design and states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

Whilst not listed, the host building is of significant local character, constructed in 1907 to designs by William and Thomas Milburn, who also designed the nearby Empire Theatre and several other buildings within the vicinity of the site. The building comprised a five-bay engine house, stables, a watch room, superintendent's house, dormitories for 16no. men bathrooms, a mess room, billiards room, smoke room and kitchen and there were various workshops and stables in the yard and remained operational as a fire station until 1992. Its significance is recognised by Management Proposal 6a of the Bishopwearmouth Conservation Area CAMS, which states that, "The Council will encourage proposals for the re-use and refurbishment of the vacant former Fire Station to ensure this locally important building is sustained into the future".

A Statement of Significance has been submitted with the application which concludes that the host building is of exceptional cultural and historical importance, rating the fire station overall as high in terms of historic and communal significance and medium in terms of aesthetic

significance; the aesthetic value being lesser due to substantial alterations which have been made to the building. This Statement rates the superintendent's house as being of high communal value and medium historic and aesthetic value and also gives ratings on specific components on the building. The LPA is satisfied that this document provides an accurate and fair representation of the significance of the host building, in accordance with the requirements of paragraph 128 of the NPPF.

The three main components of the heritage implications of this development are considered to be the demolition of the hose tower and superintendent's house, the extension, conversion, adaption, repair and restoration of the fire station and archaeology, as discussed separately below.

Demolition of Tower and Superintendent's House

The rear hose tower is a key and prominent feature of the Fire Station that provides recognisable physical evidence of its originally designed function. This structure was originally used to dry hoses and was since used for training purposes and is a feature associated with fire station design to this day.

It is noted that the tower has been curtailed in height and substantially altered from its original form. Its original decorative Italianate head has long been lost, substantially reducing the height of the tower and significantly compromising its aesthetic and architectural interest and the prominence and contribution it was originally designed to make to the roofscape and skyline of the area. It now pales in comparison to the attractive domes, cuppolas and towers of nearby buildings such as the Dun Cow and Londonderry Public Houses, Empire Theatre and Sunderland Minster that punctuate the skyline and provide the Conservation Area with such a striking and distinctive roofscape. The brick structure of the tower has also been substantially altered over the years, with a more recent brick skin added, windows altered and internal floors lost. Consequently whilst its tower form remains significant for its historic, evidential and communal values in terms of understanding the history and function of the former fire station, its architectural integrity and aesthetic value has been severely harmed by past works and its overall significance therefore diminished.

Nevertheless, the tower remains a significant feature of the fire station and it would therefore have been preferred for the tower to be retained and repaired and restored, ideally reinstating its Italianate head. In its original form, the LPA would have considered the loss of the tower to constitute substantial harm to the designated heritage asset, namely the Conservation Area. However, given that it has been curtailed and altered, the loss of the tower in its existing form is considered to lie between substantial and less than substantial harm to the Conservation Area. Therefore, a robust justification is required to justify its demolition regardless of whether this is considered against paragraph 133 or 134 of the NPPF, as set out above.

The applicant has provided the requisite detailed justification for the demolition of the Tower which assesses this against the more stringent requirements of NPPF paragraph 133, which the LPA considers to be the most appropriate approach in this instance.

The submitted Tower Justification sets out that the cost of retaining the tower would make the overall scheme to rescue and convert the fire station into long term beneficial use unviable, even should substantial Heritage Lottery Fund (HLF) funding be awarded to it. The LPA has examined these cost implications and is satisfied that they would put the development at severe risk of being implemented, resulting in the scheme not proceeding and the fire station remaining vacant and, mostly likely, falling further into decline, putting its existence at grave risk. Even if the tower were to be retained without being incorporated into the scheme, this would still incur a

substantial initial cost for refurbishment and would represent a significant liability to any future owner/tenant to regularly inspect and maintain the structure, where appropriate, which is not considered to be a reasonable imposition in proportion to the existing damaged and altered form of the tower. In addition, the retention of the tower would compromise the arrangement of the rooms/areas of the development and would pose an imposition to achieving an optimal layout.

The proposal also includes the demolition of the superintendent's house and it is considered that this section of the building is also of some significance, particularly given that it forms part of the original building and provides an example of a historic relationship between the fire station and its workers. However, the submitted Standing Building Survey sets out that this section of the building appears to be in extremely poor condition, has not apparently been used for residential accommodation for 40 years and deemed dangerous for inspection due to pigeon infestation and rot. It is also apparent that this part of the building has been subjected to significant alteration, including existing single-storey extensions to its side and rear, and, in any event, its re-use is somewhat impractical due to floor levels and the small size and configuration of some of the rooms. The most significant frontage of this part of the building would be retained and restored and, whilst a large part of the rear of this part of the building would be demolished, this is considered to be of limited significance and has been sensitively handled with the loss of historic features minimised. The most significant elements of the historic floor plan, in particular the Watch Room, have been retained or interpreted in the more contemporary, open plan layout at ground floor to accommodate the needs of the new uses, namely the proposed café / lobby area, to provide future access to an auditorium which may come forward as a future phase of the wider regeneration of the Minster Quarter.

Therefore, on balance, it is accepted that the harm caused to the Conservation Area which would result from the removal of the tower and, to a lesser extent, the former superintendent's house, is an absolute necessity to achieve the substantial public benefits that would be achieved, as set out above, particularly with regard to the contribution of the scheme to the conservation, enhancement and regeneration of the Conservation Area and the economic and cultural renaissance of this part of the City Centre. As such, the proposal satisfies the requirements of paragraph 133 of the NPPF.

It is noted that the submitted Tower Justification document also addresses the four criteria in paragraph 133 and, whilst it is not necessary to satisfy these criteria given that substantial public benefits exist which outweigh the harm to the Conservation Area, as set out above, this does strengthen and add weight to the justification. The economic appraisal in particular, which includes options to retain the tower, demonstrates the extent of the insurmountable conservation deficit which would make the retention of the tower unviable.

Furthermore, the value of some major restoration works to the building in enhancing its aesthetic value and architectural integrity, most notably the reinstatement of the double pitched roof, arched front entranceway and lost stone balustrade, further help to mitigate the harm from the loss of the tower.

Extension, Conversion, Adaption, Repair and Restoration of Fire Station

In general terms, the proposal broadly retains the historic layout of the former fire station and the new uses of the building are considered to have been sympathetically accommodated within these spaces. In particular, the openness of the engine bay, the most significant space in the building, would be utilised for the bar / restaurant and would facilitate activity spilling out through the arched openings into the square in front of the building, reflecting the fluidness of movement between the internal and external spaces that characterised the historic function of the building

whilst providing much needed outdoor activity and vibrancy onto the currently vastly underused square whilst enhancing the activation of the frontage of the building through the incorporation of glazing in existing and former openings. Surviving historic features such as the glazed wall tiles and bricks, hooks, timberwork and evidence of horse stalls are to be retained and exposed as features in the scheme whilst the firemen's pole would be reinstated, ensuring the historic character and function of the building are retained and made apparent to future users and patrons.

The openness of the two main second floor spaces have likewise been retained for the theatre and dance studios, incorporating folding acoustic partitions to provide flexible space that can be subdivided when required; this space was originally subdivided into dormitories and a reading room, billiards room and smoke room.

The scheme incorporates a number of positive restoration works to the exterior of the building that will enhance its significance and the wider character and appearance of the Conservation Area, particularly the reinstatement of the arched opening between the superintendent's house and main Fire Station block, the double pitched slate roof and the front stone balustrade. Should Members be minded to grant planning permission, it is recommended that conditions be imposed requiring the submission of a full schedule of all repair and restoration works, specifications and method statements, and a schedule of works to include a window schedule which identifies which historic windows can be repaired and those which need to be replaced supported/justified by a report from a timber sash window specialist.

The three-storey extension to the west side / rear incorporates render, metal sheeting and extensive glazing and is considered to provide a contrasting yet sympathetic and high quality contemporary addition to the historic building that does not impact on the presentation of its attractive Edwardian frontage or the setting of any nearby listed building, including the Dun Cow public house and Empire Theatre to the west. Importantly, this addition also retains the route of the passageway through the reinstated archway from the front to the back of the building that historically separated the superintendent's house from the main Fire Station block and provided access to the Drill Yard.

Archaeology

Upon consultation with the County Archaeologist, who has provided comments on the application as summarised above, the submitted documentation provides evidence of a considerable amount of research which has been carried out and includes historic photos and plans of the exterior and interior of the building.

In accordance with the comments provided by the County Archaeologist, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring an archaeological building recording report to be provided which will survive as an archive, including photographic prints of:

- General views of the building in its wider setting or landscape
- The buildings' external appearance - typically a series of oblique views will show all external elevations of the building to give an overall impression of its size and shape. Where an individual elevation embodies complex historical information, views at right angles to the plane of the elevation may also be appropriate
- Detailed close-up coverage of the buildings' external appearance - windows, doors, decorative detail, blocked openings, chimneys, etc.
- Overall appearance of each room and circulation areas

- Internal close-up detail, structural and decorative - windows, doors, fireplaces, staircases, cornices, architraves, skirting boards, doorcases, etc.
- Any dates or other inscriptions, any signage, maker's plates or graffiti, which contribute to an understanding of the building or its fixtures or machinery. A contemporaneous transcription should be made wherever characters are difficult to interpret
- Any building contents which a significant bearing on the building's history

It is noted that the development site lies within the presumed extent of Bishopwearmouth early medieval village. The earliest reference to Bishopwearmouth village is thought to be c. 930 A.D. and the first developments outside the boundaries formed by the streets surrounding the fire station site appear to have been the rectory to the north and between Low Row and the Howle-Eile or Wearmouth Burn. Despite several major redevelopments, the village core area has retained its church, churchyard, almshouses, Church Lane and green on the west side. In 1902, when some "ancient dwellings" at the southeast corner of the Bishopwearmouth rectory were demolished and the new fire station constructed, workmen found an oak box containing 300-400 silver coins and a skeleton of a man, thought to have been the owner of the coins, was found soon afterwards.

There is therefore a possibility that buried archaeological remains relating to the early medieval, medieval and post medieval settlement may survive and these could be at threat by the construction of the proposed extension. It is acknowledged that the construction/extension of the superintendent's house may have already disturbed buried remains, however a watching brief is recommended as a precaution, which can be condition should Members be minded to approve the application.

Amenity

In addition to UDP policy S12 and policy B2A of the UDP alteration No. 2, as set out above, regard must be had to policy EN5 of the UDP states that, where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures.

Two noise assessments have been submitted, namely an Entertainment Sound Impact Assessment and an Environmental Sound Survey, both of which have been assessed by the Council's Environmental Health section.

The former includes measurements which have been undertaken at two locations with residential receptors, near the Almshouses situated some 80m to the south and outside of Solar House tower block which lies in excess of 100m to the southeast of the application site. In accordance with the findings of this assessment, it is expected that audibility criteria (i.e. 10dB below background noise level) will not be exceeded, provided that the construction features identified by the submitted report are so implemented, which recommend the incorporation of double glazing of specified thicknesses and the fitting of insulation / sound attenuation to the roof.

In order to avoid adverse impacts on the amenity of nearby residential properties and the character of this part of the City Centre, policy TQ4 of the Evening Economy SPD recommends that licensed premises be closed by no later than 23:30 on Mondays to Thursdays, midnight on Fridays and Saturdays and 23:00 on Sundays (or midnight on Sundays preceding Bank Holidays). However, in this instance it is noted that the nearest licensed premises, the Dun Cow, is licensed to operate until midnight daily and planning permission has recently been

granted for 314 High Street West / 1 Church Lane, which is situated significantly closer to residential properties, to operate as a café/bar until midnight. Therefore, for consistency, it is recommended, should Members be minded to grant planning permission, that the hours of operation of the proposed café and bar/restaurant be restricted to between the hours of 08:00 and midnight daily.

Whilst the proposed studios are likely to involve the playing of music, it is considered unlikely that this would be played to an excessive volume and there would be limited noise generated by its users, nor would the proposed use of the second floor be likely to generate high noise levels. In addition, it is not apparent that any other uses within Class D2 would be likely to generate noise to a level which could result in disturbance to nearby residents, particularly given the distance to the nearest residential properties (the Almshouses to the south) and the fact that existing building separate these dwellings from the application site. As such, it is not considered necessary to restrict the operational hours of the upper floor uses of the building and, in the unlikely event that excessive noise is generated from these uses to constitute a statutory nuisance, this could be addressed by environmental health legislation.

Given the likelihood of the proposed uses receiving frequent and potentially large deliveries, it is recommended that the permitted hours of delivery to the premises be restricted to between the hours of 07:00 and 22:00 daily.

The latter of the submitted reports provides background sound levels at the nearest sound sensitive locations, as noted above, against which the noise generated by all extraction / refrigeration equipment and the proposed micro-brewery must be assessed, in line with the requirements of BS 4142. However, given that the details of this plant/equipment have not been provided, such an assessment cannot be made at this time. It is apparent that the installation of suitable plant/machinery to cater for the proposed uses will be required and it is likely that this will be subject to a separate application for planning permission which should include a suitable noise assessment.

In order to minimise disturbance to nearby residents during construction works, it is recommended that a condition be imposed, should Members be minded to grant planning permission, requiring the submission of an appropriate scheme of working.

Highway Implications

Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles whilst UDP policy T9 encourages the provision of facilities to promote and support cycling.

It is noted that this site is located within the City Centre and is therefore readily accessible by foot, bicycle and public transport and car parking is available within close proximity, including Livingstone Road, Saint Mary's multi-storey car park and The Bridges Shopping Centre. Whilst there may be a requirement to alter access/parking arrangements for potential future phases of the wider regeneration aspirations for this area of the City Centre, the current proposal would not affect any of the 51no. car parking spaces to the rear of the building, which are intended to be used by staff and visitors, or its access via Eden Street West, and any future changes to parking/access arrangement can be addressed as part of any requisite applications(s) for planning permission. Therefore, whilst the proposal represents an intensification in the use of the host building, given its City Centre location and the retention of existing car parking and access arrangements it is not considered that there is any requirement for additional car parking provision.

It accordance with policy T9 as set out above, the proposed ground floor plan includes the provision of a 'cycle parking zone' to the rear of the proposed three-storey extension, which is considered to be a positive approach to encouraging cycling. However given that no specific details have been provided and should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring the submission of additional details of the form this cycle parking zone would take.

The submitted plans are considered to incorporate areas of sufficient size and accessibility to accommodate refuse and, in order to protect the amenity of the local area, the local environment and the free passage of traffic, it is recommended that a condition be imposed requiring the retention of this area solely for the storage of refuse. In addition, the afore-recommended imposition of a condition requiring the submission of an appropriate scheme of working would minimise disruption to the local highway network during construction works.

Flood Risk and Drainage

Paragraph 103 of the NPPF states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or 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 whilst UDP policy B24 advises that appropriate provision for utilities be made.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

This application has been accompanied by a Flood Risk and Drainage Assessment, which concludes that the application site is at low risk of flooding from river, sea, surface water or reservoir failure. Indeed, it is noted that the site lies within Flood Zone 1 and, as such, is considered to be of low risk to flooding.

With regard to drainage, the application does not propose the provision of SuDS but, instead, the applicant notes that the proposed development would reduce the impermeable area of the site. In addition, a drainage survey has been carried out which concludes that the plot drainage surrounding the building is in a suitable condition to be re-used, although one of the manholes contains a large amount of rubble which would require removal, and, as reported above, Northumbrian Water has confirmed this it has no objection to the proposal.

As set out previously in this report, the Council's Flood and Coastal Group Engineer has considered the application details and has objected to the proposal on the basis that insufficient

details have been provided on flows from the site as existing and proposed and the scheme includes no provision for the use of SuDS.

These concerns have been forwarded to the applicant who, in turn, has provided some additional information and discussions are currently on-going in respect of these matters. It is therefore anticipated that a more recommendation on the flood risk and drainage implications of the proposal will be provided to Members following the preparation of this report.

Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

The site is located within 3km of the Northumbria Coast Special Protection Area (SPA and Ramsar site and the Durham Coast Special Area of Conservation (SAC), which are areas of designated international and European wildlife importance. Local planning authorities are required to follow the Habitat Regulations Assessment (HRA) procedures set out in the Conservation of Habitats and Species Regulations 2010 (as amended) when considering development proposal which could impact on the conservation status of these sites, either alone or in combination with other relevant plans or projects. A screening exercise should be undertaken to initially evaluate the proposals in order to determine whether a more detailed Appropriate Assessment or a full HRA is required.

To this regard, the submitted Preliminary Ecology Appraisal advises (Recommendation 1) further consultation with the local planning authority. Upon consultation with the Council's Natural Heritage section, it is considered that, given the nature and location of the proposed development, including its proximity to Natura 2000 sites and the Durham Coast SSSI, the likely impact of the development on the key features of the protected sites and functional land is negligible and, therefore the need for detailed Appropriate Assessment, can be screened out and requires no further action.

In addition, in concurrence with the comments provide by Natural Heritage, it is considered that the Preliminary Ecological Appraisal covers all other potential nature conservation issues in detail and, as such, it is not considered likely that the proposal would pose any significant impact on the ecological value of the site, on condition that the remaining recommendations of the Appraisal are implemented and any features are managed accordingly for the operational life of the development and site.

Ground Conditions / Contamination

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution and policy EN12, as cited above, relates to potential contamination of water. In

addition, policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants or potentially at risk from migrating landfill gas or mine gas, adequate investigations should be undertaken 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 preventive, 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.

Accordingly, a Desk Study (Phase 1 Geoenvironmental Assessment) has been submitted which includes a site walkover (with photographs), review of historical mapping, search of environmental databases, Coal Authority Report and British Geographical Survey boreholes.

The proposed development comprises buildings and hard standing for non-residential use and is therefore not regarded as particularly sensitive to ground contamination however whilst the Petroleum Officer has no such record, it suspected that there exists one or more buried tanks and historical storage of petrol and buried / backfilled cellars and foundations may be encountered during the construction of the proposed extension.

Based on the information provided, the geology of the site and surroundings comprises Glacial Till (boulder clay) over Permian Roker Limestone Formation (Magnesian Limestone Principal Aquifer) and there are no Environment Agency Source Protection Zones or licensed groundwater abstractions in the vicinity of the site, which is located just over 250m south of the River Wear, so risk to surface waters is not considered to be significant. The Coal Authority Report indicates the site is undermined at depth, however owing to the age of these workings no ground settlement is anticipated.

However, as per the comments provided by the Council's Environmental Health section, it is noted that local surface water drainage may provide a preferential pathway for hydrocarbons to reach the Wear, whilst the site does not appear to be affected by landfilling, made ground is evident in boreholes in the vicinity and the submitted site conceptual model and risk assessment identify the risk for hydrocarbons, hazardous gas and contamination of made ground, especially where there are existing foundations / former basements.

As recommended by the submitted report, a Phase 2 Ground Investigation and Interpretative report is required to resolve geotechnical and environmental issues for development of the site including surveys specific to the risk of buried fuel tanks below or immediately adjacent to the site. Environmental Health advise that gas monitoring and chemical testing for (soil) samples is also required whilst special care must be taken not to damage tanks / pipework and release hydrocarbons or create a risk for explosion of vapour or incursion of hydrocarbon vapours to existing buildings. Testing should include the potential contaminants of concern identified as well as Asbestos (UKAS accredited soil screening and identification with optional quantification as required). Total petroleum hydrocarbon (TPH) screening for benzene, toluene, ethylbenzene, and xylenes (BTEX) should be to appropriate detection limits for protection of Human Health and controlled waters.

The submitted documentation includes no indications as to whether the Fire Station included facilities for practice or demonstration of fire-fighting capabilities, however this should be confirmed given that the use of foams may give rise to contamination with persistent toxic chemicals.

Environmental Health has confirmed that such details can be condition, should Members be minded to grant planning permission.

Other Issues

It is noted that policy TQ3 of the Evening Economy SPD recommends the making of agreements under section 106 of the Town and Country Planning Act 1990 to ensure that new licensed premises are open during daytime hours (i.e. between 12:00 and 19:30) and non-alcoholic beverages and food are made available to customers during such hours in order to create a more vibrant Theatre Quarter.

To this regard, paragraph 203 of the NPPF advises that local planning authorities "should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations" and that "planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition" whilst paragraph 204 advises that, "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

In this case, as set out above, the host premises have been vacant for a significant period of time and the current proposal will bring a large prominent building back into uses which will be available to members of the public, so will make a large positive contribution to enhancing the vitality of this part of the City Centre. Therefore, it is not considered necessary to make such an agreement in this instance, nor is it considered reasonable given that imposing such opening hours may compromise the viability of the proposed uses.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion

For the reasons given above and subject to the conditions set out below, the proposed uses of the building are considered to be acceptable and, subject to the imposition of the conditions suggested below, it is not considered that the proposal would be detrimental to the historic or archaeological value of the site, the amenity of the local area, highway safety or the free passage of traffic, the ecological value of the local area and the risk of exposure to contaminants is relatively low and can therefore be realistically addressed.

However, the drainage implications of the proposal are still being considered and the statutory period for the receipt of representations does not expire until 18 January 2016, subsequent to the preparation of this report but prior to the Sub-Committee meeting.

It is anticipated that an elaboration of the drainage implications of the scheme will be reported subsequently to Members, which will include any additional representations received in the interim and a recommendation on the application.

RECOMMENDATION: Executive Director of Commercial Development to Report

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. 4164 (1) 050: Site Location Plan received 15.10.2015
- Drawing no. 4164 (1) 100: Existing Survey - Site and Location Plan received 22.10.2015
- Drawing no. 4164 (3) 101 rev. D: Proposed Plans - Basement, Ground and First Floors received 15.10.2015
- Drawing no. 4164 (1) 102: Existing Survey - Ground Floor received 15.10.2015
- Drawing no. 4164 (1) 103: Existing Survey - First Floor received 15.10.2015
- Drawing no. 4164 (1) 104: Existing Survey - Second Floor received 15.10.2015
- Drawing no. 4164 (1) 105: Existing Survey - South and East Elevation received 15.10.2015
- Drawing no. 4164 (1) 106: Existing Survey - North and West Elevation received 15.10.2015
- Drawing no. 4164 (1) 107: Existing Survey - Sections received 15.10.2015
- Drawing no. 4164 (1) 108: Existing Survey - Roof Plan received 02.11.2015
- Drawing no. 4164 (1) 101: Existing Survey - Basement received 15.10.2015
- Drawing no. 4164 (3) 102 rev. D: Proposed Plans - Second Floor and Roof received 15.10.2015
- Drawing no. 4164 (3) 103 rev. C: Sections as Proposed received 15.10.2015
- Drawing no. 4164 (3) 105 rev. D: Elevations as Proposed received 04.01.2016
- Drawing no. 4164 (3) 110: Site Plan with Roof as Proposed received 15.10.2015

in order to ensure that the completed development accords with the scheme approved.

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full schedule and/or samples of the materials and finishes to be used for the following:

- Bricks for making up arched opening to Superintendents house, rear extension blocked openings, rebuilding gable wall and chimneys
- Stones: samples of blocks, balusters and coping for reinstated balustrade to front eaves, and any new stones required for piecing in surrounds to openings, lintels and cills and plinth to superintendents house
- Render for the extension
- Metal standing seam for the roof and new extension
- Full windows or timber window sections showing profiles/mouldings for timber sashes and casement
- 1:10 or 1:20 scale detailed elevation drawings of new sliding sash and casement windows and doors, showing dimensions and detailing of frames, glazing bars and horns
- 1:10 or 1:20 scale section drawings of sliding sash window and arched openings to front elevation with glazing inserted
- Sample section frames for glazing to rear extension and for doors to front arched openings
- 1:10 scale drawings of the balustrade to be reinstated to the front eaves, showing precise design and detailing of stone components, including blocks, balusters and coping
- Gutter and downpipe sections for any new rainwater goods
- Chimney pots

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 the interests of visual amenity, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policies B2, B4, B6 and B10 of the Unitary Development Plan.

4 No development shall take place until a specification and method statement prepared by an appropriately qualified/experienced conservation specialist has been submitted to and approved, in writing, by the Local Planning Authority for all repair and restoration works to be undertaken to the building, including the following:

- Re-pointing / bedding of brickwork and stonework
- Stonework repairs, including mortar repairs and indenting
- Timber window and door repairs, including a report on windows by a sash repair specialist
- Structural repairs to roof timbers, floors and walls
- Repairs to cast iron rainwater goods

in the interests of visual amenity, the character and appearance of the Conservation Area and the setting of the nearby listed buildings and to comply with policies B2, B4, B6 and B10 of the Unitary Development Plan.

5 No development shall take place until a scheme of working has been submitted to and approved, in writing, by the local planning authority which shall include a demolition method statement for the tower and superintendent's house detailing how the remainder of the building and its features will be protected, 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, including a method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network. All works shall be carried out in accordance with the submitted details, in the interests of the proper planning of the development and to protect the fabric of the host building and the amenity of the area and to comply with policies B2A of Alteration No. 2 to the Unitary Development Plan and policies B4, B6, EN5 and T14 of the adopted Unitary Development Plan.

6 No demolition/development shall take place until an archaeological building recording archive has been created, in accordance with a specification provided by the Local Planning Authority, and the results of such incorporated into a report which has been submitted to and approved, in writing, by the Local Planning Authority, in order to provide an archive record of the historic building or structure and to accord with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

7 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed, in writing, by the Local Planning

Authority prior to groundworks commencing, given that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken, in accordance with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

- 8 No use hereby approved shall commence until the report of the results of observations of the groundworks pursuant to condition 7 has been submitted to and approved in writing by the Local Planning Authority, given that the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the National Planning Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.
- 9 Neither the café nor bar/restaurant hereby approved shall be open to the public for the purposes hereby approved except between the hours of 07:00 and midnight on any day, in order to protect local residents from exposure to excessive noise and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.
- 10 No deliveries shall be made to the premises except between the hours of 07:00 and 22:00 on any day, in order to protect local residents from exposure to excessive noise and to comply with policy B2A of Alteration No. 2 to the Unitary Development Plan and policy EN5 of the adopted Unitary Development Plan.
- 11 The development hereby approved shall be carried out in complete accordance with Recommendations 2 to 5 inclusive of the Preliminary Ecological Appraisal prepared by Penn Associates dated August 2015, no use shall commence until all such measures have been fully implemented and all installations shall be appropriately maintained thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 12 No use hereby approved shall commence until the bin storage area has been fully constructed in accordance with the proposed ground floor plan of drawing no. 4364 (3) 101 rev. D and this areas shall thereafter be made available for the storage of refuse at all times and for no other purpose unless otherwise agreed, in writing, by the Local Planning Authority, in the interest of visual amenity, environmental health, highway safety and the free passage of traffic and to accord with policy B2A of Alteration No. 2 to the Unitary Development Plan and policies EN1, T14 and T22 of the adopted Unitary Development Plan.
- 13 No use hereby approved shall commence until full details of the cycle storage zone depicted on the proposed ground floor plan of drawing no. 4364 (3) 101 rev. D, including a specification of the type of cycle storage to be provided, have been submitted to and approved, in writing, by the Local Planning Authority and all storage units have been installed in accordance with the agreed details, in the interest of visual amenity, highway

safety and the free passage of traffic and to accord with policies B2A and T9 of the adopted Unitary Development Plan.

- 14 No use hereby approved shall commence until all measures detailed in Table 1 of the Entertainment Sound Impact Assessment (Report Number 5065.1 Version A dated 12.10.2105) have been fully installed and all such measures shall be maintained in accordance with this specification thereafter, in order to protect local residents from exposure to excessive noise and to comply with policy EN5 of the adopted Unitary Development Plan.

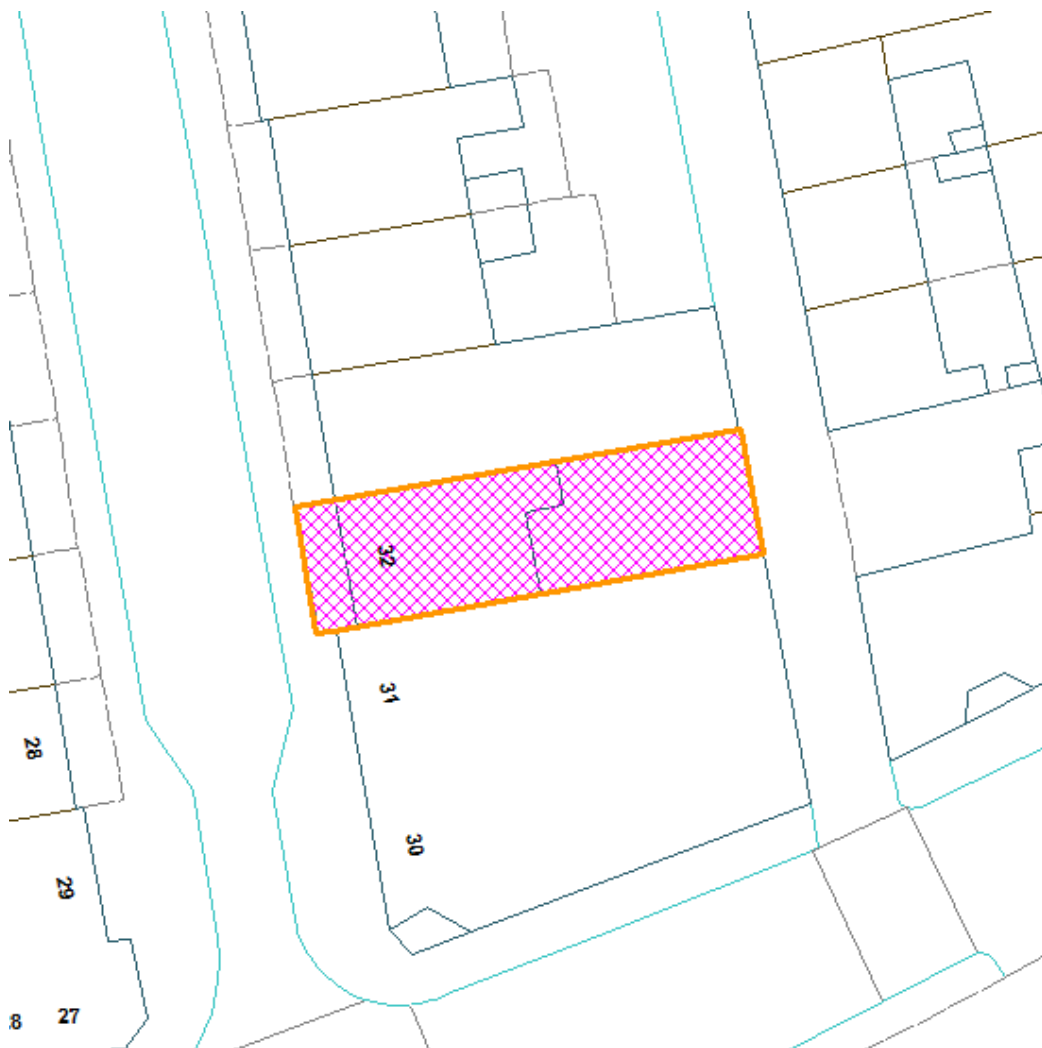
Reference No.: 15/02206/FUL Full Application

Proposal: **Change of use to 7 bedroom HMO to include internal alterations and external alterations, including new window in place of door to basement, new roller shutter to rear yard, roof lights and external pointing and refurbishment of railings. (amended plan received on 29.12.15)(amended plan received on 6.1.16)**

Location: 32 Frederick Street City Centre Sunderland SR1 1LN

Ward: Hendon
Applicant: Mr Alex Shanks
Date Valid: 26 October 2015
Target Date: 21 December 2015

Location Plan



PROPOSAL:

Planning permission is sought to carry out external works and change the use of 32 Frederick Street from Office (B2) to 7 bedroomed HMO. The external alterations consist of replacing a front door with a window, replacement roof lights to front and rear, external pointing and refurbishment of railings, with alterations to the rear to build two brick pillars and installation of a roller shutter door.

A listed building application reference 15/02207/LBC has also been submitted to encompass internal alterations required to facilitate the conversion and external alterations to the fabric of the listed building.

APPLICATION SITE AND SURROUNDINGS

The site is 32 Frederick Street, Sunderland which consists of four stories and the agent confirms that it appears to have been rebuilt in the 1800's. It is located within the Sunnyside Conservation area within the City Centre and its last known use was as a Solicitors Office but has been vacant for approximately four years.

The building is the last Town House property type within the street and adjoins SCS furniture store. The Sunnyside area is characterised by a mix of commercial and residential uses, although Frederick Street is primarily commercial in nature, comprising small shops, cafés, restaurants, offices and financial/professional establishments amongst other uses.

There has been a change of use granted recently for an HMO for 7 people approved at No.7 Frederick Street, Reference No. 15/01924/FUL on 13.11.2015.

Amended plans were requested and received on 29.12.15 in relation to internal alterations which would reconfigure a doorway on the first floor and rearrange the wc facilities in the attic room. Further amendments were requested and received on 6.1.16 to move the internal soil vent pipes from the hall to the stair well and from the living room to the kitchen/diner to protect the internal features.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **21.12.2015**

REPRESENTATIONS:

BUILT HERITAGE COMMENTS

- Basement: No objections. All new joinery is to match the original i.e. skirting, architraves and doors. A section detail should be provided showing the new opening through the original wall.
- Ground Floor: No objections. As discussed on site a suspending ceiling is not acceptable and alternative means of achieving the required noise and fire standards is required. The applicant can contact building control for further advice.
- First Floor: This is the area which causes the most concern but I believe there is a solution to the issues - the plans just need to be amended slightly. The original door from the landing to the office should be retained and the layout amended to compensate for this. This may involve the loss of a single bedroom but it will be to the betterment of the building. If the applicant can incorporate this without the loss of the bedroom that is fine. subject to this amendment all new joinery and plasterwork should match the existing or be reused if removed from elsewhere.
- Externals: A sample of the vent slate is required and the applicant is requested to reduce the number if possible.

The permission, if granted, should include the following conditions;

- Samples of materials to be submitted (including vent slates, mortar mix, render mix and windows)
- Cross section details and detailed drawings of new openings, sliding sash windows, architraves, doors and suspended ceilings (cross sections should include details on how any partitions, SVPs etc. are to be cut around plasterwork, dados or picture rails)
- Method statement for the conversion work, including a room by room recording, along with what is being installed and where

Subject to the imposition of these conditions the Heritage Protection Team has no objections to the proposal.

NETWORK MANAGEMENT COMMENTS

- The development is within the city centre with good links to public transport, with the Rail and Metro station opposite.
- Frederick Street is a one way street with parking restrictions (double yellow lines). The lane to the rear is also one way and single width.
- It is noted there are two parking bays to the rear yard.
- A secure covered cycle store to be provided.
- There is a City Centre Residents parking scheme.

NORTHUMBRIAN WATER

No comments received

TYNE AND WEAR ARCHAEOLOGIST

No comments received

HISTORIC ENGLAND

Do not wish to comment on application.

ENVIRONMENTAL HEALTH COMMENTS

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site construction operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays.

No noisy works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Public Protection and Regulatory Services. Approval will only be given for such noisy working in exceptional circumstances for example on the grounds of safety and public protection.

Provision should be made for the reasonable prevention of dust generation during conversion activities. Where this is not possible adequate dust suppression management should be applied.

The proposed development is situated in a busy city centre location and may be subject to relatively high levels of intrusive noise. As such the development shall be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate levels of protection conducive to good sleeping or resting conditions. The Applicant shall have regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:2014, Guidance on sound insulation and noise reduction for buildings - Code of practice

HER MAJESTYS COURT SERVICE

No comments to date

HOUSING RENEWAL TEAM COMMENTS

The following comments have been received, however, are outside planning control; but the applicant needs to be aware of the following observations from the Council's Housing Renewal Team.

- Final exit doors from all premises should be fitted with locks or catches which are openable by the occupiers from the inside without the use of a removable key. (Thumb turns)
- The exit door from each unit of accommodation (bedroom) is also openable from the inside without the use of a removable key.
- Where security locks are fitted they should be of the type with a suitable internal thumb-turn to facilitate this. To safeguard security any glazed panels within the door or adjacent to it should be replaced with protected glazing of some kind or protected in another way from intruders

1. Licensing

- The Property is a converted building consisting of 7 Bedroom shared accommodation over 4 floors. The building would be classed as a HMO (House in Multiple Occupation) and therefore would require a HMO mandatory licence.
- On review of the plans based on the amenities identified due to the size of the kitchen the maximum occupancy under Mandatory licensing would be set at 7 persons (7

households). However a full review of the property would be carried out on receipt of a valid mandatory HMO licence application.

2. Fire Detection

- An additional interlinked smoke detector with integral battery back-up is required to be located within the living room.

3. General

- The premises should be free of category 1 hazards as identified by the Housing Health and Safety Rating System.
- The premises should comply with the Decent Homes Standard.
- Examination of the plans by this Department is not exhaustive and no indemnity is offered should compliance with legislation not be achieved.
- Approval for Building control will not necessarily guarantee compliance with legislation enforced by this department.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_10_Development affecting the setting of listed buildings

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

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

LAND USE POLICY ISSUES

Policy SA55B.1 of the Council's Unitary Development Plan (UDP) alteration no.2 (Central Sunderland) expands upon policy EC5B of the document and identifies the site as being within a Strategic Location for Change extending to 27.5 hectares covering the Sunnyside area of the City. Uses falling within Use Class C3 - Housing are identified as already contributing significantly to the character of the area and should remain predominant, amongst a mix of other identified acceptable uses.

Furthermore, policy SA67A of alteration no. 2 (Central Sunderland) states that the Council will support proposals for housing development within Central Sunderland and in particular the City Centre where sites are not identified or safeguarded for other purposes.

Further guidance in relation to development proposals in the Sunnyside area is provided by the Council's adopted Sunnyside Planning and Design Framework Supplementary Planning Document (SPDF). This SPDF seeks to encourage the regeneration of Sunnyside in a manner which is sympathetic to its historic significance. The SPDF identifies a number of character areas within Sunnyside in order to ensure an appropriate mix of uses is maintained. All proposals are required to fall within the list of 'preferred' and 'acceptable' uses for the relevant character area. Frederick Street is located within the Historic Core west character area where 'acceptable' uses include C3 on upper floors of buildings.

In consideration of this application, it should be noted that at the time when the UDP alteration No.2 and the SPDF were produced and adopted, HMOs comprising six or less bedrooms fell within Use Class C3. This use class was subsequently altered to omit such HMOs which now fall within Use Class C4. It is noted that the proposed HMO with seven bedrooms is and would previously have been a Sui-Generis Use for which no specific preference is identified in the alteration No.2 or SPDF, but the fact that at the time of preparing UDP alteration No.2, HMOs up to six bedrooms would fall within the list of preferred uses within the relevant area and would also have been encouraged within the upper floors by the SPDF.

Whilst the proposal is a Sui-Generis Use due to the number of bedrooms proposed, it is considered that with seven bedrooms, the proposal is comparable to the preferred residential uses identified for the area by the UDP alteration No.2. Whilst it is noted that the SPDF identifies a preference for residential uses to be limited to the upper floors of buildings within the Historic Core West, given the application property's original residential use and long term vacancy, it is not considered reasonable to refuse planning permission on this occasion. The proposal would see the building brought back into beneficial use after long term vacancy, which is considered to be to the benefit of the Sunnyside area. A similar approach was taken in the consideration of a similar application relating to 47 Frederick Street, where planning permission was recently granted for the change of use of the entire building to an HMO.

For the reasons set out above, whilst not entirely in accordance with the UDP alteration No.2 and the SPDF, the proposed use of the property as a seven bedroom HMO is considered to be acceptable.

PRINCIPLE OF THE USE

Policy H18 of the UDP states that the conversion of non-residential buildings which are vacant or under used to bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where they do not conflict with other policies and proposals in the plan.

The level of amenity afforded to prospective residents of the accommodation proposed must also be given consideration, as required by topic 4 of the SPG and more than one self-contained unit per floor will normally be resisted. In this regard, the proposed arrangement of the residential accommodation should be generally appears to be acceptable.

Through the adoption of the Council's Interim Student Accommodation Policy, the policies relating to student accommodation and houses in multiple occupation in the Council's forthcoming Local Plan have been brought forward and now carry some weight. Whilst not specifically aimed at the student market, both policies are considered to be of relevance to this proposal.

The student accommodation policy (DM4.3) states:-

To assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose built student accommodation or the conversion of existing buildings for student accommodation within the city centre and on existing university campuses provided that proposals demonstrate that:

- a. The development meets an identified need in terms of quantity;
- b. The development meets an identified demand in terms of quality;
- c. The development is of a scale and appearance appropriate to its surroundings;
- d. The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;

- e. The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development.

The Houses in Multiple Accommodation policy (DM4.4) states that such uses will be permitted providing:-

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

In specific regard to student accommodation, the Interim Student Accommodation Policy sets certain guidelines at paragraph 6.15 as to the quality of accommodation to be provided. Therein, it is stated that:

- I. Bedrooms to offer a choice in size and accommodate a bed, wardrobe and study desk and chair with the minimum size being 10 square metres for a single person, (excluding any en-suite facilities);
- II. Each bedroom shall include at least one window or skylight facing directly outdoors which can easily be opened;
- III. If bedrooms are not en-suite one bathroom and one separate WC with wash-hand basin should be provided for every 5 persons. However, for 6 persons or more one of the WC's with wash-hand basin must be separate, others can be contained within bathrooms;
- IV. Communal kitchens should be a minimum of 7 square metres for 1-5 people sharing, with larger residences requiring more sizeable kitchens;
- V. A communal lounge will be required of a size sufficient to accommodate the number of students in the unit;
- VI. Dining space shall be provided for all students, either separate to or as part of the lounge/kitchen area.

On this occasion, all bedrooms have windows providing outlook over either Frederick Street or the rear lane and have en-suite facilities. All residents have access through the property to the front and rear, allowing access to the bin store and parking bays. All rooms exceed the suggested floor space of 10 square metres or more. It is also noted that a shared lounge and kitchen/dining area totalling approximately 37 square metres is proposed within the building. In terms of need/quality, the applicant has advised that the aim is for a high standard, en-suite, facilities to attract students to the accommodation. The level of physical alteration to the building is limited and is considered in greater detail below. The location is central and accessible and it is considered that the proposal is appropriate to the mix of uses within the immediate vicinity of the site, the property being located between a hair salon/estate agents and a furniture store 'SCS'.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant adopted UDP and SPG guidance, as well as the emerging Local Plan policies brought forward through the Interim Student Accommodation Policy.

PHYSICAL ALTERATIONS TO THE BUILDING

Policy B2A of the UDP alteration No.2 states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

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

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

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

Policy B10 states that 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 physical external alterations to the building are limited to the installation of replacement velux windows to the front and rear, reinstate a timber sliding sash window where there is a door at basement level on the front elevation. Further external alterations consist of :-

- Renewing hunching around chimney pots, replace existing ridge with vented dry ridge, erect scaffolding and inspect roof tiles and replace any missing with materials to match.
- Replace soakers and lead flashing where damaged or missing,
- Provide 6 No. vented slate tiles to front and rear elevations,
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- Fascia to be painted black
- All timber to be painted magnolia including sash windows, door and door surround.
- Stone window lintels and sills to be painted sand text mild stone
- Metal railings to be painted black
- Tirolean render to front basement magnolia colour.
- Two 440mm x 440mm brick posts 2.7 metre high to support galvanised roller shutter internally installed.
- Whilst the proposed new velux is larger than the existing one, this is understood to be a requirement of the Building Regulations process and does not unacceptably affect the appearance of the property. The windows are minor alterations to the appearance of the property

It is not considered that the proposed development adversely affects the amenity of the conservation area, nor would the setting of the adjacent listed buildings in Frederick Street be adversely affected.

AMENITY ISSUES

Policy B2A of UDP alteration No.2 relates to sustainable urban design and states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

In assessing the impact upon amenity, it is considered that the main issue is the inter-relationship between the building and surrounding properties.

In this regard, given the limited physical alterations proposed to the building, the distances to the properties opposite on Frederick Street (number 27) and to the rear in Foyle Street (number 14) remain unaltered at 14 metres and 18 metres respectively. These distances are considered to be acceptable as whilst they are less than would be recommended in new build residential accommodation, they represent the existing form of built development and are commensurate with city centre living. As such, the implications of the proposal for the amenities of adjacent occupiers are considered to be acceptable and as such comply with policy B2A of the UDP Alteration No.2.

HIGHWAY ISSUES

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The Network Management Team has been consulted and has advised that the development is within the city centre with good links to public transport, with the railway and metro station nearby. It is noted that the applicant states that there is parking within the rear yard for four cars, however these are tandem style and possibly only two would be accessible at all times. It is also noted that a secure covered cycle store is proposed and that all servicing and refuse collection should take place from the rear yard.

Advice was also provided in respect of the City Centre Residents Parking Scheme and the procedures for temporary works on the highway, such as skip or scaffold permits. These matters can be drawn to the attention of the applicant by way of informative notes attached to any planning permission.

Given the central location, with access to public transport and the availability of car parking within the rear yard area of the property, the proposed development is considered to be acceptable in terms of its accessibility, parking provision and impact upon highway safety. As such, the proposal is considered to accord satisfactorily with UDP policy T14.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;

- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'
 (a)tackle prejudice, and
 (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

CONCLUSION

For the reasons set out above, the proposed development is considered to be acceptable and in accordance with relevant local and national policies.

RECOMMENDATION : Approve subject to conditions listed below.

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 existing site and floor plan drawing no. 01 received on 26.10.15
- Existing and proposed elevations drawing no. 03 received on 26.10.15
- Amended proposed site and floor plans drawing no. SK01 received on 6.1.16

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3 Notwithstanding any indication of materials which may have been given in the application, no alterations shall be carried out until the following information has been received 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.

- Samples of vent slates, mortar mix, render mix and windows.

Cross section details and detailed drawings of:-

- new openings
- sliding sash windows
- architraves
- doors
- suspended ceilings
- how soil vent pipes will be cut around plaster work, dados or picture rails

4 Notwithstanding the submitted information, the works hereby granted consent shall not commence until a method statement has been submitted to illustrate the conversion work and a room by room recording of installations has been submitted to and agreed in writing with the City Council as Local Planning Authority. The works shall then be carried out in accordance with the approved information, unless otherwise agreed in writing with the City Council, 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 In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site construction operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays and no working on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 of the Unitary Development Plan.

Reference No.: 15/02207/LBC Listed Building Consent

Proposal: **Change of use to 7 bedroom HMO to include internal alterations and external alterations, including new window in place of door to basement, new roller shutter to rear yard, roof lights and external pointing and refurbishment of railings. (Amended Plan received on 29.12.15) (Amended plan received on 6.1.16)**

Location: 32 Frederick Street City Centre Sunderland SR1 1LN

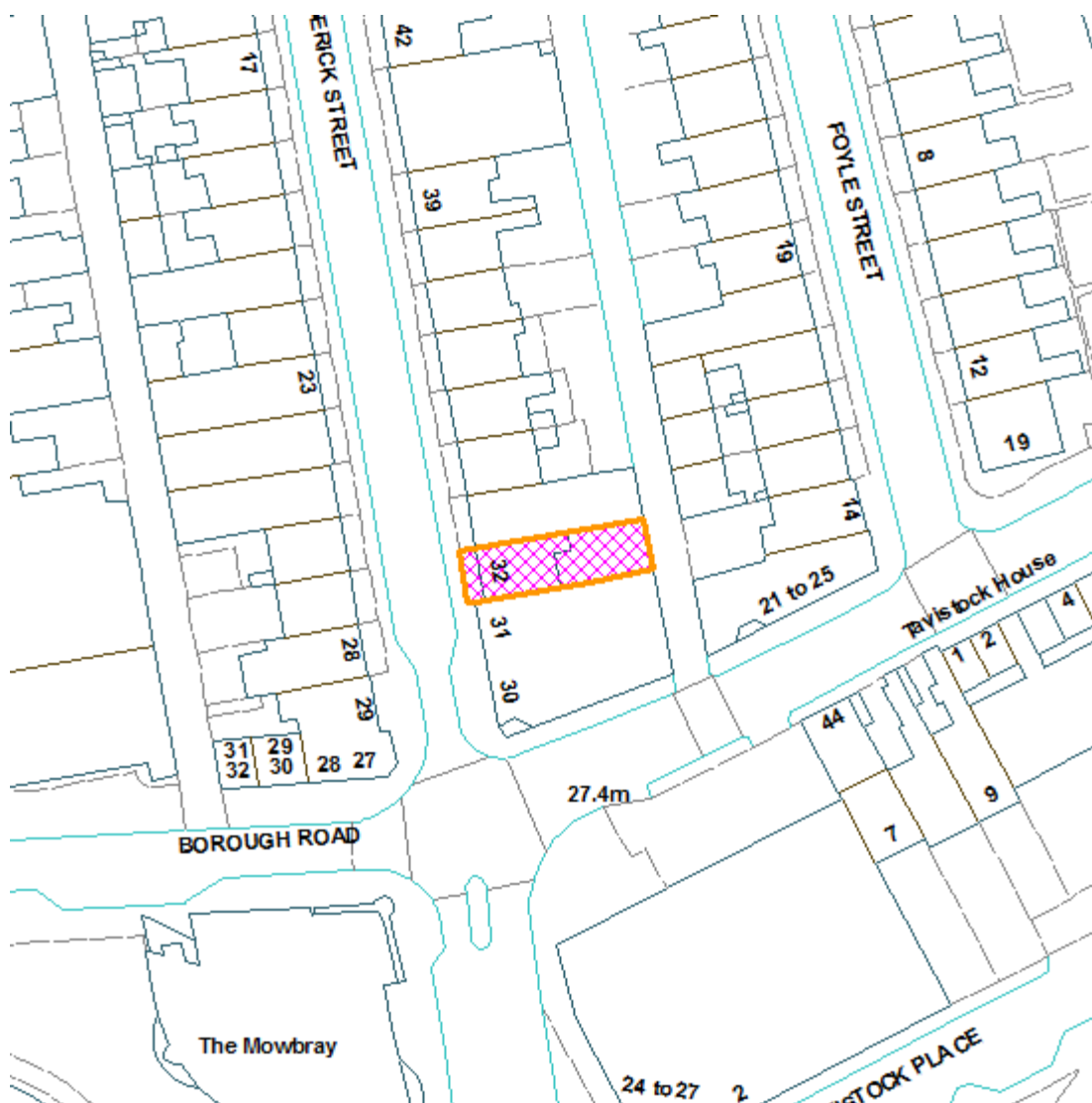
Ward: Hendon

Applicant: Mr Alex Shanks

Date Valid: 26 October 2015

Target Date: 21 December 2015

Location Plan



PROPOSAL:

Listed building consent is sought to undertake internal and external works to 32 Frederick Street which is Grade II Listed. Works would include replacing a front door with a window, replacement roof lights to front and rear, external pointing and refurbishment of railings. The rear alterations would involve building two brick pillars and installing a roller shutter door.

This application also ties in with planning application reference 15/02206/FUL which relates to the change of use of the premises from Office (B2) to 7 bedrooomed HMO and external alterations.

APPLICATION SITE AND SURROUNDINGS

The site is 32 Frederick Street, Sunderland which consists of four stories and the agent confirms that it appears to have been rebuilt in the 1800's. It is located within the Sunnside Conservation area within the City Centre and its last known use was as s Solicitors Office but has been vacant since then for approximately four years.

The building is the last Town House property type within the street and adjoins SCS furniture store. The Sunnside area is characterised by a mix of commercial and residential uses, although Frederick Street is primarily commercial in nature, comprising small shops, cafés, restaurants, offices and financial/professional establishments amongst other uses.

Amended plans were requested and received on 29.12.15 to reconfigure a doorway on the first floor and rearrange the wc facilities in the attic room Further amendments were requested and received on 6.1.16 to move the internal soil vent pipes from the hall to the stair well and from the living room to the kitchen/diner to protect the internal features.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

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

Final Date for Receipt of Representations: **21.12.2015**

REPRESENTATIONS:

BUILT HERITAGE COMMENTS

- Basement: No objections. All new joinery is to match the original i.e. skirting, architraves and doors. A section detail should be provided showing the new opening through the original wall.
- Ground Floor: No objections. As discussed on site a suspending ceiling is not acceptable and alternative means of achieving the required noise and fire standards is required. The applicant can contact building control for further advice.

- First Floor: This is the area which causes the most concern but I believe there is a solution to the issues - the plans just need to be amended slightly. The original door from the landing to the office should be retained and the layout amended to compensate for this. This may involve the loss of a single bedroom but it will be to the betterment of the building. If the applicant can incorporate this without the loss of the bedroom that is fine. subject to this amendment all new joinery and plasterwork should match the existing or be reused if removed from elsewhere.
- Externals: A sample of the vent slate is required and the applicant is requested to reduce the number if possible.

The permission, if granted, should include the following conditions;

- Samples of materials to be submitted (including vent slates, mortar mix, render mix and windows)
- Cross section details and detailed drawings of new openings, sliding sash windows, architraves, doors and suspended ceilings (cross sections should include details on how any partitions, SVPs etc are to be cut around plasterwork, dados or picture rails)
- Method statement for the conversion work, including a room by room recording, along with what is being installed and where

Subject to the imposition of these conditions the Heritage Protection Team has no objections to the proposal.

NETWORK MANAGEMENT COMMENTS

- The development is within the city centre with good links to public transport, with the Rail and Metro station opposite.
- Frederick Street is a one way street with parking restrictions (double yellow lines). The lane to the rear is also one way and single width.
- It is noted there are two parking bays to the rear yard.
- A secure covered cycle store to be provided.
- There is a City Centre Residents parking scheme available for residents with car.

NORTHUMBRIAN WATER

No comments

TYNE AND WEAR ARCHAEOLOGIST

No comments

ENGLISH HERITAGE

No comments to date

HISTORIC ENGLAND

Do not wish to comment on application.

PLANNING POLICY

No comments to date

ENVIRONMENTAL HEALTH COMMENTS

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site construction operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays.

No noisy works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from Public Protection and Regulatory Services. Approval will only be given for such noisy working in exceptional circumstances for example on the grounds of safety and public protection.

Provision should be made for the reasonable prevention of dust generation during conversion activities. Where this is not possible adequate dust suppression management should be applied.

Finally, the proposed development is situated in a busy city centre location and may be subject to relatively high levels of intrusive noise. As such the development shall be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate levels of protection conducive to good sleeping or resting conditions. The Applicant shall have regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:2014, Guidance on sound insulation and noise reduction for buildings - Code of practice

HER MAJESTYS COURT SERVICE

No comments to date

HOUSING RENEWAL TEAM COMMENTS

The following comments have been received, however, are outside planning control; but the applicant needs to be aware of the following observations from the Council's Housing Renewal Team.

1. Exit doors
 - Final exit doors from all premises should be fitted with locks or catches which are openable by the occupiers from the inside without the use of a removable key. (Thumb turns)
 - The exit door from each unit of accommodation (bedroom) is also openable from the inside without the use of a removable key.
 - Where security locks are fitted they should be of the type with a suitable internal thumb-turn to facilitate this. To safeguard security any glazed panels within the door or adjacent to it should be replaced with protected glazing of some kind or protected in another way from intruders
2. Licensing
 - The Property is a converted building consisting of 7 Bedroom shared accommodation over 4 floors. The building would be classed as a HMO (House in Multiple Occupation) and therefore would require a HMO mandatory licence.
 - On review of the plans based on the amenities identified due to the size of the kitchen the maximum occupancy under Mandatory licensing would be set at 7 persons (7 households). However a full review of the property would be carried out on receipt of a valid mandatory HMO licence application.
3. Fire Detection
 - An additional interlinked smoke detector with integral battery back-up is required to be located within the living room.
4. General

- The premises should be free of category 1 hazards as identified by the Housing Health and Safety Rating System.
- The premises should comply with the Decent Homes Standard.
- Examination of the plans by this Department is not exhaustive and no indemnity is offered should compliance with legislation not be achieved.
- Approval for Building control will not necessarily guarantee compliance with legislation enforced by this department.

POLICIES:

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

B_6_Measures to preserve and enhance conservation areas

B_4_Development within conservation areas

B_10_Development affecting the setting of listed buildings

B_2_Scale, massing layout and setting of new developments

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

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

EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

LAND USE POLICY ISSUES

Policy SA55B.1 of the Council's Unitary Development Plan (UDP) alteration no.2 (Central Sunderland) expands upon policy EC5B of the document and identifies the site as being within a Strategic Location for Change extending to 27.5 hectares covering the Sunnyside area of the City. Uses falling within Use Class C3 - Housing are identified as already contributing significantly to the character of the area and should remain predominant, amongst a mix of other identified acceptable uses.

Furthermore, policy SA67A of alteration no. 2 (Central Sunderland) states that the Council will support proposals for housing development within Central Sunderland and in particular the City Centre where sites are not identified or safeguarded for other purposes.

Further guidance in relation to development proposals in the Sunnyside area is provided by the Council's adopted Sunnyside Planning and Design Framework Supplementary Planning Document (SPDF). This SPDF seeks to encourage the regeneration of Sunnyside in a manner which is sympathetic to its historic significance. The SPDF identifies a number of character areas within Sunnyside in order to ensure an appropriate mix of uses is maintained. All proposals are required to fall within the list of 'preferred' and 'acceptable' uses for the relevant character area. Frederick Street is located within the Historic Core west character area where 'acceptable' uses include C3 on upper floors of buildings.

In consideration of this application, it should be noted that at the time when the UDP alteration No.2 and the SPDF were produced and adopted, HMOs comprising six or less bedrooms fell within Use Class C3. This use class was subsequently altered to omit such HMOs which now fall within Use Class C4. It is noted that the proposed HMO with seven bedrooms is and would previously have been a Sui-Generis Use for which no specific preference is identified in the alteration No.2 or SPDF, but the fact that at the time of preparing UDP alteration No.2, HMOs up to six bedrooms would fall within the list of preferred uses within the relevant area and would also have been encouraged within the upper floors by the SPDF.

Whilst the proposal is a Sui-Generis Use due to the number of bedrooms proposed, it is considered that with seven bedrooms, the proposal is comparable to the preferred residential

uses identified for the area by the UDP alteration No.2. Whilst it is noted that the SPDF identifies a preference for residential uses to be limited to the upper floors of buildings within the Historic Core West, given the application property's original residential use and long term vacancy, it is not considered reasonable to refuse planning permission on this occasion. The proposal would see the building brought back into beneficial use after long term vacancy, which is considered to be to the benefit of the Sunnyside area. A similar approach was taken in the consideration of a similar application relating to 47 Frederick Street, where planning permission was recently granted for the change of use of the entire building to an HMO.

For the reasons set out above, whilst not entirely in accordance with the UDP alteration No.2 and the SPDF, the proposed use of the property as a seven bedroom HMO is considered to be acceptable.

PRINCIPLE OF THE USE

Policy H18 of the UDP states that the conversion of non-residential buildings which are vacant or under used to bed-sitting rooms, self-contained flats or multiple shared accommodation will normally be approved where they do not conflict with other policies and proposals in the plan.

The level of amenity afforded to prospective residents of the accommodation proposed must also be given consideration, as required by topic 4 of the SPG and more than one self-contained unit per floor will normally be resisted. In this regard, the proposed arrangement of the residential accommodation should be generally appears to be acceptable.

Through the adoption of the Council's Interim Student Accommodation Policy, the policies relating to student accommodation and houses in multiple occupation in the Council's forthcoming Local Plan have been brought forward and now carry some weight. Whilst not specifically aimed at the student market, both policies are considered to be of relevance to this proposal.

The student accommodation policy (DM4.3) states:-

To assist in the regeneration of the city centre and in creating a 'University City', the City Council will consider favourably proposals for purpose built student accommodation or the conversion of existing buildings for student accommodation within the city centre and on existing university campuses provided that proposals demonstrate that:

- a. The development meets an identified need in terms of quantity;
- b. The development meets an identified demand in terms of quality;
- c. The development is of a scale and appearance appropriate to its surroundings;
- d. The development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport;
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- c. The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;

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In specific regard to student accommodation, the Interim Student Accommodation Policy sets certain guidelines at paragraph 6.15 as to the quality of accommodation to be provided. Therein, it is stated that:

- I. Bedrooms to offer a choice in size and accommodate a bed, wardrobe and study desk and chair with the minimum size being 10 square metres for a single person, (excluding any en-suite facilities);
- II. Each bedroom shall include at least one window or skylight facing directly outdoors which can easily be opened;
- III. If bedrooms are not en-suite one bathroom and one separate WC with wash-hand basin should be provided for every 5 persons. However, for 6 persons or more one of the WC's with wash-hand basin must be separate, others can be contained within bathrooms;
- IV. Communal kitchens should be a minimum of 7 square metres for 1-5 people sharing, with larger residences requiring more sizeable kitchens;
- V. A communal lounge will be required of a size sufficient to accommodate the number of students in the unit;
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On this occasion, all bedrooms have windows providing outlook over either Frederick Street or the rear lane and have en-suite facilities. All residents have access through the property to the front and rear, allowing access to the bin store and parking bays. All rooms exceed the suggested floor space of 10 square metres or more. It is also noted that a shared lounge and kitchen/dining area totalling approximately 37 square metres is proposed within the building. In terms of need/quality, the applicant has advised that the aim is for a high standard, ensuite facilities to attract students to the accommodation. The level of physical alteration to the building is limited and is considered in greater detail below. The location is central and accessible and it is considered that the proposal is appropriate to the mix of uses within the immediate vicinity of the site, the property being located between a hair salon/estate agents and a furniture store 'SCS'.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant adopted UDP and SPG guidance, as well as the emerging Local Plan policies brought forward through the Interim Student Accommodation Policy.

PHYSICAL ALTERATIONS TO THE BUILDING

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Policy B10 states that 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 physical external alterations to the building are limited to the installation of replacement velux windows to the front and rear, reinstate a timber sliding sash window where there is a door at basement level on the front elevation. Further external alterations consist of :-

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It is not considered that the proposed development adversely affects the amenity of the conservation area, nor would the setting of the adjacent listed buildings in Frederick Street be adversely affected.

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In this regard, given the limited physical alterations proposed to the building, the distances to the properties opposite on Frederick Street (number 27) and to the rear in Foyle Street (number 14) remain unaltered at 14 metres and 18 metres respectively. These distances are considered to be acceptable as whilst they are less than would be recommended in new build residential

accommodation, they represent the existing form of built development and are commensurate with city centre living. As such, the implications of the proposal for the amenities of adjacent occupiers are considered to be acceptable and to comply with policy B2A of the UDP alteration No.2

HIGHWAY ISSUES

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Advice was also provided in respect of the City Centre Residents Parking Scheme and the procedures for temporary works on the highway, such as skip or scaffold permits. These matters can be drawn to the attention of the applicant by way of informative notes attached to any planning permission.

Given the central location, with access to public transport and the availability of car parking within the rear yard area of the property, the proposed development is considered to be acceptable in terms of its accessibility, parking provision and impact upon highway safety. As such, the proposal is considered to accord satisfactorily with UDP policy T14.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

CONCLUSION

For the reasons set out above, the proposed development is considered to be acceptable, and in compliance with relevant national and local policies.

RECOMMENDATION : Approve.

Conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
2. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Location plan existing site and floor plan drawing no. 01 received on 26.10.15
 - Existing and proposed elevations drawing no. 03 received on 26.10.15
 - Amended proposed site and floor plans drawing no. SK01 received on 6.1.16

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Notwithstanding any indication of materials which may have been given in the application, no alterations shall be carried out until the following information has been received 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.

- Samples of vent slates, mortar mix, render mix and windows.

Cross section details and detailed drawings of:-

- new openings
 - sliding sash windows
 - architraves
 - doors
 - suspended ceilings
 - how soil vent pipes will be cut around plaster work, dados or picture rails
4. Notwithstanding the submitted information, the works hereby granted consent shall not commence until a method statement has been submitted to illustrate the conversion work and a room by room recording of installations has been submitted to and agreed in writing with the City Council as Local Planning Authority. The works shall then be carried out in accordance with the approved information, unless otherwise agreed in writing with the City Council, 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. In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site construction operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy works shall be permitted to take place on Sundays and Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 of the Unitary Development Plan.

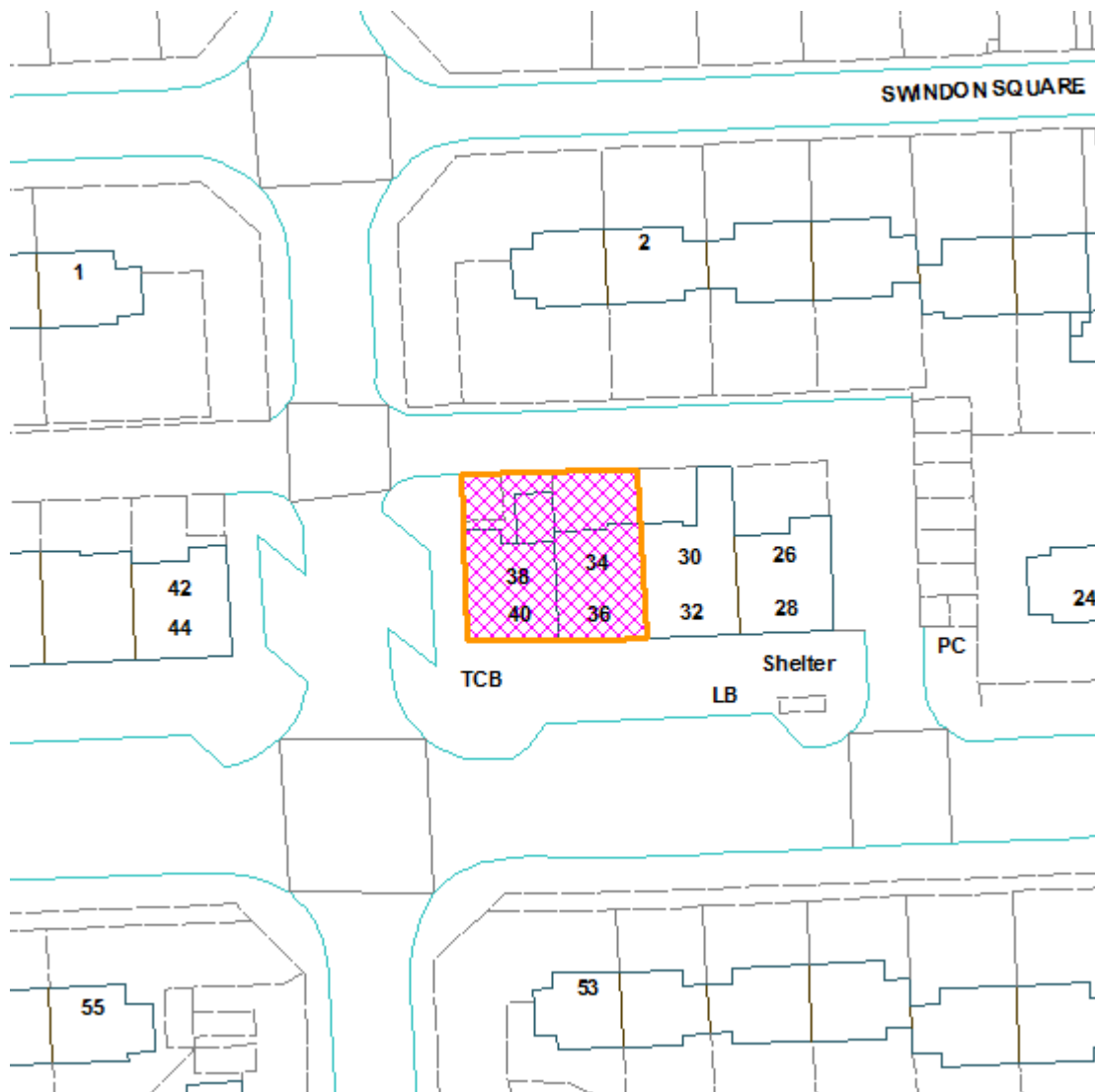
Reference No.: 15/02403/FU4 Full Application (Reg 4)

Proposal: **Demolition and erection of new boundary walls to rear with roller shutter vehicular access and roofing over to form store room.**

Location: 38 Sunningdale Road Sunderland SR3 4HE

Ward: Sandhill
Applicant: Mr Surinder Singh
Date Valid: 26 November 2015
Target Date: 21 January 2016

Location Plan



PROPOSAL:

Planning permission is sought to erect a new covered store room to the rear of 38 Sunningdale Road, Sunderland. The proposal would see the demolition and rebuild of the existing rear/side boundary walls and include the installation of a new roller shutter door within the rear elevation.

The covered store room and new boundary walls would run along the full extent of the property's rear curtilage and present a maximum height of 6.9m as opposed to the 5m boundary treatment which is currently in situ.

The host site houses a local convenience store which is located within a small parade of three commercial properties on the corner of Sunningdale Road and Swindon Road within the residential Springwell Estate close to Springwell Road.

The accompanying Design and Access Statement stipulates that the proposal is required to improve the facilities for the staff and members of the public. It is stated that the new store room would have the effect of reducing the number of van journeys to the premises and free up more floor space for the shopping area and allow for a greater range of products. It also argued that the proposal would improve the visual appearance of the property by incorporating the water bins, packing cases and timber pallets internally.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Sandhill - Ward Councillor Consultation
Environmental Health
Network Management

Final Date for Receipt of Representations: **23.12.2015**

REPRESENTATIONS:

No objections have been received as a result of the public consultation undertaken.

Consultations

The Council's Network Management section has confirmed that they have no recommendations or observations to make.

Environmental Health has noted the relocation of the existing air conditioning unit and requested that consideration be given to the potential noise implications for occupiers of the upper floor flats.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to consider in assessing the application are;

1. The impact of the development on visual amenity
2. The impact of the development on residential amenity
3. The impact of the development on highway safety.

1. Visual amenity

Policy B2 of the UDP requires that new development should respect visual amenity and therefore new proposals will generally be expected to adhere with the scale and massing of development found within the locality. In this instance it is acknowledged that the rear boundary treatment is to be notably heightened to accommodate the new enclosed rear storage area. During the officer site visit it was observed that the height of the boundary treatment currently evident to the rear of the host parade was largely consistent. Nonetheless, it was also observed that nearby boundary treatment which runs to the rear of the adjacent commercial parade to the immediate west was of a comparable height to that proposed. In this regard it is considered that the enlarged boundary treatment would seek to complement and respect the character and appearance of the area. Consequently it is concluded that the physical development would have little impact on the visual amenity of the locality and accord with the requirements of policy B2 of the UDP.

2. Impact of proposed development on residential amenity

Policy B2 also requires new development proposals to respect the amenity of existing residential properties. Whilst the host parade has first floor residential flats running above the ground floor commercial units it is not considered that the physical development within the yard would impact on the living conditions of the occupiers in this instance. The extent of the new wall would sit below the extremities of the upper floor windows thereby having no direct impact on outlook, light or overshadowing.

Notwithstanding the above, it is evident that the applicant is proposing to re-locate the existing air conditioning unit which is currently positioned at ground floor within the open rear yard to a point just below the sill of one of the upper floor residential windows. In this respect some concern has been raised over the potential noise implications for residents above and further information regarding the specifications of the air conditioning unit have been requested in order to establish the level of noise that would be emitted from the plant. This matter is, at the time of writing, still pending and it is anticipated that the requisite information and subsequent consideration of the issue will be presented to members prior to the committee.

3. Highway safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety. In this respect it is noted that the proposed development would not demonstrably alter the parking levels associated with the rear yard and consequently no observations have been raised by the Executive Director of City Services (Network Management).

The proposal therefore complies with policy T14 of the approved UDP and is considered to be acceptable in respect of highway safety.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'
(a)tackle prejudice, and
(b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion

On the basis of the reasoning provided above, it is considered that the proposed development would have no adverse impact on the visual amenity of the area nor would the proposal be prejudicial to highway safety. Further consideration is however being given to the potential noise impact of the re-located air conditioning unit on the living conditions of the upper floor occupants and it is anticipated this matter will be addressed prior to the committee within a supplementary report.

RECOMMENDATION: Executive Director of Commercial Development to Report