

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

Alison Fellows

Executive Director of Commercial Development

1.

North  
Sunderland

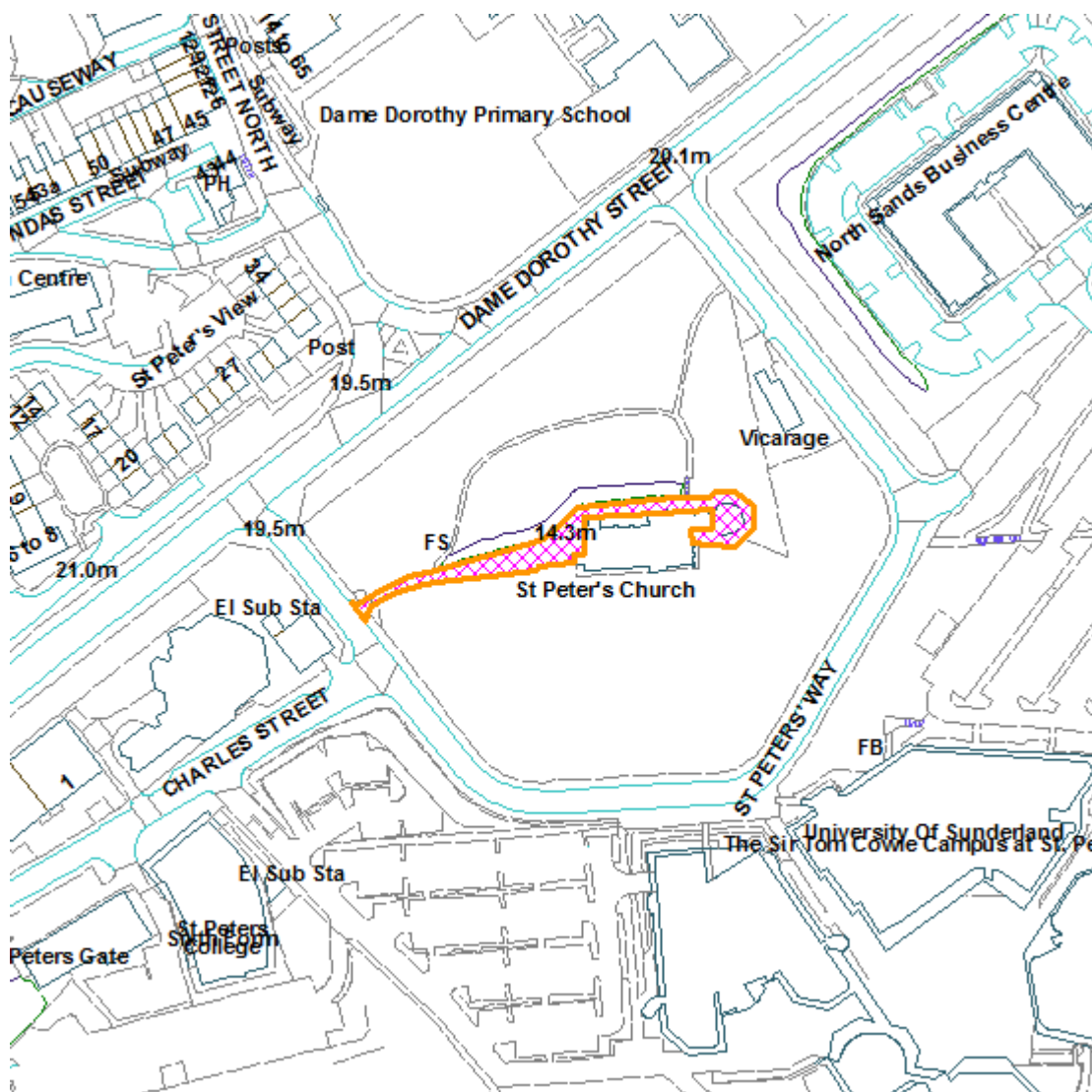
Reference No.: 15/02484/LP3 Local Authority (Reg 3 )

Proposal: **Replacement of 12 existing plain glass windows with new coloured engineered glass windows.**

Location: The Bake House Saint Peters Church Saint Peters Way Sunderland SR6 0DY

Ward: St Peters  
Applicant: Commercial Development Directorate  
Date Valid: 25 January 2016  
Target Date: 21 March 2016

### Location Plan



## **PROPOSAL:**

The site lies within the wider grounds associated with St Peters Church which is located off Dame Dorothy Street in north Sunderland. St Peters Church is a Grade I Listed Building which also contains the remains of the anglo- saxon 7th century monastery (a scheduled ancient monument and a former candidate World Heritage Site twinned with St Paul's in Jarrow).

The site in part, is enclosed by a Grade II Listed stone wall to the east which exhibits in its layers, its historic development from medieval origins to its raising in height in the 18th and 19th centuries, with some limited 20 century additions.

### Proposal

Planning permission is sought to replace the 12 plain glass windows which are currently in situ on 'The Bakehouse' a 1960's addition/extension to the eastern elevation of the main church.

As part of the design development of the landscape vision for site and surrounding area, both the Church and City Council have recognised the importance of addressing the bakehouse windows in order to ensure that the extension better reflected the values and quality presented by the main church and surrounding landscape.

With regard to the above and given the city's glass making heritage, a glass artist was commissioned to create twelve new stained glass windows to replace the existing panes. The designs presented within the application are a continuous 12 window circular scheme which articulates the Venerable Bede's treatise 'The reckoning of Time'. The panes will be housed within a discreet aluminium frame.

The window concept will feature locally sourced nature imagery, abstract rhythm patterns based on Bede's calculations, and reading and quotations of scripture that informed Bede's faith and understanding of the world.

The application has been submitted in tandem with an application for Listed Building Consent (Planning ref: 15/02485/LB3).

## **TYPE OF PUBLICITY:**

Site Notice Posted

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **10.03.2016**

**REPRESENTATIONS:**

No representations have been received following consultation.

**POLICIES:**

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

B2

**COMMENTS:**

Policy Background and consideration

The main issue to consider in assessing this application is the impact of the proposal on the character and appearance of the building and the wider locality.

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Paragraph 128 of the NPPF states that, in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected. Paragraph 129 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal whilst paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

In line with good practice, the application has been accompanied by Design and Access Statement and Heritage Statement which provides an overview of the relevant policy context, a brief history of the site, an assessment of the sites significance and a justification for the proposed works.

As has been briefly touched on above, the proposal has been brought about through discussions with the Church, the City Council's Heritage Protection Team and various partner organisations. It is appreciated that the 1960's extension is, whilst sympathetic to the character of the church, of limited significance in its own right and presents areas of cracked stonework and poor quality windows. Consequently, in its current form it could be considered that the bakehouse contributes little to the overall appearance of the reinvigorated site.

In assessing the merits of the proposed scheme it is considered that the window alterations would present an innovative design response which would integrate well into the host building whilst serving to enhance the appearance of not only of the bakehouse but the character and significance of St Peters Church. Further, it is considered that both the nature and content of the windows would assist in actively enhancing the visitor experience whilst reflecting Biscop's vision for the site to be a beacon of learning and advancement.

It is considered that the application has appropriately described and assessed the significance of the heritage asset whilst, as outlined above, it is considered that the works would serve to

enhance the visual amenities of the area and further promote the significance of the heritage asset within the context of the locality. Consequently, the proposal is considered to adhere with the requirements of UDP policy B2 and para's 128, 129 and 132 of the NPPF.

### Conclusion

With regard to the above reasoning it is recommended that Members grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below.

### **RECOMMENDATION: Members grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992**

#### **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 elevations, floor plan and key plan received 14.12.2015 (Plan ref: PO76B.436/242 Rev CN01).
  - The location plan received 06.01.2016 (Plan ref: PO76B.436/243 Rev CN01).

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.

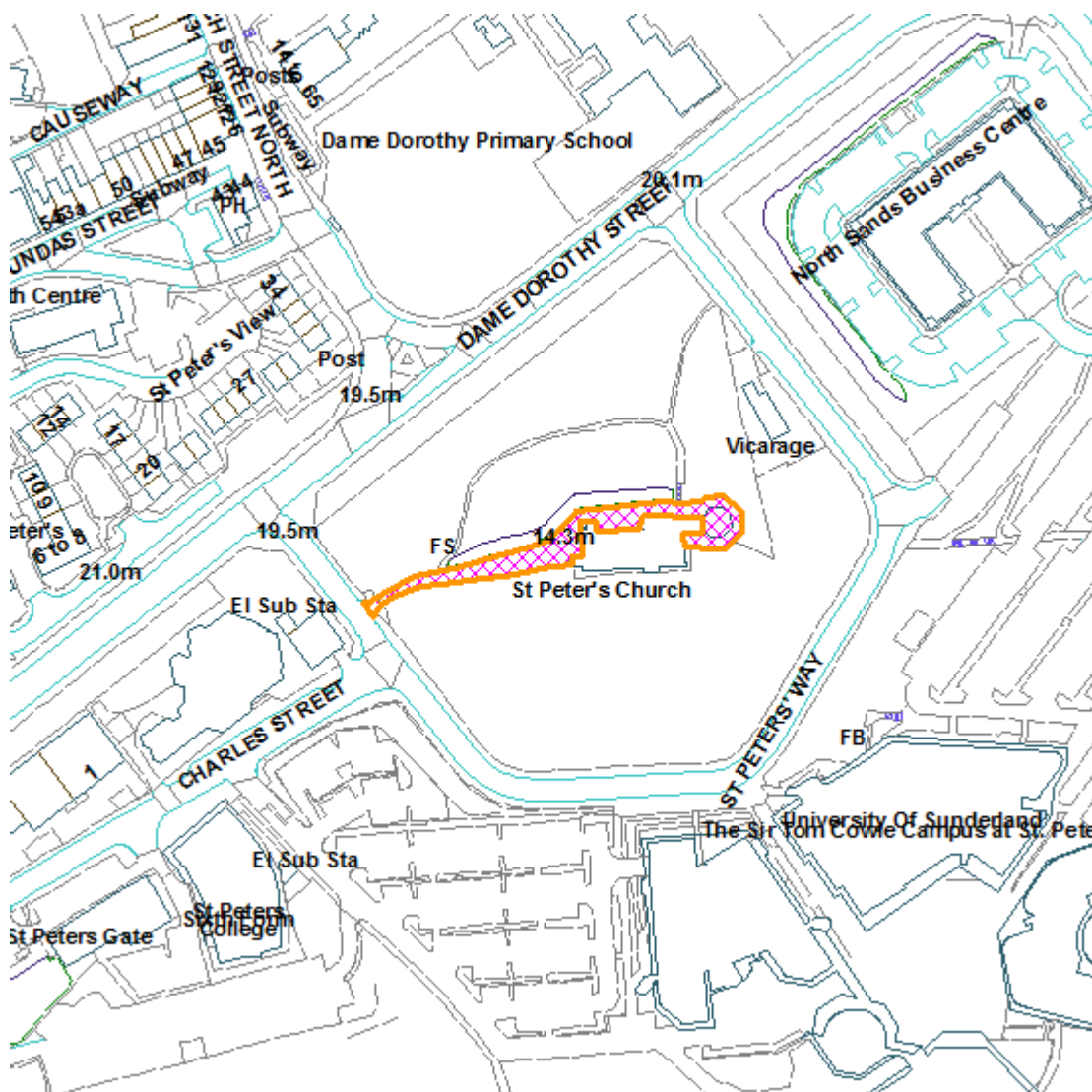
Reference No.: 15/02485/LB3 Listed Building Consent (Reg3)

Proposal: **Replacement of 12 existing plain glass windows with new coloured engineered glass windows.**

Location: The Bake House Saint Peters Church Saint Peters Way Sunderland SR6 ODY

Ward: St Peters  
 Applicant: Commercial Development Directorate  
 Date Valid: 25 January 2016  
 Target Date: 21 March 2016

### Location Plan



## **PROPOSAL:**

The site lies within the wider grounds associated with St Peters Church which is located off Dame Dorothy Street in north Sunderland. St Peters Church is a Grade I Listed Building which also contains the remains of the anglo- saxon 7th century monastery (a scheduled ancient monument and a former candidate World Heritage Site twinned with St Paul's in Jarrow.

The site in part, is enclosed by a Grade II Listed stone wall to the east which exhibits in its layers, its historic development from medieval origins to its raising in height in the 18th and 19th centuries, with some limited 20 century additions.

Listed Building Consent is sought to replace the 12 plain glass windows which are currently in situ in 'The Bakehouse' a 1960's addition/extension to the eastern elevation of the main church.

As part of the design development of the landscape vision for site and surrounding area, both the Church and City Council have recognised the importance of addressing the bakehouse windows in order to ensure that the extension better reflected the values and quality presented by the main church and surrounding landscape.

With regard to the above and given the city's glass making heritage, a glass artist was commissioned to create twelve new stained glass windows to replace the existing panes. The designs presented within the application are a continuous 12 window circular scheme which articulates the Venerable Bede's treatise 'The reckoning of Time'. The panes will be housed within a discreet aluminium frame.

The window concept will feature locally sourced nature imagery, abstract rhythm patterns based on Bede's calculations, and reading and quotations of scripture that informed Bede's faith and understanding of the world.

## **TYPE OF PUBLICITY:**

Site Notice Posted

## **CONSULTEES:**

DC North Chair And Vice Chair Consultation  
St Peters - Ward Councillors Consultation  
English Heritage

Final Date for Receipt of Representations: **10.03.2016**

## **REPRESENTATIONS:**

No third party representations have been received following consultation.

## External Consultees

Historic England - Following consideration of the application Historic England have confirmed that they have no comment to make and recommend that the application be determined in accordance with national and local policy guidance, and on the basis of expert conservation advice.

## **POLICIES:**

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

B2

## **COMMENTS:**

### Policy Background and consideration

The main issue to consider in assessing this application is the impact of the proposal on the historic character and fabric of the designated heritage asset, namely the Grade I listed Church

Paragraph 128 of the NPPF states that, in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected. Paragraph 129 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal whilst paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

In line with good practice, the application has been accompanied by Design and Access Statement and Heritage Statement which provides an overview of the relevant policy context, a brief history of the site, an assessment of the sites significance and a justification for the proposed works.

As has been briefly touched on above, the proposal has been brought about through discussions with the Church, the City Council's Heritage Protection Team and various partner organisations. It is appreciated that the 1960's extension is, whilst sympathetic to the character of the church, of limited significance in its own right and presents areas of cracked stonework and poor quality windows. Consequently, in its current form it could be considered that the bakehouse contributes little to the overall appearance of the reinvigorated site.

In assessing the merits of the proposed scheme it is considered that the window alterations would present an innovative design response which would integrate well into the host building whilst serving to enhance the appearance of not only of the bakehouse but the character and significance of St Peters Church. Further, it is considered that both the nature and content of the windows would assist in actively enhancing the visitor experience whilst reflecting Biscop's vision for the site to be a beacon of learning and advancement.

It is considered that the application has appropriately described and assessed the significance of the heritage asset whilst, as outlined above, it is considered that the works would serve to enhance and further promote the significance of the heritage asset. Consequently, the proposal is considered to adhere with the requirements of para's 128, 129 and 132 of the NPPF.

### Conclusion

With regard to the above reasoning it is recommended that Members grant Listed Building Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below.



**RECOMMENDATION: Members Grant Listed Building Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992**

**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 elevations, floor plan and key plan received 14.12.2015 (Plan ref: PO76B.436/242 Rev CN01).
  - The location plan received 06.01.2016 (Plan ref: PO76B.436/243 Rev CN01).

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 windows shall not be installed until samples of the materials have been provided for inspection and subsequent approval 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 in order to protect and respect the significance of the heritage asset in accordance with policy B2 of the Unitary Development Plan and paragraph 132 of the NPPF.

Reference No.: 15/02571/FUL Full Application

Proposal: **Change of use from use class B2 (General Industry) to use class D2 (Soft Play) to include associated parking and realignment of security fence at rear.**

Location: Unit 6 Sunrise Enterprise Park Sunderland SR5 3RX

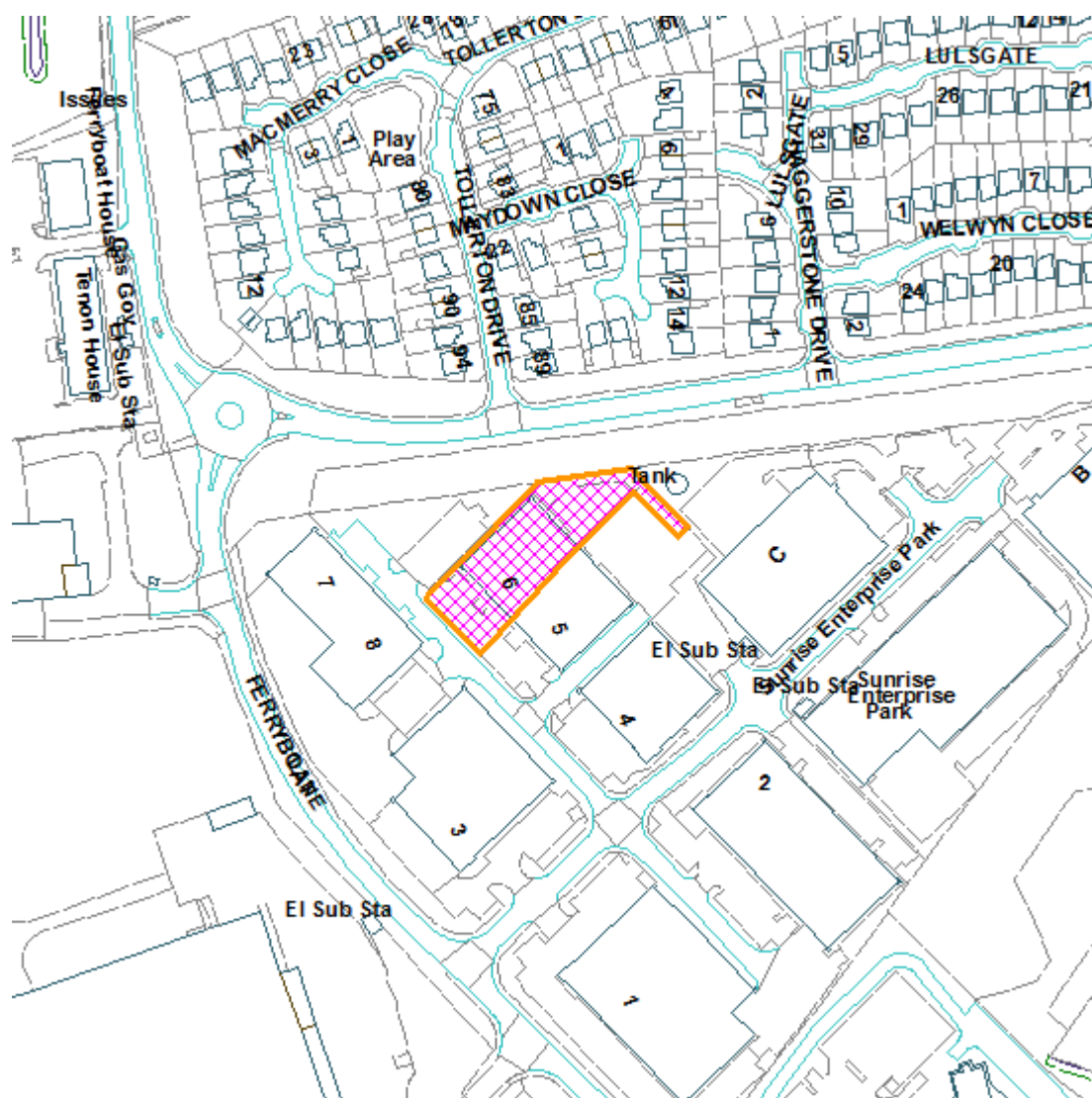
Ward: Castle

Applicant: Harper Corss Associated

Date Valid: 7 January 2016

Target Date: 7 April 2016

### Location Plan



## PROPOSAL:

Planning permission is sought for the change of use from B2 (General Industry) to use class D2 (Assembly and Leisure) along with the realignment of parking bays and security fence to the rear at Unit 6, Sunrise Enterprise Park, Ferryboat Lane, Sunderland.

Members may recall that a similar proposal for change of use from B2 (General Industry) to use class D2 (Assembly and Leisure) was refused by Development Control (North Sunderland) Sub-Committee dated 26.11.2015. (See reference 15/00185/FUL) Two reasons for refusal were attached to the decision notice:

1. The nature and intensity of the use introduces increased pedestrian and vehicular movements onto the adjacent highway network creating significant conflict between customers of the soft play centre and the commercial traffic serving the Primary Employment Area, to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF and policies T14 and T22 of the adopted Unitary Development Plan.
2. The use generates a significant level of car borne custom which cannot be adequately accommodated by the parking allocated to the unit; consequently the associated on-street parking and pedestrian movements are having a demonstrable adverse impact on the day-to-day functions and operation of the Primary Employment Area. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF, policies EC4, T14 and T22 of the adopted Unitary Development Plan and policy DM3.1 of the emerging Core Strategy.

The current proposal seeks to realign the position of the existing fence line to the rear of the unit, marking out 27 parking bays, whilst to the front of the unit modifications to the existing parking layout have been proposed that increase the parking availability from 17 to 19 spaces therefore providing a total of 46 parking bays for the use of staff and patrons.

The application site comprises a floor area of 1002 square metres and forms one of a pair of industrial units (No's 5 and 6) which are positioned towards the north of Sunrise Enterprise Park. The host unit directly opposes units 7 and 8 to the west whilst the northern perimeter is bound by a tree belt beyond which lies Ringway and the residential properties located within the Fulford Grange Estate. Further commercial units are located to the south and east.

Vehicular access into the Sunrise Enterprise Park is achieved from Ferryboat Lane which feeds off the (A1231) Wessington Way to the south.

The unit is currently operated as a children's soft play which had, until relatively recently, operated from Unit 2 within the Enterprise park following the granting of planning permission in October 2007 (Planning ref: 07/03912/FUL). This approval related to a soft play centre with associated creche facilities.

The current operation employs 2 full time staff and 6 part time staff and offers the following facilities:

- A dedicated passive play area for toddlers up to four years old.
- A soft play centre for children between the ages of four and twelve years old (including allocated spaces for sports activities and others);
- A specialised sensory room which includes a quiet "chill out" area designed for children with visual and hearing disabilities and other special needs;
- A small cafe, ancillary to the main use serving hot and cold drinks, light meals and snacks;

- 46 off road car parking spaces including 1 disabled bay;
- New access path from rear parking to the front entrance;
- Realigned security fence.

The operating hours identified are 09.30 and 19.00 Monday to Sundays including Bank Holidays.

The proposal is a departure from the approved development plan and has been advertised as such.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Environmental Health  
Business Investment  
Castle - Ward Councillor Consultation

Final Date for Receipt of Representations: **03.02.2016**

#### **REPRESENTATIONS:**

One letter of representation has been received as a result of the consultation process , from the adjoining premises at Unit 5 Park Electrical. Two issues have been identified within the representation.

##### Rear Goods Yard

The unit is located on an industrial estate which is commonly used by commercial / industrial traffic including large delivery wagons.

1. After considering the application it is noted 27 public parking spaces have been included to the rear loading yard sharing the access Park Electrical. Park Electrical operate 3 x large vans, 1 x 6.5 ton commercial wagon along with a fork lift truck out of the yard every day. In addition Park Electrical accept daily delivery's from numerous suppliers operating vans, trucks and articulated lorry's, Park Electrical also deliver, thereby mixing with the public raising the level of risk within the loading yard. Park Electrical consider the goods yard to be a hazard and currently insist on high viability PPE to be worn while in the yard.
2. Cheeky Charlie's has added a cafe area resulting in the premises disposing of food waste via the rear doors. In the past Park Electrical have had issue with the bins overflowing attracting Vermin. The current proposal does not make any provision of waste bins or safe access for the delivery or collection vehicles.

##### Front Parking

3. The proposal seeks to incorporate some building work to increase the number of parking bays, this itself should not result in a problem however it will increase the number of children present in the area. Furthermore Park Electrical have noted that they operate a busy trade counter generally used by drivers of larger vans which park in the car park,

which has a shared access point with Cheeky Charlie's, again increasing the potential for accidents within the parking area.

In summary, Park Electrical have identified a number of options that could be explored in order to find a solution to the above concerns, these include building a dividing fence/ barrier and creating a separate access to the rear yard from the Ringway. Park Electrical will need to have the ability to use the goods yard as a turning circle for HGV's whilst also having the front car park divided and the creation of a separate entrance to remove the mix of traffic types.

Parking on the roadside can be at a premium during busy periods (school holiday) as a result people are blocking turning areas and narrowing the road, this is resulting in it being difficult for drivers to manoeuvre. Whilst it is acknowledged additional parking spaces have been proposed in the new application, comments have been made relating to the public using public transport and foot and any increase in traffic will put pedestrians at risk. The site is clearly intended for commercial / industrial use and not geared up for large numbers of pedestrians including young children.

Following receipt of the above representation, the applicant, agent and Park Electrical have been in discussions seeking to implement a safer working environment between both units, which has resulted in receipt of the following emails dated 10.03.2016.

"Following several weeks of negotiations and working with unit 6 over the recent half term holidays, I am pleased to say we have arrived at a workable solution. We now feel confident if we both implement our systems and work together we can reduce the risk of a traffic incident to the public. Our Health and Safety team will keep the situation under review for the rest of the year.

This has now put Park Electrical in the happy position to say we feel confident in withdrawing our objection.

## **POLICIES:**

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

B2  
T14  
EC4  
NA1.1  
T22

## **COMMENTS:**

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 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 always 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. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into policies EC4, NA1.1, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

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 has not yet been formally adopted by the Council. 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.

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

### 1. Land use allocation of the site

The host unit is located within an area allocated for industrial uses by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such are subject to the provisions of policies EC4 and NA1.1. These policies stipulate that Sunrise Enterprise Park will be retained and improved for primary industrial uses including B1 (offices and businesses), B2 (industry) and B8 (storage and distribution).

Policy EC4 states that uses falling into class D2 (assembly and leisure) are only normally appropriate where they are considered ancillary and required to meet the needs of each site.

The Council's UDP was now adopted some time ago, but the area in which the subject property stands is continued to be identified as an established 'Primary 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 primary 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.

### 2. Principle of the change of use

The use of the premises as a soft play centre (use class D2) does not accord with the list of land and property uses considered to be most appropriate within this employment area as set out by policies EC4 and NA1.1 of the UDP and policy CS3.3 of the draft Core Strategy. In addition the size, scale and nature of use are not such that it could be considered to be an ancillary facility which supports the services provided by the employment area.

Further, as the proposal involves the change of use of industrial units to a main town centre use, as identified by Annex 2 (the Glossary) to the NPPF and Section 2 of the NPPF, it is important to ensure that the long-term vitality of town centres (a term which also encompasses city centres, town centres, district centres and local centres) is protected; to this end, paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre to determine if any more suitable sites are available.

Of greatest preference are 'in centre' sites, followed by 'edge of centre' sites and only where no suitable sites are identified should consideration be given to an 'out of centre' location.

As required by paragraph 24 of the NPPF, the applicant previously prepared a sequential assessment for the premises (PG Legal Limited) which considered the availability and suitability of other sites in more appropriate locations. Among the numerous sites considered were the former Comet Store on Hylton Riverside, Peel Retail units in Washington, the former Dallas Carpets unit on Wessington Way and the former Bingo Hall in Southwick.

In all identified areas, there were no available premises which were considered suitable for the applicant's business based on factors ranging from size, rent and the condition of the building. City centre locations were also considered but nothing was considered to be suitable primarily due to the size of the buildings. The assessment ultimately concludes that there were no more sequentially preferable sites for the soft play centre given the applicant's specific requirements.

On the basis of the information provided it is considered that the applicant has considered and satisfactorily assessed the availability and suitability of other premises and sites within more sequentially preferable locations in line with the requirements of paragraph 24 of the NPPF. As such, on balance it is considered appropriate to conclude that there are no more sequentially preferable sites which are, within reason, available and suitable for the purposes of a soft play centre.

In respect of the above and whilst the use falls contrary to list of acceptable uses for estate, consideration must be given to the specific merits of an individual proposal and in this instance it is clear that the principle of establishing the soft play centre within the Sunrise Enterprise Park has already been established in the planning sense through an approval of planning permission at Unit 2 in 2007. In this respect the applicant has effectively vacated a larger unit within the park (which has since received planning permission by members in March 2015, Ref: 15/00160/FUL, to revert back to an industrial use) and taken on a smaller premises. On this basis there are considered to be no reasonable grounds to argue that the principle of locating the soft play use within Sunrise Enterprise Park is inappropriate given the above circumstances.

Nonetheless and in order for the overall development to be considered acceptable it must be ensured that all other material planning considerations are appropriately assessed.

### 3. Impact of the existing use on the remaining employment area

Policy EC4 states that non complainant uses will be considered on their own individual merit whilst draft policy DM3.1 of the emerging Core Strategy requires consideration to be given to the effect the introduction of a land use which is not usually appropriate within an employment site may have upon the established character and function of the primary employment area (PEA). In addition, the draft policy also seeks to ensure that the use would not prejudice the day-to-day operation of the PEA through traffic generation or pedestrian movement nor should the use it in its own right or in conjunction with other similar uses dilute the industrial nature of the PEA.

Based on the City Council's Supplementary Guidance (Development Control Guidance), the parking requirements for a D2 (Assembly and Leisure) Use is calculated at;

- 1 space per member of staff and;
- 1 per 3 seats or 1 per 5sqm of public floor area.

Based on the floor plans submitted, it is calculated that there is approximately 775sqm of public floor space within the building whilst 2 full time staff and 6 part time staff are currently employed at

the site. As such, in order to adhere with the guidance figure in the region of 158 spaces would be required to be provided to serve the use. Clearly the above guidance is generic and is required to cover all potential uses which could fall under the D2 umbrella. It is therefore important that the proposal is considered on its own particular merit and given that the use is operational, a greater degree of certainty can be placed on the level of parking demand that is currently being generated by the use.

The current applicant has acknowledged that the operations of the previous tenant are replicated again as part of this submission, with the addition of providing a larger area of car parking to the rear. However for the avoidance of doubt and by way of attempting to address previous concerns the previous applicant has stipulated within the accompanying Planning Statement that the following measures have now been adopted;

1. Staff and deliveries are now required to use the parking spaces as the rear of the unit to free up spaces at the front.
2. The business model now restricts soft play to a two hour limit (which is usual practice within the industry) rather than the 'play all day' policy which has in turn relieved pressure on parking.
3. The introduction of a drop of and pick up point.

Notwithstanding the above and following public consultation, it is evident that concerns have still been raised by the neighbouring unit 5 with regard to the level of parking and traffic generation that is resulting from the soft play operation and whilst any formal objection has been withdrawn, the situation on site is being closely monitored by relative health and safety teams to minimise the risk of accidents.

The submitted site plan indicates that there are 19no communal spaces including 1no oversized disabled bays provided in front of unit 6, whilst an additional 27 parking bays are shown to be located to the rear of the building within the large yard/servicing area.

Further to the above and whilst the parking to the rear of the unit has been outlined and de-marked on the submitted site plan, it is evident that access to many of proposed bays is dependant upon where vehicles within the rear service yard are positioned whilst loading and unloading to the neighbouring unit along with the siting of the large industrial waste bins for the units. Notwithstanding, the City Councils Network Management Section does not believe that it is appropriate to direct families with young children into an area which acts a service yard for the commercial units and which is trafficked by delivery wagons and forklift trucks etc.

Throughout the consideration period of the application a number of site visits have been undertaken in order to gain some insight as to the level of parking demand that is being generated by the soft play use and the City Councils Network Management Section also requested that the applicant conducted a Traffic Survey to establish movements to and from the site.

The results of the survey largely adhere with the findings of the officer site visits insofar that the level of parking demand during the school week is relatively low as one might expect. During these times cars can be appropriately accommodated within the designated bays to the front of the unit and there is considered to be no significant conflict with the day to day operation of the Primary Industrial Estate.

The main concern for the Local Planning Authority (LPA) relates specifically to the impact of the use during the school holiday periods as it is at this time when parking demand will come in to direct conflict with the operations of the adjacent units.



Based on observations made at this time it was clear that the use of unit 6 was having a demonstrable impact on the day-to-day operations of the PEA due to the significant level of traffic generation and pedestrian movement associated with customers of the soft play. It is during such periods that the comments made within the representations are understood as it is clear that HGV's serving the surrounding commercial uses will undoubtedly experience operational difficulties in terms of manoeuvring and negotiating the estate road and access roads. Indeed, such disruption has resulted in the surrounding occupiers taking it upon themselves to implement their own parking restrictions within the vicinity through the erection of prohibitive signage.

Whilst the LPA appreciate that school holidays do not account for the majority of the calendar year, they still account for approximately 3 months of the year and this is not an insignificant period when considering the potential disruption and operational difficulties that could occur for the surrounding businesses within this time. Principally, it has been demonstrated that the existing soft play operation does not provide an appropriate level of in-curtilage parking to accommodate the demand that is being generated throughout the year and whilst the LPA appreciate that the applicant is exploring all possible avenues to ensure that such conflict is minimised, including the direction of customers through the rear service yard area and the erection of associated signage, this solution is not considered to be appropriate from a highway and pedestrian safety perspective and would not address the fundamental concerns.

Concern has also been expressed in respect to waste stored to the rear of the unit. Following discussions with the City Council's Environmental Health & Consumer Protection Officer, it has been confirmed that an inspection was carried out in April 2015. At that time the business had a waste contract with Premier Waste and all waste was stored correctly. It has also been established that the business is registered as a food business with the City Council. The Environmental Health & Consumer Protection Officer has qualified that if there are any issues regarding waste stored at the site then this can be logged and a further inspection can be made. Were the application to be considered acceptable, details of the location of waste storage details could be conditioned accordingly.

On the basis of the above reasoning, on balance, it is considered that the coming and goings associated with the soft play use is causing sufficient detriment to the day-to-day operation of the PEA to demonstrate conflict with the provisions of EC4 and policy DM3.1 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.

The proposal represents a more intensive use of the premises than that of a B2 use and as has been established above, it is not considered that the level of parking associated with Unit 6 is sufficient to meet the demands that are currently being generated throughout certain periods of the year. Consequently, the LPA are of the opinion that the use is prejudicing the day-to-day operations of the PEA during these times.

In response to the initial consultation, the Council's Network Management team offered an observation regarding the appropriateness of introducing families/children into an industrial area with concern expressed over the different mix of traffic (i.e domestic and commercial) and the subsequent impacts this could have on highway and pedestrian safety.

Clearly the existing use is well established within Sunrise Enterprise Park and prior to relocating to Unit 6 the business had been operating from Unit 2 without apparently causing any detriment to the highway safety or the day-to-day operation of the business park. As such and notwithstanding the comments made by Network Management, it does not necessarily follow that introducing non-compliant uses in to industrial areas will create significant conflict in all cases.

However, the marked difference in this particular instance is the fact that Unit 2 has provision for 50 car parking spaces and is set within its own self-contained curtilage demarked by high palisade fencing. In this respect the potential for conflict to arise between users of the soft play and other businesses within the estate was greatly reduced.

Members may recall that Unit B was recently approved (29 September 2015) as a Trampoline Park however as above, this Unit is also situated within its own self-contained curtilage and provided a total of 82 parking spaces to serve the new use.

As it currently stands, access to the proposed parking spaces located in the rear yard of Unit 6 require (family) cars to pass through the service yard of the adjacent Unit 5 which is occupied by an electrical wholesale supplier business. Unit 6 receives regular deliveries of parts and goods from articulated and rigid base waggons with vans, forklift and storage pallets regularly used within the service yard area.

It is acknowledged that the number of leisure uses within business and industrial parks is common, however other premises including one on Sunrise Enterprise Park are self contained and do not rely on a access shared with a traditional industrial estate use. The reliance on use of the shared service yard associated with Unit 6 does raise significant concerns with regard to the safety of mixing both industrial and leisure uses in one location. It should be noted that the service yard identified for overspill parking is used at present on a regular basis by customers visiting Unit 6.

With regards pedestrian access, the application includes the provision of a single gated entrance at the north-west corner of the service yard. This access provides the option of direct access removing the need to walk through the adjoining unit's service yard, however the paved route provided to the gable end of Unit 6 is narrow and is further restricted from cars overhanging the path from the adjacent car park used by a company based in a nearby unit. The width of the route narrows and would be unusable by parents with pushchairs.

The delineation of parking spaces and also a safe walking route would normally be recommended, however this cannot be achieved for parking bays 37 to 46 which are accessed directly from the service yard and within the ownership of unit 5.

In conclusion, the applicant has sought to increase the number of parking spaces available for customers; however the issue that the majority of parking is accessed via an industrial use service yard has not been resolved. While not public highway, there remains significant concern over the shared use and mix of industrial traffic, family passenger cars and vulnerable pedestrians in this location. Based on the aforementioned it is considered that the proposal is not in accordance with UDP policies T14 and T22 and as such it is recommended that the application be refused.

## 5. Surface Water and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals with areas at risk of flooding and require the local planning authority, in conjunction with the

Environment Agency, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

Whilst these policies remain pertinent the reliance upon the Environment Agency has now been passed on to the Lead Local Flood Authority via recent legislative changes.

Further to consultations with the Flood and Coastal Group Engineer, it is noted that as there is no increased roof area to the building or hard standing areas, there is no requirement for any betterment for surface water discharge, and as such there are no objections to the proposal.

### Conclusion

The use of the unit as a soft play centre (use class D2) is not consistent with the list of appropriate land uses as identified for Sunrise Enterprise Park by EC4 and NA1.1 of the UDP and draft policy CS3.3 and DM3.1 of the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD).

However, it is acknowledged that the principle of establishing the soft play centre within the Sunrise Enterprise Park has previously been established following an earlier approval in 2007 and the LPA are satisfied that there were no more sequentially preferable sites for the soft play centre given the applicant's specific requirements. In addition it is also acknowledged that the applicant is providing a service/facility which is clearly valued by the local community and in this regard as required by Para 70 of the NPPF, planning policies should plan positively for and guard against the loss of such valued facilities.

Nonetheless, it is considered that the existing use is heavily dependent on car-borne visits for which the host unit does not provide adequate parking for. In this respect it is considered that the traffic generation is, during certain periods, having a demonstrable adverse impact on the character/function and operation of the PEA by way of causing conflict with adjacent commercial uses. In addition and in light of the lack of dedicated parking provision, the use is facilitating on street parking in and around the host and neighbouring units to the detriment of highway and pedestrian safety.

In light of the above, in assessing the development on its own individual merit and in weighing up all material planning considerations as outlined above, it is on balance, considered that the highway and pedestrian safety implications cannot simply be ignored particularly given the demographic of the users. This coupled with the adverse impact on the character and function of the estate is considered to represent sufficient material harm to outweigh the benefits of the development on this occasion.

As such members are recommended to refuse planning permission for the reasons outlined below.

### 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:-

- o age;

- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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: Refuse**

### **Reasons:**

- 1 The nature and intensity of the use introduces increased pedestrian and vehicular movements onto the adjacent highway network creating significant conflict between customers of the soft play centre and the commercial traffic serving the Primary Employment Area, to the detriment of highway and pedestrian safety.

The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF and policies T14 and T22 of the adopted Unitary Development Plan.

- 2 The use generates a significant level of car borne custom which cannot be adequately accommodated by the parking allocated to the unit; consequently the associated on-street

parking and pedestrian movements are having a demonstrable adverse impact on the day-to-day functions and operation of the Primary Employment Area.

The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF, policies EC4, T14 and T22 of the adopted Unitary Development Plan and policy DM3.1 of the emerging Core Strategy.

4.

North  
Sunderland

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**Reference No.:** 16/00111/LP3 Local Authority (Reg 3 )

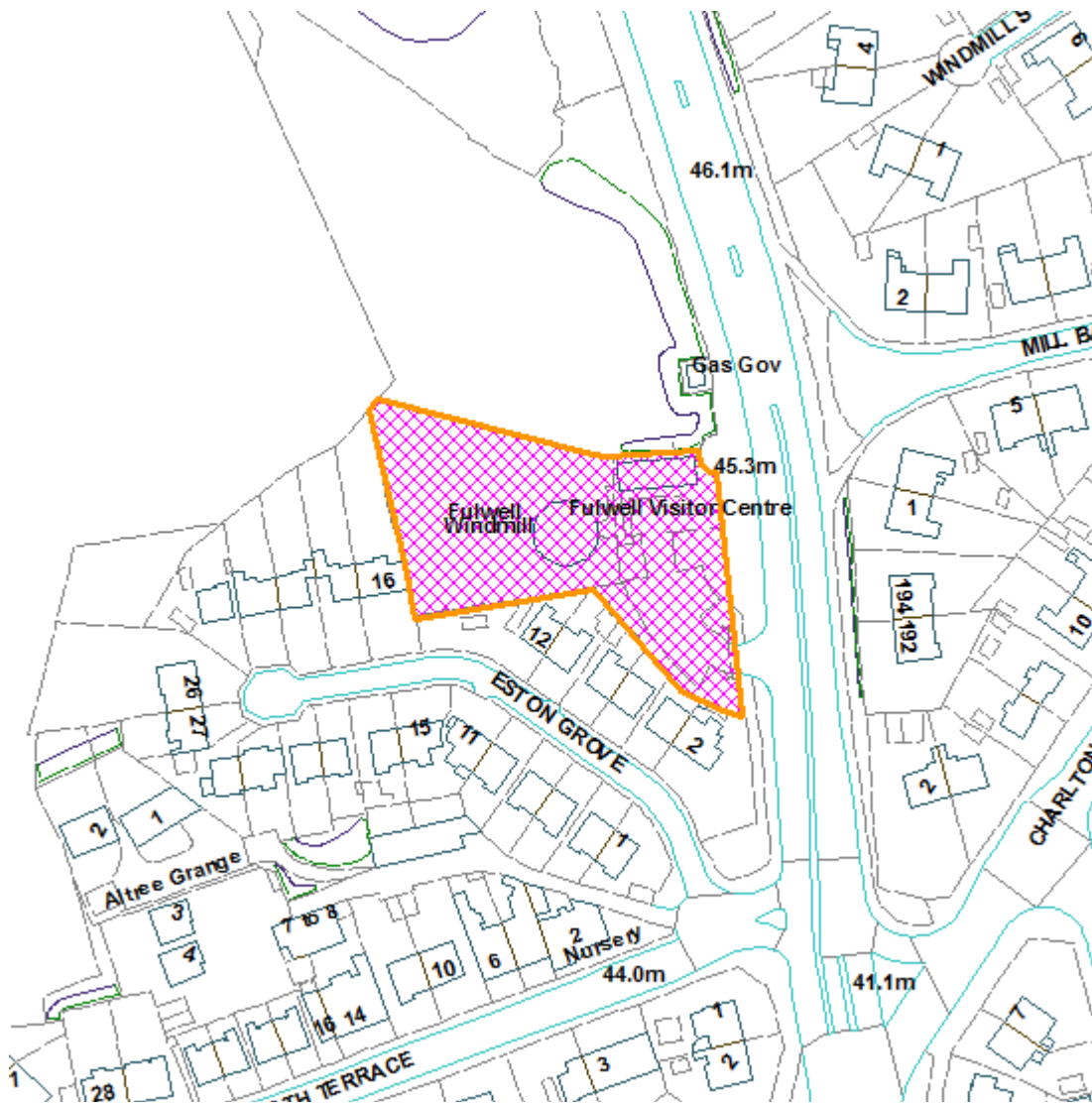
**Proposal:** **Emergency removal of structurally unsafe cap, sails and fantail. Repairs to windshaft, sail cross, brake wheel, and renewal of winding gear. Provision of traditionally detailed cap, sails and fantail. Replacement of 7 no. windows. Internal and external redecoration with mineral paint. Provision of internal emergency light.**

**Location:** Fulwell Mill Newcastle Road Sunderland SR5 1EX

**Ward:** Southwick  
**Applicant:** Sunderland City Council  
**Date Valid:** 29 January 2016  
**Target Date:** 25 March 2016

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**Location Plan**



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## PROPOSAL:

Planning permission is sought for the removal of structurally unsafe cap, sails and fantail, repairs to the windshaft, sail cross, brake wheel and renewal of the winding gear, provision of traditionally detailed cap, sails, fantail and petticoat, replacement of 7 windows, internal and external redecoration and the provision of internal emergency lighting.

The scope of the works for this application represents the first two stages of the repair and restoration works that would provide a visually complete and authentic windmill, which would allow the windmill to be returned to full working order in the future through a further phase of repair and restoration works.

In summary the works applied for would see the windmill made watertight, arrest its deterioration, out into good repair and rectify many of the defects of the previous restoration schemes with properly researched and informed millwright repair and restoration works.

An application for Listed Building Consent has also been submitted and appears as the next item on this agenda.

The application has been advertised by way of site, press and neighbour notification.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Southwick - Ward Councillor Consultation  
English Heritage

Final Date for Receipt of Representations: **29.02.2016**

## **REPRESENTATIONS:**

Planning Implementation - No objection to the proposal.

Network Management - No observations.

Historic England - No objection to the proposal, it is advised that further advice is sought from the Councils Built Heritage Officer.

Neighbours - No representations received.

Amenity Societies - No representations received at the time of writing this report. Any received prior to the meeting will be reported verbally.

Natural Heritage team - No objections in principle.

## **POLICIES:**

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

CN\_22\_Developments affecting protected wildlife species and habitats  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
B\_8\_Demolition of listed buildings  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EC\_8\_Support for tourist and visitor attractions.  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

## **COMMENTS:**

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

- i) Principle of the Development.
- ii) Built Heritage - The impact of the proposal on the historic fabric of Fulwell Mill.
- iii) Highway Issues.
- iv) Impact on residential amenity.
- v) Ecology.



## i) Principle of the Development

### National Planning Policy Framework (NPPF)

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

#### Paragraph 128

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

#### Paragraph 129:

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

#### Paragraph 131:

In determining planning applications, local planning authorities should take account of:

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

#### Paragraph 134:

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

#### Paragraph 137:

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

## Paragraph 141:

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

## Local Planning Policy

The site is not allocated for any specific purpose within the Unitary Development Plan, but as Fulwell Mill is Grade II\* Listed, due regard has been given to relevant built heritage policies of the Unitary Development Plan.

Policy EN10 deals with unallocated sites and dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood. In this regard, no changes are being proposed to the use of the land rather the proposed works are required to halt the deterioration of the heritage asset and start a programme of repair and reinstatement works which will aid in bringing this highly desirable tourist attraction back into functional and recreational use. In this regard, the proposal is considered to be acceptable.

## ii) Built Heritage

This proposal has been subject to detailed and lengthy discussions and developed in full collaboration with the Heritage Protection Team and Historic England, and a design team comprising a specialist Millwright Consultant and a conservation architect. This has ensured the proposed repair and restoration works have been designed on a properly informed and sound conservation basis that will see the authentic restoration of the Mill and return it into use as a visitor attraction, addressing its 'at risk' status and helping to secure its longer term conservation and future care. The proposal supports the requirements of paragraph 131 of the NPPF by sustaining and enhancing the significance of the listed building and returning it into a viable use consistent with its conservation. The proposal is therefore acceptable and strongly supported.

## Context

Fulwell Mill is a highly distinctive, rare and iconic grade II\* listed building of exceptional significance. It is a nationally important example of a vaulted tower windmill and one of only 16 grade II\* listed buildings in Sunderland, and is a cherished community asset and key landmark of the City. Dating from the early years of the 19th century, the mill is an unusually complete example of a vaulted tower mill, retaining almost all its internal machinery it is the best preserved of its type within the region.

The Mill is currently on Historic England's Heritage at Risk Register as a result of storm damage and subsequent deterioration and failure of its cap and sails in recent years, leaving the internal machinery and other features exposed to the elements and vulnerable to damage. Emergency holding works were carried out in 2015 on health and safety grounds to remove the dangerous cap and sails, remove and store for re-use the brakewheel and other components of historic value, and fit a temporary flat roof over the tower to protect the internal machinery whilst the permanent repair and restoration works subject to this application were being designed by the Millwright Consultant and architect.

## Assessment of Proposals

The proposed scheme will undertake urgent repairs and the first phases of restoration works to the grade II\* listed Mill using appropriate expertise from a specialist Millwright Consultant and a conservation accredited architect.

The repair works to the surviving machinery and timber components, and the restoration of the new cap, fantail and sails, have been designed and specified by the Millwright Consultant using his extensive specialist knowledge of working Mills. This has ensured a thoroughly researched and authentically designed scheme that is to the finest detail, both visually and structurally sound. Indeed, the scheme represents the most authentic restoration of Fulwell Mill in over 100 years.

The proposed Resitrix membrane will provide a waterproof and maintenance free covering for the cap and is the only non-traditional intervention, but has been specified in the interests of sustaining the conservation of the Mill in the long term. The Resitrix will provide a visually suitable modern alternative that carries a 30 year warranty to satisfy the Mill's longer term maintenance needs but does not compromise its aesthetic values, and is thus considered to provide an appropriate balance. An initial sample mock-up of the Resitrix has been viewed on site by the Heritage Protection Team and Historic England and is considered to be acceptable. A further full-scale sample will however be required from the approved installer / sub-contractor once appointed.

Two points of clarification were raised by Historic England in their consultation response, over the choice of shutters for the sails and style of replacement windows. I am satisfied with the architects email response to these queries which explains the thought process and justification for the design of these components. The design demonstrates a sound conservation solution that is consistent with the overall restoration approach on providing an appropriate balance between authenticity and robustness and future maintenance.

## Conditions

The following conditions should be applied to the consents for the approval of the Heritage Protection Team:-

- Sample full-scale mock-up of Resitrix membrane cap covering section to be provided on site.
- Samples (or sample sections) of new windows to be provided, either in joiners workshop or on site.
- Sample panel of Doff cleaning of external and internal faces of tower to be provided on site for inspection and approval.
- Sample panel of Kiem paint finish to external tower to be provided on site for inspection and approval.
- Full detailed designs of both permanent and temporary lightning protection provision, including full details of location of tape and all fixings, and method of fixings.

## iii) Highways

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. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Having regard to the above policies and given the nature of the proposal it is not considered that the proposed works to the Mill would give rise to any adverse impacts on the local highway network and as such the proposal fully accords with policies T14 and T22 of the UDP.

#### iv) Impact on residential amenity

The site lies in close proximity to residential dwelling, to the south, east and west. The mill itself is sited on higher ground than surrounding residential development and is a prominent, relatively imposing feature in the visual landscape terms. The restoration of the mill and the replacement of its sails and cap, however, will simply replace and replicate the features of the mill that were once in situ. From this point of view the application works would not introduce new structures that were not previously evident. In this regard it is not considered that the works would adversely affect the outlook, light or privacy of adjoining residential occupiers and the proposal accords with policy B2 of the UDP, which seeks to ensure that the scale, massing, layout and setting of new developments respects and enhances the best qualities of nearby properties and the locality.

v) The application was accompanied by a Bat Survey to ensure that no bats or birds would be affected by the proposed works. The report concluded that the proposals present a very low risk to bats and bird roosts and no further survey work was recommended. However, It was therefore advised that, should any bats or birds be found during construction works, the contractors cease work until various specified undertakings have been met. This may be controlled by way of a condition, should planning permission be forthcoming. In this way policy CN22 of the UDP, which seeks to ensure that new development does not adversely affect any animal or plant species afforded protection by law, would be satisfied.

#### 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members grant consent in accordance with Regulation 3.

### **RECOMMENDATION: Members Grant Consent in accordance with Regulation 3.**

#### **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 plans Ref: 1452 1 Rev A

Existing Elevations and Sections Ref: 1452 2 Rev A

Proposed Plans Ref: 1452 3 Rev A

Proposed Elevations and Sections Ref: 1452 4 Rev A

Window Detail Ref: 1452 5

Cap Frame plan

Cap Frame Underside plan

Exploded View plan

Fantail & Winding Gear Arrangement plan

Gearing Elevations plan

Gearing Plan and Section A

Design and Access Statement

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 works shall take place until a sample of the windows to be installed, either on site or at an alternative location (at a time to be agreed in advance of the inspection), have been constructed and subsequently inspected 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 preserve the historic fabric and character of the listed building and to comply with paragraphs 128 and 131 of the National Planning Policy Framework and to comply with policies B8 of the Unitary Development Plan.
- 4 Notwithstanding any such details submitted with the application, works shall not commence until a sample panel of the Doff cleaning of external and internal faces of the tower has been provided on site for the inspection and approval of the Council as Local Planning Authority (at a time to be agreed in advance of the inspection). The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the NPPF.
- 5 Notwithstanding any such details submitted with the application, works shall not commence until a sample panel of the Kiem paint finish to external tower has been provided on site for the inspection and approval of the Council as Local Planning Authority (at a time to be agreed in advance of the inspection). The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the NPPF.
- 6 Notwithstanding any such details submitted with the application, works shall not commence until full detailed designs of both permanent and temporary lightning protection provision, including full details of location of tape and all fixings, and method of fixings has been provided to and approved in writing by the Council as Local Planning Authority. The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the NPPF.
- 7 No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 8 The 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 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN6 of the UDP
- 9 The applicant is advised that the development should be carried out in complete accordance with the recommendations of the Bat Risk Assessment carried out by dendra on 11/12 January 2016 and submitted with the application hereby approved, in order to ensure that no protected species are adversely affected by the development hereby approved and to accord with policy CN22 of the UDP.



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Reference No.: 16/00112/LB3 Listed Building Consent (Reg3)

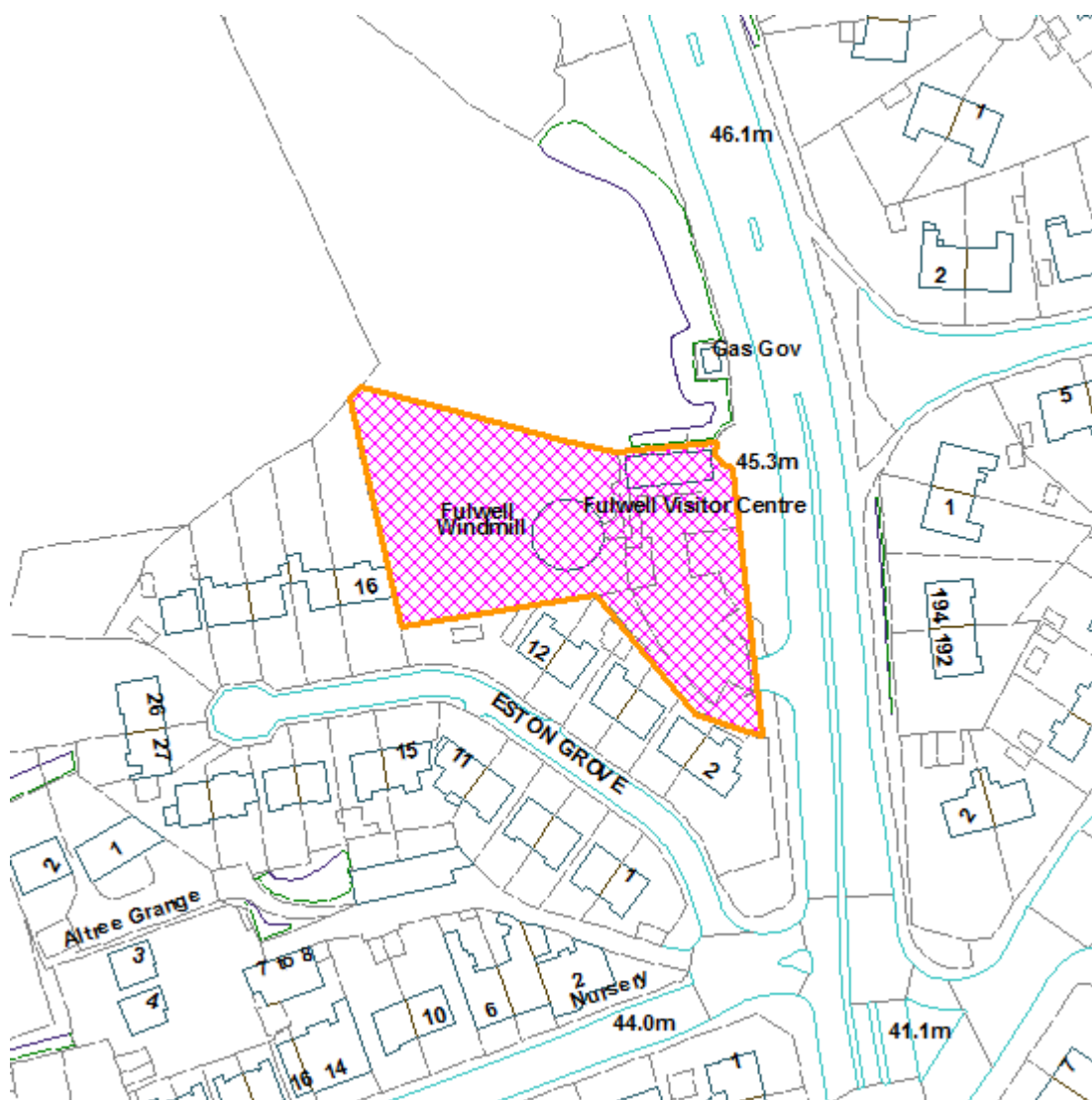
**Proposal:**           **Emergency removal of structurally unsafe cap, sails and fantail. Repairs to windshaft, sail cross, brake wheel, and renewal of winding gear. Provision of traditionally detailed cap, sails and fantail. Replacement of 7 no. windows. Internal and external redecoration with mineral paint. Provision of internal emergency light.**

**Location:**           Fulwell Mill Newcastle Road Sunderland SR5 1EX

**Ward:**                 Southwick  
**Applicant:**         Sunderland City Council  
**Date Valid:**         29 January 2016  
**Target Date:**        25 March 2016

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### Location Plan





## **PROPOSAL:**

Listed Building Consent is sought for the removal of structurally unsafe cap, sails and fantail, repairs to the windshaft, sail cross, brake wheel and renewal of the winding gear, provision of traditionally detailed cap, sails, fantail and petticoat, replacement of 7 windows, internal and external redecoration and the provision of internal emergency lighting.

The scope of the works for this application represents the first two stages of the repair and restoration works that would provide a visually complete and authentic windmill, which would allow the windmill to be returned to full working order in the future through a further phase of repair and restoration works.

In summary the works applied for would see the windmill made watertight, arrest its deterioration, put into good repair and rectify many of the defects of the previous restoration schemes with properly researched and informed millwright repair and restoration works.

An application for Planning Permission has also been submitted and appears as the previous item on this agenda.

The application has been advertised by way of site, press and neighbour notification.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Southwick - Ward Councillor Consultation  
English Heritage  
Amenities Societies

Final Date for Receipt of Representations: **15.03.2016**

## **REPRESENTATIONS:**

Planning Implementation - No objection to the proposal

Historic England - No objection to the proposal, It is advised that further advice is sought from the Councils Built Heritage Officer.

Neighbours - no responses received as a result of the consultation process.

### Third Party Representation

No third party representation has been received to this application.

National Amenity Societies, as listed below -

- (i) the Society for the Protection of Ancient Buildings,
- (ii) the Ancient Monuments Society,
- (iii) the Council for British Archaeology,
- (iv) the Georgian Group,
- (v) the Victorian Society, and
- (vi) the Twentieth Century Society.

No representations received at the time of writing this report. Any received subsequently will be reported orally at the meeting.

## **POLICIES:**

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

B\_8\_Demolition of listed buildings

EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

## **COMMENTS:**

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

- i) Principle of the Development.
- ii) Built Heritage - The impact of the proposal on the historic fabric of Fulwell Mill.

### Principle of the Development

#### National Planning Policy Framework (NPPF)

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

#### Paragraph 128

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

#### Paragraph 129:

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

#### Paragraph 131:

In determining planning applications, local planning authorities should take account of:

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

#### Paragraph 134:

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

#### Paragraph 137:

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

#### Paragraph 141:

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

#### Local Planning Policy

The site is not allocated for any specific purpose within the Unitary Development Plan, but as Fulwell Mill is Grade II\* Listed, due regard has been given to relevant built heritage policies of the Unitary Development Plan.

Policy EN10 deals with unallocated sites and dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood. In this regard, no changes are being proposed to the use of the land rather the proposed works are required to halt the deterioration of the heritage asset and start a programme of repair and reinstatement works which will aid in bringing this highly desirable tourist attraction back into functional and recreational use. In this regard, the proposal is considered to be acceptable.

#### Built Heritage

This proposal has been subject to detailed and lengthy discussions and developed in full collaboration with the Heritage Protection Team and Historic England, and a design team comprising a specialist Millwright Consultant and a conservation architect. This has ensured the

proposed repair and restoration works have been designed on a properly informed and sound conservation basis that will see the authentic restoration of the Mill and return it into use as a visitor attraction, addressing its 'at risk' status and helping to secure its longer term conservation and future care. The proposal supports the requirements of paragraph 131 of the NPPF by sustaining and enhancing the significance of the listed building and returning it into a viable use consistent with its conservation. The proposal is therefore acceptable and strongly supported.

## Context

Fulwell Mill is a highly distinctive, rare and iconic grade II\* listed building of exceptional significance. It is a nationally important example of a vaulted tower windmill and one of only 16 grade II\* listed buildings in Sunderland, and is a cherished community asset and key landmark of the City. Dating from the early years of the 19th century, the mill is an unusually complete example of a vaulted tower mill, retaining almost all its internal machinery it is the best preserved of its type within the region.

The Mill is currently on Historic England's Heritage at Risk Register as a result of storm damage and subsequent deterioration and failure of its cap and sails in recent years, leaving the internal machinery and other features exposed to the elements and vulnerable to damage. Emergency holding works were carried out in 2015 on health and safety grounds to remove the dangerous cap and sails, remove and store for re-use the brakewheel and other components of historic value, and fit a temporary flat roof over the tower to protect the internal machinery whilst the permanent repair and restoration works subject to this application were being designed by the Millwright Consultant and architect.

## Assessment of Proposals

The proposed scheme will undertake urgent repairs and the first phases of restoration works to the grade II\* listed Mill using appropriate expertise from a specialist Millwright Consultant and a conservation accredited architect.

The repair works to the surviving machinery and timber components, and the restoration of the new cap, fantail and sails, have been designed and specified by the Millwright Consultant using his extensive specialist knowledge of working Mills. This has ensured a thoroughly researched and authentically designed scheme that is to the finest detail, both visually and structurally sound. Indeed, the scheme represents the most authentic restoration of Fulwell Mill in over 100 years.

The proposed Resitrix membrane will provide a waterproof and maintenance free covering for the cap and is the only non-traditional intervention, but has been specified in the interests of sustaining the conservation of the Mill in the long term. The Resitrix will provide a visually suitable modern alternative that carries a 30 year warranty to satisfy the Mill's longer term maintenance needs but does not compromise its aesthetic values, and is thus considered to provide an appropriate balance. An initial sample mock-up of the Resitrix has been viewed on site by the Heritage Protection Team and Historic England and is considered to be acceptable. A further full-scale sample will however be required from the approved installer / sub-contractor once appointed.

Two points of clarification were raised by Historic England in their consultation response, over the choice of shutters for the sails and style of replacement windows. I am satisfied with the architects email response to these queries which explains the thought process and justification for the design of these components. The design demonstrates a sound conservation solution that is consistent with the overall restoration approach on providing an appropriate balance between authenticity and robustness and future maintenance.

## Conditions

The following conditions should be applied to the consents for the approval of the Heritage Protection Team:-

- Sample full-scale mock-up of Resitrix membrane cap covering section to be provided on site.
- Samples (or sample sections) of new windows to be provided, either in joiners workshop or on site.
- Sample panel of Doff cleaning of external and internal faces of tower to be provided on site for inspection and approval.
- Sample panel of Kiem paint finish to external tower to be provided on site for inspection and approval.
- Full detailed designs of both permanent and temporary lightning protection provision, including full details of location of tape and all fixings, and method of fixings.

## 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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

Having regard to the justification set out above it is considered that the proposed works are much needed in order to safeguard the future of this iconic heritage asset and as such it is considered that the proposal is in full accordance with the relevant national and local planning policies.

It is consequently recommended that Members be minded to grant Listed Building Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below. However, should any objection be received from one of the National Amenity Societies listed above prior to the meeting taking place, the application to be referred to the Secretary of State for determination under the Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015.

### **RECOMMENDATION: Members be minded to grant Listed Building Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992**

#### **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 plans Ref: 1452 1 Rev A

Existing Elevations and Sections Ref: 1452 2 Rev A

Proposed Plans Ref: 1452 3 Rev A

Proposed Elevations and Sections Ref: 1452 4 Rev A

Window Detail Ref: 1452 5

Cap Frame plan

Cap Frame Underside plan

Exploded View plan

Fantail & Winding Gear Arrangement plan

Gearing Elevations plan

Gearing Plan and Section A

Design and Access Statement

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 works shall take place until a sample of the windows to be installed, either on site or at an alternative location (at a time to be agreed in advance of the inspection), have been constructed and subsequently inspected 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 preserve the historic fabric and character of the listed building and to comply with paragraphs 128 and 131 of the National Planning Policy Framework and to comply with policies B8 of the Unitary Development Plan.
- 4 Notwithstanding any such details submitted with the application, works shall not commence until a sample panel of the Doff cleaning of external and internal faces of the tower has been provided on site for the inspection and approval of the Council as Local Planning Authority (at a time to be agreed in advance of the inspection). The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the National Planning Policy Framework.
- 5 Notwithstanding any such details submitted with the application, works shall not commence until a sample panel of the Kiem paint finish to external tower has been provided on site for the inspection and approval of the Council as Local Planning Authority (at a time to be agreed in advance of the inspection). The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the NPPF.
- 6 Notwithstanding any such details submitted with the application, works shall not commence until full detailed designs of both permanent and temporary lightning protection provision, including full details of location of tape and all fixings, and method of fixings has been provided to and approved in writing by the Council as Local Planning Authority. The works shall then be carried out in complete accordance with the agreed details, in the interests of maintaining the heritage significance of the buildings and to comply with policy B8 of the UDP and paragraphs 128 and 131 of the NPPF.