

## **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 City 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/)

Peter McIntyre

Executive Director City Development

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South  
Sunderland

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**Reference No.:** 19/01483/SUB Resubmission

**Proposal:** **Change of use from residential dwelling to HMO (retrospective).**

**Location:** 3 Evelyn Street Sunderland SR2 7NE

**Ward:** Millfield

**Applicant:** YMCA Wearside Ltd

**Date Valid:** 10 September 2019

**Target Date:** 5 November 2019

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**PROPOSAL:**

The application seeks retrospective planning permission for a change of use from a dwelling house (Use Class C3) to a Home in Multiple Occupation (HMO, Use Class C4) at 3 Evelyn Street, Sunderland.

The change of use requires planning permission given the location of the site in an area covered by an Article 4 Direction.

The application has been called into committee by Cllr Hodson; given the level of public interest.

**TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Southern Area Command - Police  
Environmental Health  
Millfield - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **18.10.2019**

**REPRESENTATIONS:**

Environmental Health: "The proposed HMO does not meet the criteria to require a mandatory HMO licence".

Housing: "there are no other HMO properties in the street that we are aware of".

Network Management: No objections.

Cllr Potts:

I'd like to register my objection to this retrospective planning application in Evelyn Street.

While the house been used as an HMO, the Evelyn Street residents have been subjected to a lot of trouble from the people staying at this property and their numerous visitors, many who've also had keys to the property. They were all very noisy, frequently using foul and abusive language and threatening behaviour. There have often been fights and police have had to be called on many occasions to deal with incidents. The residents are afraid for themselves, their children and grandchildren.

The street has only a small number of houses in a residential area and is not suitable for this type of accommodation. Granting a licence would have a considerable negative effect on the residents of Evelyn Street and the surrounding area.

Cllr Wood:

"When the property was fully operational as an HMO police reported 25 crimes recorded and 50 reported incidents since it opened?

While the property has not been actively used as an HMO, local residents in the area reported a marked improvement in the reduction of issues

Since the property has been actively used, there has been an increase in loud music, and bad language on the street. The poor management of the residents and property that was exhibited before does not appear to have been redressed"

Local Governors for Thornhill Academy:

"The level of required police activity already taken place at this property is unacceptably close to the school, placing the pupils in very close proximity to the drug / knife / alcohol issues that have been highlighted by both the local press and neighbours who have to deal with this daily".

Thornholme Residents Association:

"?Notably a lack of parking facilities? In addition, it is not clear that sufficient appropriate alterations to the property were not made to cater for suitable staffing ratios.

Since the last application, when it was clear by the police involvement with the anti social behaviour, that there had been a gross lack of management by the YMCA, the situation has further deteriorated?

It would, therefore a significant error to grant this application and further disrupt the lives of the remaining residents. One resident felt he could no longer sustain the disadvantages caused by this disruption and moved out. These problems are also being felt in neighbouring streets".

The representations received are summarised below:

Too many / a lot of HMOs in the area. Quiet small street of seven dwelling houses. Area predominately family homes. Loss of a family house. Contrary to page 63 of the Core Strategy.

Anti social behaviour / public order, e.g. litter, noise, windows broken. Residents have left home in fear / cannot sell properties on the street. Affects upon health of neighbours.

Northumbria Police:

"We would be opposed to the planning application if the residents were to be primarily young persons as a result of previous experience which led to regular police attendance in response to reported incidents of ASB. The premises were raised as an issue at most of the local PACT and residents meetings."

## **POLICIES:**

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

Core Strategy and Development Plan 2015-2033 Publication Draft (incorporating proposed modifications) (September 2019): H6

Housing Strategy for Sunderland (2017-2022)

H\_18\_Proposals for provision/ conversion of dwellings for multiple occupation

## **COMMENTS:**

The application seeks retrospective planning permission for a change of use from a dwelling house (Use Class C3) to a Home in Multiple Occupation (HMO, Use Class C4) at 3 Evelyn Street, Sunderland. The change of use requires planning permission given the location of the site in an area covered by an Article 4 Direction.

The Unitary Development Plan (UDP) states, at policy H18, that

"Proposals for the provision or conversion of dwellings into bed-sitting rooms, self-contained flats, or multiple shared accommodation will normally be approved where

- (i) The intensity of use will not adversely affect the character and amenity of the locality
- (ii) Appropriate arrangements are made to secure the maintenance of gardens and external spaces.

In all cases, proposals must include satisfactory provision for parking, servicing and other design aspects."

The UDP therefore supports the principle of converting dwelling houses into an HMO; subject to consideration of impacts around amenity and highway safety. These are expanded upon below.

The Core Strategy and Development Plan 2015-2033 Publication Draft (incorporating proposed modifications) (September 2019), at policy H6 (Homes in Multiple Occupation) states that:

"Development for HMOs should ensure that:

1. the property is located where increased traffic and activity would not be detrimental to local amenity;
2. the intensity of use would not adversely affect the character and function of the locality;

3. the proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
4. adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan;
5. the proposal would not result in an over concentration of HMOs within the locality.;
6. the accommodation provides a good standard of living space and amenity for occupiers of the HMO."

The points raised in the Core Strategy, at (4), will be given consideration in the highway section below. The balance of the points will be given consideration below.

In terms of amenity (as noted in (i) of policy H18 of the UDP), the National Planning Policy Framework (the Framework) states, at paragraph 91b, that

"Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion."

The street in question comprises a short run of seven properties which acts as a link between Riversdale Terrace to the west and Otto Terrace to the east. The street has a discrete nature, separate from Riversdale Terrace and Otto Terrace. The Housing Team have advised that they are not aware of any other HMOs on the street. The retention of the HMO would therefore be contrary to the residential character of Evelyn Street.

The Police have also advised that

"We would be opposed to the planning application if the residents were to be primarily young persons as a result of previous experience which led to regular police attendance in response to reported incidents of ASB. The premises were raised as an issue at most of the local PACT and residents meetings."

Given the above officers consider that the provision of an HMO would be contrary to policy H18 of the UDP and H6 of the Core Strategy and paragraph 91b of the Framework.

There now needs to be consideration given as to whether there are any material considerations that indicate a decision should be made otherwise.

The Council's Housing Strategy for Sunderland (2017-2022) identifies a "key priority" to be "Making the best use of existing homes and improving our neighbourhoods" and to "raise housing standards to improve health and well-being".

In terms of further material considerations, Cllr Wood has drawn to attention that

"When the property was fully operational as an HMO police reported 25 crimes recorded and 50 reported incidents since it opened?

While the property has not been actively used as an HMO, local residents in the area reported a marked improvement in the reduction of issues

Since the property has been actively used, there has been an increase in loud music, and bad language on the street. The poor management of the residents and property that was exhibited before does not appear to have been redressed"

Cllr Potts has stated

"I'd like to register my objection to this retrospective planning application in Evelyn Street.

While the house been used as an HMO, the Evelyn Street residents have been subjected to a lot of trouble from the people staying at this property and their numerous visitors, many who've also had keys to the property. They were all very noisy, frequently using foul and abusive language and threatening behaviour. There have often been fights and police have had to be called on many occasions to deal with incidents. The residents are afraid for themselves, their children and grandchildren.

The street has only a small number of houses in a residential area and is not suitable for this type of accommodation. Granting a licence would have a considerable negative effect on the residents of Evelyn Street and the surrounding area".

The Local Governors for Thornhill Academy have stated that:

"The level of required police activity already taken place at this property is unacceptably close to the school, placing the pupils in very close proximity to the drug / knife / alcohol issues that have been highlighted by both the local press and neighbours who have to deal with this daily".

The Thornholme Residents Association have stated that:

"?Notably a lack of parking facilities? In addition, it is not clear that sufficient appropriate alterations to the property were not made to cater for suitable staffing ratios.

Since the last application, when it was clear by the police involvement with the anti social behaviour, that there had been a gross lack of management by the YMCA, the situation has further deteriorated.

It would, therefore a significant error to grant this application and further disrupt the lives of the remaining residents. One resident felt he could no longer sustain the disadvantages caused by this disruption and moved out. These problems are also being felt in neighbouring streets".

There have also been 15 representations which have drawn to attention that there has been anti-social behaviour; such as litter, noise and windows broken. The representations further draw to attention that there has been an effect upon the health of neighbours.

There are therefore not any material considerations that indicate a decision should be made otherwise and the proposal should be refused planning permission on the basis of the principle of the development. The precise wording of the recommended refusal can be seen in the reason section of the report below.

Highway Safety

The front of the property can be accessed using the adopted footpath to the front. The submitted plans show the provision of a parking area measuring circa 8.75 metres in length, accessed off

the back lane. The Local Highway Authority have advised that they "wouldn't have any objections".

There have been representations on the basis that there would be insufficient parking. The site can, however, be accessed using the adopted footpath to the front and parking / servicing can take place using the back lane and space within the curtilage. The development could therefore not be reasonably refused on highway grounds.

## **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**

### **Reason for Refusal**

- 1 The street in question comprises a short run of seven properties which acts as a link between Riversdale Terrace to the west and Otto Terrace to the east. The street has a discrete nature, separate from Riversdale Terrace and Otto Terrace. The Housing Team have advised that they are not aware of any other HMOs on the street. The retention of the HMO would therefore be contrary to the residential character of Evelyn Street.

In terms of material considerations, there have also been concerns expressed by the Police, Ward Councillors, the Governors for a Local Academy (Thornhill) and the Local Residents Association (Thornhill).

The use of the property as an HMO would therefore be contrary to policy H18 of the Unitary Development Plan and policy H6 of the Core Strategy and Development Plan 2015-2033 Publication Draft (incorporating proposed modifications) (September 2019) and paragraph 91b of the National Planning Policy Framework (February 2019). There are not any material considerations that indicate a decision should be made otherwise; nor can these concerns be overcome with any planning conditions or legal agreements.

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**Reference No.:** 19/01852/LAP Development by City(Regulation 3)

**Proposal:** **Change of use from bank (use class A2) to local studies library and events space at ground and first floor (use class D1), including various external repairs and alterations.**

**Location:** 64 Fawcett Street Sunderland SR1 1BB

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 31 October 2019

**Target Date:** 26 December 2019

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## **PROPOSAL:**

Planning permission is sought for the conversion of existing first and second floor office space (Use Class A2) to provide a local studies library and events space (Use Class D1) at the Elephant Tea Rooms, 64 Fawcett Street, Sunderland. The building is listed and a separate listed building application for various internal and external alterations to facilitate the new use is considered elsewhere on this agenda (ref: 10/01853/LBC).

### Site description and background

The Elephant Tea Rooms building is situated on the corner of Fawcett Street and High Street West in Sunderland City Centre, within the Sunnyside Conservation Area. The site is bounded to the north by High Street West, to the east by Fawcett Street, to the south by a yard area, and to the west by a retail unit.

Built between 1873 and 1877, the Elephant Tea Rooms building is polychrome, using brick, terracotta and faience to create impressive red and white banding which is punctuated with fine architectural detailing such as elephants and tea caddies.

The building's last known use was as a bank (use class A2), which closed in 2018. Since its closure, the property has remained vacant. It was subsequently marketed and has been bought by the City Council.

### Proposed development

It is proposed to change the use of the building to a local studies library and events space at ground and first floor (use class D2). Opening hours are proposed to be:

Monday, Tuesday, Thursday and Friday - 9:00 to 17:00

Wednesday - 9:00 to 19:00

Saturday - 10:00 to 16:00

Sunday closed

External repairs and alterations to facilitate the change of use are also proposed. The main changes include a new steel access door in place of a window, the blocking up of a further window to the rear elevation and the relocation of an external vent grille.

### Policy considerations

### National Planning Policy Framework (2019)

The NPPF explains that at the heart of planning is the presumption in favour of sustainable development. This is the 'golden thread' running through both plan-making and decision-taking. Paragraph 48 of the National Planning Policy Framework states that decision takers may give weight to relevant Policies in the emerging plans where they are at an advanced stage, with regard to the level of unresolved objections to relevant policies and the degree of consistency in policies of the emerging plan to that of the NPPF.

UDP Alternation Number 2 (Central Sunderland) 2007 is relevant in this case. Policy SA55.1 identifies the site as being in a Strategic Area for Change and within the city centre boundary, where 'mixed use development including leisure, entertainment facilities, more intensive sport and recreation uses, offices, arts, culture, tourism and housing uses' will be focused. This includes D1 non-residential institutions (restricted to art galleries and exhibition space). B2A is also applicable. This seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

### Core Strategy and Development Plan Publication Draft (2015 - 2033)

The Local Development Framework (LDF) is a collection of documents providing the planning framework for the future development of Sunderland. The emerging Core Strategy lies at the heart of the LDF, by setting the overall spatial vision and aims for the development of the city until 2033.

The Core Strategy and Development Plan Publication Draft document was sent to the Secretary of State for examination in late 2018, and a public inquiry was held in May 2019. Subject to a number of modifications, the plan will be adopted by the Council in early 2020. It is therefore a material consideration in the determination of planning applications.

The following policies are relevant to this application:

- o Policy SP1 - Spatial Strategy which aims to support sustainable economic growth.
- o Policy SP2 - Urban Core which aims to regenerate the urban core.
- o Policy VC1 - Main Town Centre uses and retail hierarchy which seeks to maintain the vitality and viability of Sunderland City Centre.
- o Policy VC3 - Primary Shopping Areas and Frontages which identifies the where the main focus of retail uses should be within the city centre. (At VC3.5 the site is identified as being within a secondary frontage area).
- o Policy VC5 - Protection and Delivery of community facilities and local services (supporting the development of new and extended community facilities).

### TYPE OF PUBLICITY:

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

### CONSULTEES:

Millfield - Ward Councillor Consultation  
Environmental Health  
Network Management

Final Date for Receipt of Representations: **09.12.2019**

## **REPRESENTATIONS:**

Neighbours - no comments have been received as a result of the publicity and consultation exercise.

Network Management - no observations.

Environmental Health - no response received.

## **POLICIES:**

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

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

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues are whether or not the proposal is acceptable in land use terms and whether there would be any adverse impact on neighbouring occupiers or highway safety resulting from it.

1. The site lies within the Sunderland City Centre and is identified as a Secondary Frontage retail area under policy VC3 of the Core Strategy. It is also identified in the adopted UDP (Alteration No. 2) policy SA55B.1 as an area where mixed uses, including restricted D1 uses will be acceptable. The site is located in a sustainable city centre location, in walking distance of Sunderland Station, Park Lane Interchange and city centre car parks and would provide a facility that helps deliver community facilities and local services within a sustainable location. The proposed use would also help deliver the primary objective in policy SP1 of the Core Strategy in that it helps to support sustainable economic growth by bringing back into productive use a vacant listed building that meets people's needs.

In light of the above the proposed use as a local studies library and events space is consistent with adopted and emerging land use and spatial policies for the site and is acceptable in land use terms.

Given that the site is located within the city centre there are no parking implications arising from the proposal as the site is well served by various public transport modes.

2. The commercial nature of the city centre and the limited opening hours proposed for the use dictate that any impact from the facility (noise, disturbance, visitor numbers, etc, on adjacent occupiers would be marginal . This is because the background noise levels in the main commercial area of the city are likely to be relatively high. As far as the limited external alterations are concerned the changes to openings are at ground floor level along the rear elevation of the building and would not give rise to any neighbouring or visual amenity issues, in accordance with policy B2A of the adopted UDP ((Alteration No. 2), which seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

It may be seen that the proposed use is in accordance with both local and national planning policy. The site is located in a secondary frontage area and within the city centre boundary. In both of these areas, culture and community-based uses are welcomed. There would be no identified adverse impacts on adjacent occupiers or highway safety resulting from the proposal and as a result no objection is raised in planning terms.

## **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**

For the reasons outlined above it is recommended that Members be minded to APPROVE the application, subject to the draft conditions listed and subject to expire of consultations

### **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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Proposed first floor drawing no. 0419001/BM/004 P1, Alterations and refurbishment works 001 P1, Rear elevation 009a T1, Proposed first floor 004 T4, Site plan, Proposed rear elevation 010 P1, Alterations and refurbishment works 001 T2, 2nd floor plan, 1st floor plan and Basement floor plan RBSO2394, Ground floor plan 00002394/SUNDE-GD.drawing, all received 31st October 2019.

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.

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**Reference No.:** 19/01853/LB3 Listed Building Consent (Reg3)

**Proposal:** **Various internal and external repairs and alterations including the removal and installation of stud partitions, insertion of door in place of window to rear, replacement of broken or missing roof slates and floorboards and urgent repairs to the masonry.**

**Location:** 64 Fawcett Street Sunderland SR1 1BB

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 31 October 2019

**Target Date:** 26 December 2019

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## **PROPOSAL:**

This is the listed building application relating to the 64 Fawcett Street that seeks consent for various internal and external repairs and alterations to facilitate a change of use from an A2 (office) use to a local studies library and events space (use class D1). This is the subject of a full planning application which is to be considered separately as part of this agenda (ref: 19/01852/FUL).

Please refer to the previous report (ref: 19/ 01852/LAP) on this agenda for a full description of the site and location.

This listed building application seeks approval for various repairs and alterations to the building including the removal and installation of stud partitions, replacement of broken or missing roof slates and floorboards and various repairs to the external terracotta and stone. Precise details of the proposed works are contained within the Outline Schedule of Works submitted with the application. The works are to facilitate a change of use of the building from a former bank (A2) to a non-residential institution (D1) to allow Sunderland's Local Studies Centre to relocate from their current site which is within the Fawcett Street Service Centre and Library.

## **Policy Considerations**

At the heart of the National Planning Policy framework is the presumption in favour of sustainable development. Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'core planning principles' that underpin the planning system. The NPPF sets out the

principals by which developers and local authorities should approach the conservation, enhancement and reuse of historic buildings and places. In considering potential impacts the following paragraphs of the NPPF are relevant:

193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important

the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

195: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196: 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, where appropriate, securing its optimum viable use.

These national policies are then utilized to inform more specific, local policies that really help shape and govern development proposals.

Sunderland City Council is in the process of updating its local plan with a view to the new Core Strategy and supporting documents replacing the current Unitary Development Plan (UDP). Consequently, these two documents and the following policies are considered relevant to this proposal.

Policy B10 of the UDP relates to listed building and states;

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

Also of significant weight to the assessment of the proposal is Policy BH7 Historic Environment of the emerging Local Plan, which states;

"The council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by: 4. capitalising in an appropriate and sensitive manner on the regeneration and tourism potential of heritage assets".

Policies B4 and B6 of the UDP, both of which seek to ensure that all new development within and adjacent to conservation areas preserve and enhance their character and appearance and that existing buildings are retained, where possible.

The building is also positioned partially within the Sunnyside Conservation Area and the overarching aim of the document outlined in its Primary Objective is relevant. This seeks to ensure that the special architectural or historic interest of Sunnyside Conservation Area is preserved and enhanced for the benefit of current and future generations and for the enrichment of the city's built heritage".

## **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

## **CONSULTEES:**

Millfield - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **09.12.2019**

## **REPRESENTATIONS:**

Neighbours - no comments have been received as a result of the publicity and consultation exercise.

Heritage Team - Comment that 64 Fawcett Street is better known as the Elephant Tea Rooms and is arguably the most architecturally impressive building in Sunderland, notwithstanding the unsympathetic shopfront installed after the original was lost to fire.

Since the Council acquired the property earlier this year work has been progressing to relocate the local studies centre from the City Library building into the Elephant Tea Rooms. This application will facilitate this move whilst also consolidating the condition issues facing the building. Additional emergency works have already taken place, with roof repairs seeing the building being made watertight. These works have been overseen by other members of the Conservation Team and have been done to best practice guidelines.

The proposal in this case is minor in nature and will not harm the historic significance of the property, actively improving its condition and consolidating features which would otherwise be at risk.

The Conservation Team supports this application and reuse of this important historic building.

## **POLICIES:**

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

B\_4\_Development within conservation areas

B\_6\_Measures to preserve and enhance conservation areas

B\_10\_Development affecting the setting of listed buildings

## **COMMENTS:**

The main issues are whether or not the proposal would adversely affect the character or appearance of the listed building or wider conservation area.

The Elephant Tea Rooms is considered to be one of the finest buildings in Sunderland. It is highly visible in the city centre and adjacent to several listed buildings and heritage assets (Grade II Mackie's corner and Hutchinson's Building) and is part of the wider Sunnyside Conservation Area.

Whilst the building appears to be in reasonable condition there are some issues with the roof and external masonry. Whilst not serious, if left unchecked the condition will worsen, and a greater level of intervention will be needed. Consequently, it is considered that the proposed works will help consolidate the condition of the building, utilising best practice conservation methods to restore enhance the quality of its architectural detailing. The proposed internal alterations will be minimal and fully reversible, without any adverse impact on the significance of the building and all externals will be like-for-like replacements if items are beyond reuse and repair.

As such, the proposed works would not harm the significance of the building and will, in fact, improve the current condition of the property, helping to safeguard its future. The proposal therefore accords with UDP and emerging Core Strategy and Development Plan policies, as outlined above.

### **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**

For the reasons outlined above it is recommended that Members GRANT consent, subject to the draft conditions listed and subject to expiry of consultations

### **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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Proposed first floor drawing no. 0419001/BM/004 P1, Alterations and refurbishment works 001 P1, Rear elevation 009a T1, Proposed first floor 004 T4, Site plan, Proposed rear elevation 010 P1, Alterations and refurbishment works 001 T2, 2nd floor plan, 1st floor plan and Basement floor plan RBSO2394, Ground floor plan 00002394/SUNDE-GD.drawing, all received 31st October 2019.

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.