

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 (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 09/03880/SUB Resubmission

Proposal: Change of use from warehouse to retail showroom and alterations to west elevation (RETROSPECTIVE)

Location: Furniture 2 Go Hendon Road Sunderland SR1 2JD

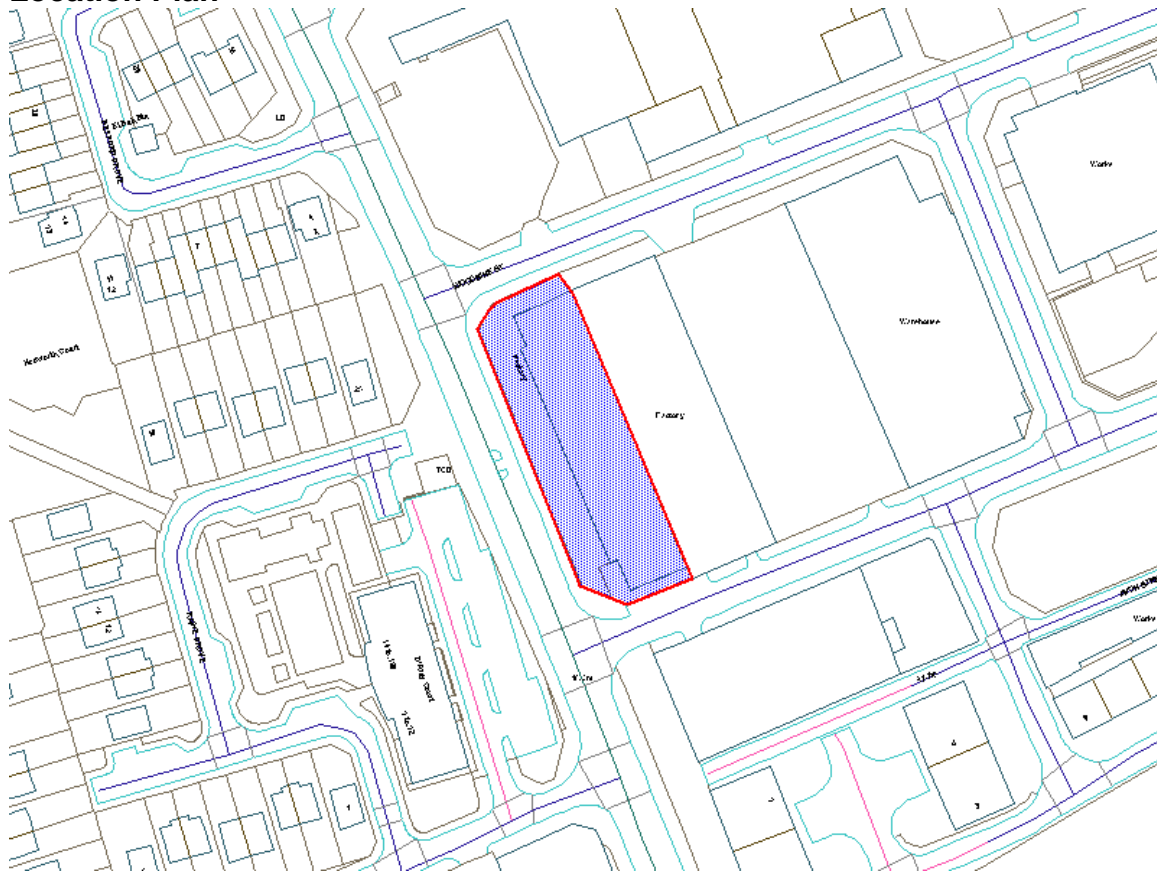
Ward: Hendon

Applicant: Furniture 2 Go

Date Valid: 13 October 2009

Target Date: 12 January 2010

Location Plan



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PROPOSAL:

Retrospective planning permission is sought for a change of use from a warehouse to a retail showroom, including alterations to the west elevation at Furniture 2 Go (formerly Barringtons), Hendon Road, Hendon, Sunderland, SR1 2JD. The application is a resubmission of a previously submitted scheme, 09/02378/FUL, which was withdrawn by the applicant on 09 September 2009, following advice from Officers that the application was to be recommended to be refused. This resubmitted application seeks to secure the same retrospective consent that was applied for previously, but now also includes a supporting statement prepared by the applicant as a means of justification for the change of use.

The proposed change of use and associated external alterations affect a flat roofed, single-storey building situated on the edge of the Hendon Industrial Area. The premises has a long and narrow footprint, measuring 68 metres in width by 16 metres in depth and fronts onto the busy Hendon Road, which is now part of the Southern Radial Route, from which it is separated by a narrow grass verge. To the north lies Woodbine Street and the south is Hendon Street, whilst adjoining to the east (rear) is a unit used for commercial storage. A total of 16 no. parking spaces are indicated as being provided at the site; 8 perpendicular to the north elevation (accessed from Woodbine Street) and a further 8 perpendicular to the south elevation (accessed from Hendon Street).

The Hendon Industrial Area is characterised by commercial and industrial development, where premises are predominantly occupied for offices, light / general industry, and storage / distribution purposes. Such uses are classified as use classes B1, B2 and B8 respectively under The Town and Country Planning (Use Classes) Order 1987 (as amended). The west side of Hendon Road, which faces the principal elevation of the premises is residential in character, with D'Arcy Court residential towerblock standing directly opposite.

The application proposes a change of use of the building from warehouse (use class B8) to a retail showroom for furniture (use class A1). The design and access statement submitted with the application explains that the use of the unit as a retail showroom began in August 2003 and that for the three years prior to 2003, the unit had been used for a combination of warehousing/storage and retailing. The application identifies approximately 800 sq. metres of the overall 1000 sq. metres of floorspace as being used as a showroom, with the remaining 200 sq. metres being used for storage and office space and WC's. It should be noted that planning permission has never been granted for such a use at the premises, hence this retrospective application.

Historically, Council records show that the unit was subject to a planning application in 1986 (app. ref. SD/305/86DN), when it was being used as a textiles factory, to allow the sale of some goods from the premises. This application was approved on condition that only 450 sq. ft. (approximately 42 sq. metres) of the unit was used for retail sales and that a minimum of 80% of the goods sold from the premises were manufactured there. This approval was also granted on the condition that the permission related only to the sale of textiles goods and for no other retail purposes.

In addition to the change of use, the application proposes some external alterations, which involve the removal of windows and piers in the front elevation and the installation of new white-framed UPVC windows. Council records show that planning permission was granted for external alterations to the front elevation of the building, including a small entrance feature, in June 2003 (app ref 03/00806/FUL), but the works which were subsequently implemented do not accord with the approved plans, hence retrospective planning approval for this element of the proposal is also being sought. It should be noted that this 2003 approval was for physical works only and did not include any proposals to change the use of the premises.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Port Manager
Director Of Community And Cultural Services
Business Investment Team

Final Date for Receipt of Representations: **28.10.2009**

REPRESENTATIONS:

No letters of representation have been received in response to the site notices posted and the neighbour notifications consultation exercise.

POLICIES:

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

SA_5_Retention and improvement of existing mixed use site
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
EC_3_Support for new and existing economic activity
EC_4_Retention and improvement of existing business and industrial land
S_13_Resisting retail development on land allocated for industry
SA_1_Retention and improvement of existing employment site
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider with regard to this application are:

- The Principle of the Development.
- Visual and Residential Amenity.
- Highway Safety.

The Principle of the Development.

The development site lies within the Hendon Industrial Area, which is allocated as land to be retained and improved for economic development purposes, as depicted in the proposals map of the City Council's adopted Unitary Development

Plan (1998). As such, the proposal is subject to policy EC2 of the UDP, which states that the City Council will seek to ensure an adequate supply of land and premises to meet the City's economic development needs, maximising choice by identifying a wide range of sites (by size, type and location). In addition, policy EC4 states that existing business and industrial land will be retained and improved for a range of primary and ancillary uses.

The specific uses considered acceptable at the Hendon Industrial Area are defined by policy SA1. This states that uses falling within use classes B1 (offices, research and development and light industry), B2 (general industry) and B8 (storage and distribution) are appropriate in this location. Policy SA1 goes on to explain that the list of unacceptable uses listed under policy EC4 are applicable to the Hendon Industrial Area. Uses falling within use class A1 (retail) are only acceptable where they are providing an ancillary retail facility (floor area of no more than 50 sq. metres) to meet the needs of each estate. Also of relevance is UDP Policy S13, which states that retailing on land allocated for industry and/or mixed use on the proposals map will only be permitted if it accords with the requirements of policy EC4.

It should also be noted that an assessment and review of the City's employment land has recently been undertaken, the findings of which were published in the Sunderland Employment Land Review (SELR) in September 2009. The SELR aims to inform future policy development and specifically the employment land and related provisions in LDF upto 2021. The SELR identifies some sites which may be considered for release from its current UDP allocation, one of which is the Hendon Industrial Area. The report considers the entire Hendon area (including housing etc) is in need of regeneration and as part of that process, it may be necessary, and indeed beneficial, to sacrifice some of the employment land for alternative purposes to aid the areas *wider* regeneration. In this context, it is therefore considered that on balance, the release of this plot of employment land on its own would not aid the *wider* regeneration of the Hendon area.

In addition to the above Council policies, Planning Policy Statement 6 (PPS6) provides national planning policy guidance for town centre development. PPS6 states that the Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres and promoting and enhancing existing centres by focusing development in such areas and encouraging a wide range of services within a good environment. PPS6 provides a list of uses, including retail, which are considered to be most appropriate in town centre locations.

In determining planning applications for town centre uses, including changes of use, the Council, acting in its capacity as Local Planning Authority (LPA) should therefore require applicants to demonstrate:

- (i) The need for development;
- (ii) That the development is of an appropriate scale
- (iii) That there are no more central sites for the development
- (iv) That there are no unacceptable impacts on existing centres
- (v) That locations are accessible

LPA's are advised to assess planning applications for town centre uses in edge-of-centre (i.e. 300m from a primary shopping area) or out-of-centre locations on the basis of the above key considerations and the evidence presented. As a

general rule, the development should satisfy all these considerations. Following Officer advice, this resubmitted application has been accompanied by a supporting statement in an attempt to demonstrate that the above use is acceptable outside of the town centre. The justifications as to how the applicant believes the proposal meets the key considerations are set out below:-

(i) The need for development.

The applicant considers that since establishing their business in Fawcett Street in 1996, the introduction of the one-way traffic system and parking restrictions led to a dramatic decline in customer visitors, which had an impact upon turnover and viability. Having been granted consent for a “shop front” at the application premises in 2003 and witnessing the closure of several other city centre furniture retailers, the decision was taken to relocate the entire business to the application site. As mentioned in the introduction to this report, the 2003 application did not include any proposals to change the use of the premises.

Whilst the applicant may feel that these factors do demonstrate a need to relocate their business, it has to be considered that other furniture stores do still appear to be trading successfully within the City Centre and in Retail Parks and are able to pay the costs associated with proper retail premises. Should the LPA permit retail activities in non-retail locations, the viability of these important designated retailing areas will undoubtedly suffer, which may encourage other retailers to relocate, causing further decline.

(ii) That the development is of an appropriate scale.

The applicant queries the restrictions against the amount of retail floorspace that is permissible in industrial areas, as set out under EC4 of the UDP and cites a number of other premises in the locality which may have a sales area greater than what is considered acceptable.

Whilst the applicant may have identified other retailing activities in the area, these are not the subject of this application, which must be considered on its own merits. It may be the case that the premises cited by the applicant may be operating without the benefit of planning permission. Such matters can be investigated separately from consideration of this application and should not be taken as being a reason of justification for the proposed use. It is the opinion of the LPA that the site is located within an area designated for non-retail business purposes and should be retained as such.

(iii) That there are no more central sites for the development.

The applicant considers the site to be on a “prime route into the City Centre” and as such is an appropriate location for the development as the site “is the businesses only chance to survive as there were no more central sites for development”

Whilst the applicant states that the site is close to the City Centre, it is considered that there are several vacant premises based within the City Centre or in designated retail parks which could accommodate the business. Such sites are considered as being more appropriate locations for this type of use and if utilised would help strengthen designated retail centres in the city.

(iv) That there are no unacceptable impacts on existing centres.

The applicant does not provide any explanation as to how the proposal does not have any impact on the City Centre other than stating "there will be no unacceptable impacts on the existing centre as discussed previous with regard to the administration or liquidation of other furniture businesses".

The LPA does not consider that there is no unacceptable impact on the city centre, but quite the contrary. As explained in response to (i) above, should the LPA permit retail activities in non-retail locations, the viability of these important designated retailing areas will undoubtedly suffer, which may encourage other retailers to relocate, causing further decline.

(iv) That the location is accessible.

The applicant considers the site to be accessible, due to it being situated on Hendon Road, which now forms part of the City's Southern Radial Route transport corridor, which has been completed recently, in order to improve access between the city centre and the A19. The applicant considers the site to offer easier access to the public to collect large items of furniture, which was not possible at their City Centre premises, due to the highway configuration and parking restrictions.

Whilst the LPA acknowledges that the site is indeed in an accessible location, it is considered that the parking arrangements at the premises are unacceptable, as set out in detail in the following Highway Safety section.

To conclude matters relating to the acceptability of the principle of the change of use of the premises to a retail showroom, it is considered that the proposal does not meet the requirements of policies EC4, S13 and SA1 of the UDP in that it will lead to the presence of a retail use within an area allocated for uses associated with light and heavy industry and storage and distribution. Although the aforementioned approval from 1986 (app. ref. SD/305/86DN) granted planning permission for some retailing at the premises, it only allowed approximately 4% of the floor area of the unit to be used for such a purpose, with the vast majority of the unit remaining in manufacturing use. As such, it is not considered that this previous approval sets any kind of precedent for accepting retailing of the extent proposed by this application.

Furthermore, whilst the SELR considers the entire Hendon area to be in need of regeneration it is considered on balance, that the release of this plot of employment land on its own would not aid the *wider* regeneration of the Hendon area.

As such, the use if allowed to continue, would result in the presence of a 'town centre use' in an out of centre location, an arrangement contrary to the advice of PPS6. The submitted supporting statement is not considered to address the key considerations set out in PPS6 and as such, the principle of the proposed change of use is not considered to be acceptable.

Visual and Residential Amenity.

UDP policy B2 requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality.

The alterations to the exterior of the unit are minor in nature and do not harm the appearance of a building which is considered to be of minimal architectural and aesthetic value. The external alterations are therefore considered to be acceptable in terms of their impact on the existing streetscene and visual amenity.

The proposed use of the building as a retail showroom is not considered to be one which will lead to significant levels of noise and disturbance in relation to nearby dwellings, especially those opposite the development site at D'Arcy Court. The proposal site lies within a well-established and busy commercial and industrial area which generates significant activity throughout the day. Although the use will generate further activity (i.e. from vehicular journeys to and from the site, comings and goings of customers etc), it is not considered this is a particularly noticeable increase in comparison to that already encountered in the locality.

With regard to the above, the proposed change of use is therefore not considered to be harmful to visual amenity or the residential amenity of nearby dwellings and as such, accords with the requirements of policy B2 of the UDP.

Highway Safety.

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated. Policy T22 states that in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to: development type (e.g. scale, use, catchment, user characteristics) and locational characteristics (e.g. accessibility by modes other than private car, population density, historic character).

Section 13 of the City Council's Supplementary Planning Guidance (SPG) to the adopted Unitary Development Plan states that the parking standard for uses falling into Use Class A1 is one space per 50 sq. metres of floor area. Given that the unit has a floor area of 1000 sq. metres, the proposed change of use would therefore require a minimum of 20 spaces. Although the plans accompanying the application identify 16 parking spaces for customer use, the six southernmost bays extend out onto the public highway (Hendon Street), an arrangement that is considered to be unacceptable. As such, the proposal is considered to offer less than half the number of parking spaces normally required for such a use.

Furthermore, the parking bays identified on the site plan are all positioned perpendicularly to the adjacent carriageway. Such an arrangement is considered undesirable for frequently used parking spaces, especially given the proximity of the bays to the junctions between Woodbine Terrace / Hendon Street and the busy Hendon Road.

With regard to the above, it is considered that the proposal does not provide the level of parking normally required by Supplementary Planning Guidance for a retail use occupying a unit of this size. The change of use of the premises is therefore considered to give rise to unacceptable levels of on-street parking in the vicinity of the unit. At the site visit carried out during the consideration of the proposal it was observed that commercial vehicles were parked on the highway verge and footpaths outside the premises, restricting visibility when accessing Hendon Road. Additionally, the parking spaces provided are not considered to be adequately arranged for the expected level of use and the manoeuvring of vehicles in to and out of the spaces in close proximity to busy junctions may create conditions prejudicial to highway safety.

As such the proposed development is not considered to comply with the requirements of policies T14 and T22 of the UDP.

CONCLUSION

The change of use of the premises is not considered to accord with the requirements of policies EC4, S13, SA1, T14 and T22 of the adopted Unitary Development Plan or the advice set out in Planning Policy Statement 6, for it would result in the presence of a 'town centre' use in an out-of-centre location and create conditions prejudicial to highway safety.

Although the applicant sells what can be described as 'bulky goods', it is not considered that the sale of such items requires an out-of-centre, "non-retail" location. PPS6 does not recognise the sale of bulky goods as an individual retail operation that necessitates an out of town site, and, as a whole, this is also the City Council's approach towards such development. Sunderland City Centre provides adequate accommodation for a large number of 'bulky goods' retailers, thus allowing such retailers to operate in accordance with the policy S13 of the UDP and the national guidance of PPS6. In addition, policy SA5.3 of the UDP does allow some bulky goods retailing at Salterfen Industrial Estate, which is allocated as a 'mixed use' site; the option therefore exists for retailers of such goods to consider locating their business at that estate.

The change of use is therefore considered to be contrary to the requirements of policies EC4, S13 and SA1 of the Unitary Development Plan in that it will lead to the presence of a large-scale retail use within an area primarily allocated for uses associated with offices, light and heavy industry and storage and distribution. The change of use of the unit to an inappropriate use will also serve to reduce the level of accommodation available for acceptable uses within the estate, undermining its vitality and viability. The proposal also fails to accord with the guidance of PPS6 as it results in a use which should be focussed towards a 'town centre' occupying a site in an out-of-centre location. As such, the principle of the proposed change of use is not considered to be acceptable.

In addition to the above, the proposed change of use does not provide the level of parking provision normally expected for a retail operation of this scale, as set out in section 13 of Supplementary Planning Guidance to the UDP (i.e. 20 spaces based on a floorspace of 1000 sq. metres). Furthermore, the layout of the proposed spaces in relation to adjacent roads raises significant concerns with regard to highway safety. As such, the proposed change of use is likely to lead to conditions prejudicial to highway safety, contrary to the requirements of policies T14 and T22 of the UDP.

As such, the change of use does not comply with the requirements of policies EC4, S13, SA1, T14 and T22 of the City Council's adopted Unitary Development Plan or the guidance set out in Planning Policy Statement 6. The change of use is therefore considered to be unacceptable and sets an undesirable precedent and should be refused for the reasons set out below.

RECOMMENDATION: Refuse, for the following reasons:

1. The change of use introduces an inappropriate use to a site allocated for uses associated with offices, light and heavy industry and storage and distribution, thereby reducing the level of accommodation available for acceptable uses within Hendon Industrial area, to the detriment of its vitality and viability and as such is contrary to policies EC4, S13 and SA1 of the City Council's adopted Unitary Development Plan (1998).
2. The change of use leads to the presence of a 'town centre' use in an out-of-centre location, an arrangement which would be harmful to the vitality and viability of existing retail centres and the Hendon Industrial area and as such is contrary to policy S13 of the adopted Unitary Development Plan (1998) and the requirements of Planning Policy Statement 6.
3. The development would lead to the attraction of additional vehicles to and from the site without adequate off street parking facilities, leading to the creation of conditions prejudicial to road safety and as such is contrary to policies T14 and T22 of the adopted Unitary Development Plan (1998) and Section 13 of the Development Control Guidelines Supplementary Planning Guidance document.
4. The parking provided at the site is not considered to be adequately arranged for the levels of use, resulting in vehicles manoeuvring in to and out of parking spaces in proximity to busy junctions and would create conditions prejudicial to highway safety, and as such is contrary to policies T14 and T22 of the adopted Unitary Development Plan (1998).

Proposal: Demolition of a single storey link building between a listed building and the main hall and 2 temporary classrooms. Construction of a new 2 storey block of 6 classrooms.

Location: Saint Anthony's School Thornhill Terrace Sunderland SR2 7JN

Ward: Millfield
Applicant: R.C Diocese Of Hexham And Newcastle
Date Valid: 23 October 2009
Target Date: 18 December 2009

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The application relates to the demolition of a single storey flat roofed masonry building, currently forming staff room accommodation, attached to and linking Westburn House, a Grade II listed building, to the Main Hall, together with two No. single storey demountable buildings and the construction of a two storey six classroom block including the re-instatement of both hard and soft landscaping at Saint Anthony's School, Thornhill Terrace, Sunderland.

The application should be considered along with Listed Building Consent application number 09/04007/LBC, which seeks Listed Building Consent for this development due to the demolition works of the attached link building.

The proposal has been subject to pre-application discussions involving the architect and the Conservation Team, which the principle of the scheme and main elements of the proposal, namely demolition works, general layout, form, height and positioning of the new block were generally agreed in principle. However it must be noted that siting of the block has altered from that presented at the pre-application stage.

The aim of the development is to improve the level of the school's teaching accommodation, by removing demountable classrooms and replacing them with more appropriate and modern buildings. Pupil and teaching levels are to remain the same.

Saint Anthony's School is located within Ashbrooke Conservation Area in a predominantly residential area, bound to the west by Abbotsford Grove, the north by Thornhill Terrace, the east by Tunstall Road and to the south by Clover Dale House. The existing site boundary treatment varies and comprises natural stone walls to the south west boundary and a brick wall in part along Abbotsford Grove.

The exact siting of the proposal was historically part of the curtilage to Westburn House, situated in the south west corner of the school site which was originally a large three storey dwelling converted and changed in use when purchased by the current owners. This area of the school is characterised by a variety of mature trees with the southern boundary protected as a group by Tree Preservation Order No.6 1971.

The proposal requires both the removal of two of the three temporary structures occupying the proposed site which has an area of 0.2 hectares. The single storey staff room attached to Westburn House is also to be demolished increasing both vehicular and pedestrian movement within the site and utilising the existing access to the site from Thornhill Terrace.

The two storey element of the proposal runs parallel with the south east boundary enclosure, although set in approximately 9.5 metres, whilst the western elevation of the proposal is sited approximately 25 metres from the western boundary enclosure adjacent Abbotsford Grove. Measuring approximately 26.5 metres in length and 10.5 metres in width and reaching 7.7 metres in height the proposed building provides six classrooms over two floors.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Sport England
Environment Agency
English Heritage

Final Date for Receipt of Representations: **23.11.2009**

REPRESENTATIONS:

Neighbours.

No representations have been received following the expiry of the consultation period.

Consultees.

English Heritage.
No comments to make on the application.

Sport England.
No comments to make on the application.

Environment Agency
Has assessed this application as having low environmental risk.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_10_Development affecting the setting of listed buildings
L_7_Protection of recreational and amenity land
CF_5_Provision for primary and secondary schools
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

The main issues to consider in determining the application are:-

- The Principle of the New Development / Policy Context.
- Design, Siting, External Appearance and landscaping (Visual Impact).
- Removal of Trees / Wildlife.
- Highways and Parking Issues.

Principle of the Development.

The site in question is allocated under Policy L7 of the Unitary Development Plan (UDP). Policy L7 states in part:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained use. This includes playing fields attached to school or other educational establishment. Permission for other uses on these sites will only be granted if:

(i) The development is for educational purposes;

and,

(ii) There would be no significant effect on the amenity, recreational and wildlife habitat of the site."

Policy CF5 requires that where possible, the requirements for the provision of secondary education needs will be accommodated primarily on existing sites.

It is therefore considered that the small scale addition to the school accords with relevant policies of the Unitary Development Plan.

Design, Siting and External Appearance (Visual Impact).

In assessing the visual impact of the proposal due consideration has been given to Policies B2, B4 and B6 of the UDP.

Policy B2 states that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

Due to the location of the school within Ashbrooke Conservation Area, policies B4 and B6 are of particular relevance.

Policy B4 requires in part that:

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

Whilst policy B6 expands upon the above policy by seeking measures including in part:-

- "(i) Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
- (ii) Encouraging the retention of existing mature trees."

With regard to the design of the new classroom, the scale, massing, form and appearance of the building is considered to be acceptable and by adopting an innovative, bespoke contemporary design approach, the proposal is setting a benchmark for future developments within the school site.

Although the siting of the proposal has altered from pre-application discussions, it would appear from the information submitted that this adjustment is a result of the proximity of protected trees and as such the re-siting in itself does not present any issues of concern as the new block remains of sufficient distance and subservience to the listed building to not impact on its setting. This subservience is further emphasised in the height and flat roof form of the building.

In assessing the external appearance of the proposal the use of predominantly timber cladding to the front and side elevations and interlocking metal panels to the rear along with a glazed colonnade at ground floor level allow the building to sit well within its relatively heavily wooded context provided by the adjacent belt of mature trees and shrubbery.

In relation to the design, siting and external appearance of the proposed building, the visual impact of the development is considered to be both sympathetic and subordinate to the adjacent listed building.

Notwithstanding the above, however the removal of the lawned garden area to the rear of Westburn House is a negative change and may be highly detrimental to the setting of the listed building. This omission is contrary to pre-application discussions where it was intimated that the existing lawned area to the rear of the building would be retained and re-landscaped where necessary following the removal of the demountables to reinstate an attractive landscaped garden setting to the listed building.

The complete loss of any remnants of the existing garden to hard landscaping as proposed would be regrettable from both a conservation and visual perspective. The listed building would be left surrounded by a sea of tarmac, which would be particularly harmful to its setting and contrary to policy B10. This element of the proposal has been raised with the architect and should members be minded to approve the proposal a condition shall be attached requiring the submission of an amended landscaping scheme.

Removal of Trees / Wildlife.

Following a pre-application site visit and discussions with the applicant, it was identified that a number of trees would have to be removed to facilitate the proposal. A supporting tree survey has been provided in support of the application.

Policy CN17 of the UDP states that:

"The city council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new developments will be required where possible."

The supporting tree survey has identified five trees to be removed. A 12m high Pear tree, a 4m high Golden Chain Laburnum, a 4m high Berberis, a 6m high Juneberry and a 6m high Plum. All of these species are located inside the school site and it is considered that they do not contribute to the wider local visual amenity as the larger species on the perimeter provide substantial screening.

In light of the limited amenity value of the above species identified for removal within the tree survey, it is considered that this element of the development complies with policy CN17 and should members be minded to approve the proposal, conditions can be attached requiring the planting of suitable replacements and safeguarding of the existing species.

In addition to the tree survey, the site has been subject to a bat survey, which also checked for nesting birds and other features where conservation of biodiversity may be affected by the proposed development.

Policy CN22 of the UDP states that:

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

The findings of the survey have identified a low risk that the link building provides potential roosting opportunities for individual common pipistrelle bats at times throughout the year, excluding hibernation periods. The crevices that are likely to be suitable for roosts are associated with the felt roof and flashing to adjoining building and as such are considered unlikely to provide stable temperatures and hence are unsuitable for hibernating bats. It is not considered that any of the buildings provide a suitable maternity roost site.

It is therefore considered that with suitable mitigation measures to prevent bats being harmed or disturbed during the works and to ensure that the site retains the potential to be used by bats in a similar manner in the long term the development complies with policy CN22 and is therefore acceptable subject to appropriate conditions.

Highways and Parking Issues.

It is not proposed that the development will lead to an increase in either pupil, staff or visitor numbers and with the demolition of the staff room building, pedestrian and vehicular movement around the site will be assisted.

Policy T14 relates to proposals for new development and states that in part that:

"New development should not cause traffic congestion or highways safety problems on existing roads."

Following consultations, the Highways engineer have no observation to report and as such the proposal is considered to comply with policy T14 of the UDP.

CONCLUSION

The proposed demolition of the existing link building and removal of two temporary classrooms to allow the construction of a new two storey block of six classrooms is considered to be acceptable in principle.

The proposed design, siting and external appearance of the new building is considered to be well conceived in terms of Urban Design, sympathetic with the character of the surrounding conservation area and listed building and with suitable conditions requiring a more appropriate hard and soft landscaping scheme adding to the setting of the aforementioned listed building.

Appropriate mitigation can also be afforded the development by means of condition to safeguard both the trees and wildlife contained within the site to the benefit of the wider community. As such the proposal accords with the above planning policies and conditional approval of the application is recommended.

RECOMMENDATION: Approve, subject to the conditions set out below:-

Conditions:

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

Plan No. 0715204, received 26th October 2009, Demolition Plan
Plan No. 0915003, received 26th October 2009, Location Plan
Plan No. 0915001, received 26th October 2009, Existing Site Plan
Plan No. 0915005, received 26th October 2009, Demolition Plan
Plan No. 0915006, received 26th October 2009, Proposed Roof Plan
Plan No. 0915SK005, received 26th October 2009, Axonometric Sketch
Plan No. 0915SK006, received 26th October 2009, N.W.Elevation
Plan No. 0915SK007, received 26th October 2009, S.E.Elevation
Plan No. 0915SK008, received 26th October 2009, Axonometric Sketch
Plan No. 0915SK009, received 26th October 2009, S.W. Elevation
Plan No. 0915SK014, received 26th October 2009, N.E. Elevation
Plan No. 0915SK015, received 26th October 2009, G.F. Plan

Plan No. 0915SK016, received 26th October 2009, F.F. Plan
 Plan No. 0915SK017, received 26th October 2009, Site / Landscape Plan
 Plan No. 0915SK018, received 26th October 2009, Section A A
 Plan No. 0915SK019, received 26th October 2009, Section B B
 Plan No. 0915221, received 26th October 2009, Westburn Repairs Proposals
 Plan No. 0915222, received 26th October 2009, Westburn Repair Elevations
 Plan No. 0915223, received 26th October 2009, Westburn Elevations
 Plan No. 0915224, received 26th October 2009, Westburn Elevations
 Plan No. 0915225, received 26th October 2009, Westburn Elevations
 Plan No. 0915226, received 26th October 2009, Westburn Elevations
 Plan No. 0915227, received 26th October 2009, Westburn Existing Plans
 Plan No. 0915228, received 26th October 2009, Westburn Existing Plans
 Plan No. 0915229, received 26th October 2009, Westburn Proposed Plans

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Before the development hereby approved is commenced details of the means of demolition of the extension, including details of measures to be taken to protect stonework of the listed building Westburn House shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy EN5 of the UDP.
- 5 No development shall take place unless in accordance with the mitigation detailed within the wildlife survey of St. Anthony's Girls School, as outlined in Appendix 4 : Method Statement for Contractors and Appendix 5 : Bats and Trees in order to maintain the favourable conservation status of protected species and to comply with policies CN18 and CN22 of the UDP.
- 6 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their

protection during the course of development, in the interests of visual amenity and to comply with policy B2, B4 and B10 of the UDP.

- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 and B4 of the UDP.
- 9 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 10 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 11 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 12 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 13 No trees shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 14 Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

Proposal: Demolition of a single storey link building between a listed building and the main hall and 2 temporary classrooms. Construction of a new 2 storey block of 6 classrooms.

Ward: Millfield
Applicant: R.C Diocese Of Hexham And Newcastle
Date Valid: 23 October 2009
Target Date: 18 December 2009

PROPOSAL:

Listed Building Consent is sought for the demolition of the link building which is attached to Westburn House as part of a larger scheme to construct a new two storey block of 6 classrooms within the grounds of Saint Anthonys School, Thornhill Terrace, Sunderland.

The application should be considered along with application number 09/04006/FUL, which seeks full planning permission for the erection of the two storey block of 6 classrooms and associated landscaping works.

The proposal has been subject to pre-application discussions between the Conservation Team and the architect during which the principle of the scheme and the main elements of the proposal - demolitions, general layout, form, height and positioning of the new block were generally agreed.

Westburn House, now a part of St. Anthony's Girls School, is a Grade II listed building built originally as a single dwellinghouse, changing ownership and use some 50 years ago. Built around 1850 it has horizontally tooled ashlar stone walls with smooth sawn faced ashlar plinths, quoins and dressings. The roof covering is graduated Lakeland slate with Ashlar chimneys.

Additions have been added to Westburn House since the change of ownership, with extension on both the western and eastern elevations. It is the removal of the link building attached to the eastern elevation of Westburn House which forms the basis of this proposal.

As a consequence of the demolition of the corridor link and staffroom addition to the east of Westburn House, approval is being sought for the repair and restoration measures required to make good the eastern elevation. These works include:

- i) Replacement and restoration of the two ground floor windows, their cills and details.
- ii) Removing all finishes provided when the extensions were built and reinstating and re-dressing the stonework.
- iii) Replication of cills and pilaster details lost to previous extension.
- iv) Re-pointing of all stonework affected by previous development with a sand / lime mortar.
- v) Internally some window reveal panelling and architraves will need to be replaced and rebuilt back to form the original window cill and sized opening. New (replicated) sash windows will be installed.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage

Final Date for Receipt of Representations: **24.11.2009**

REPRESENTATIONS:

Neighbours.

No letters of representation received following the expiry of the consultation period.

Consultees.

English Heritage.

Have no observations to report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_10_Development affecting the setting of listed buildings

COMMENTS:

In determining the proposal the main issues to consider are

- The impact of the demolition works upon the setting of the listed building
- The special architectural character of the host property.

PPG15 : Planning and the Historic Environment provides a full statement of Government policies for the identification and protection of historic buildings. Section 3.5 sets out the issues that are generally relevant to the consideration of all listed building consent applications, namely:

- i) The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms;
- ii) The particular physical features of the building (which may include its design, plan materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
- iii) The building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- iv) The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

Section 3.12 goes on to state that:

"in judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious visual features such as a decorative facade or, internally, staircases or decorated plaster ceilings, but the spaces and layout of the building and the archaeological or technological interest of the surviving structures and surfaces".

Policy B10 of the Unitary Development Plan 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."

In summary, and in light of the above guidance and policy, it is considered that the demolition of the link building and demountable classrooms would be desirable, removing an unattractive single storey extension from the eastern elevation and opening up the view of Westburn House from the garden area to the rear.

The general scope of the repair and restoration works to the listed building were discussed with the Conservation section at the pre-application stage and are reflected in the submitted scheme. Overall, the Conservation section consider the details provided for the works to be appropriate and provided they are properly specified and carried out to a high standard of workmanship befitting a building of special architectural and historic interest they should considerably enhance the listed building.

In the event members be minded to approve the proposal, and in order to safeguard the integrity of the listed building, the Conservation section have requested additional details relating to the proposal to be conditioned, as set out below:-

- There is a requirement to provide a full specification and method statement for all repair and restoration works to the listed building, including stone repairs, mortar mix and method of finishing for re-pointing works, other remedial works etc.
- There is a requirement for a method statement for the demolition of the link building, including details of measures to be taken to protect the stonework of listed buildings as the extension is taken down.
- There is a requirement for a cross-section of the sliding-sash windows to be reinstated.
- There is a requirement for all samples of all external materials - including new stonework for quoins, cills and pilasters along with a sample area of re-pointing (and bedding of new stone if necessary) to be provided for inspection.

CONCLUSION

With regard to the above, the proposal is considered to comply with the general principles as outlined in PPG15 and policy B10 of the UDP. It is considered that the appearance and setting of the listed building will benefit from the removal of the single storey link building and as such members are recommended to approve the proposal subject to the following conditions.

RECOMMENDATION: Approve, subject to the conditions as set out below

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including new stonework for quoins, cills and pilasters has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 3 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a detailed method statement of the proposed demolition of the link building between Westburn House and the main hall has been submitted to and approved in writing by the City Council in its capacity as Local Planning Authority. For the avoidance of doubt, the method statement shall include a clearly annotated plan confirming the exact extent of demolition, written details of the means of demolition, details of measures to be taken to protect the existing stonework of the listed building as the extension is taken down and the removal of material from the site.
- 4 Notwithstanding the approved plans, no part of the works hereby granted consent shall be commenced until a full specification and method statement providing precise details of the work necessary for all repair and restoration works to the listed building, including stone repairs, mortar mix, and method of finishing for re-pointing works etc. has been submitted to and agreed in writing with the City Council in its capacity as Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of maintaining the historic fabric of the building and to comply with the requirements of PPG15.

- 5 Notwithstanding the submitted details, a sample panel of repointing (and bedding of new stone if necessary) must be provided for approval prior to the implementation of the repointing works on site and the remaining brickwork shall be repointed in accordance with the agreed method, in order to protect the fabric of the listed building, in the interests of the visual amenities of the area, and to comply with policies B2 and B10 of the City Council's adopted Unitary Development Plan (1998) and PPG15.
- 6 Notwithstanding the submitted details, a cross section drawing of the sliding-sash windows to be reinstated shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works hereby granted consent in order to achieve a satisfactory form of development and to comply with policies B2 and B10 of the UDP and PPG15.