

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 16/02146/LAP Development by City(Regulation 3)

Proposal: **Creation of new staff car park including new pedestrian access.**

Location: South Hylton Primary School Union Street South Hylton Sunderland SR4 0LS

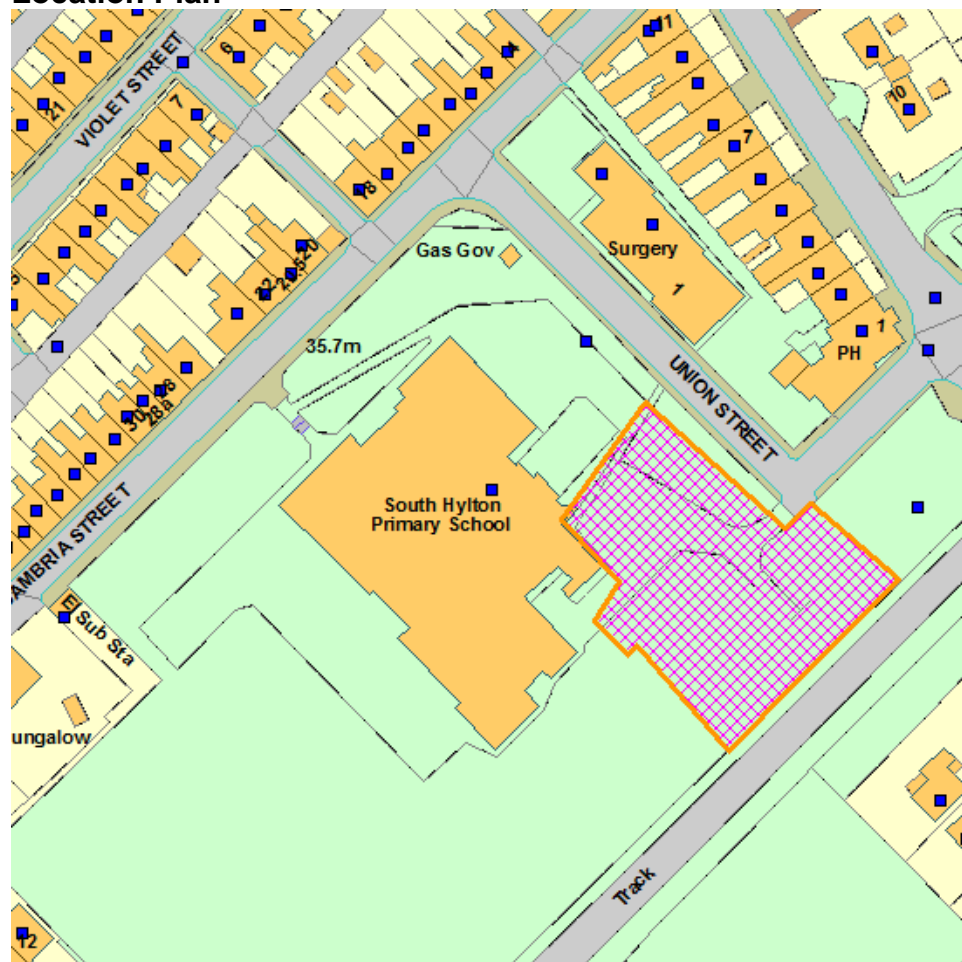
Ward: St Annes

Applicant: South Hylton Primary School

Date Valid: 29 March 2017

Target Date: 24 May 2017

Location Plan



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PROPOSAL:

The application relates to the extension and reconfiguration of the existing car park to create a 36 bay car parking area at South Hylton Primary School.

The proposal will result in the reconfiguration of the existing car park and the addition of 20 new spaces adjacent to the existing school building.

The existing car park comprises 20 spaces and the increase will result the creation of a further 16 spaces to provide in total 36 spaces on site. Of the proposed spaces 3 will be accessible bays, one visitor parking bay and one bay for the Head Teacher of the school. The [parking will be arranged in three discrete areas with the two existing areas of tarmac parking retaining 5 and 11 bays respectively whilst a further area of parking is proposed to be located to the south of the existing parking area and will create in total 20 bays. The new area of proposed car parking will be surfaced using grasscrete.

The proposal will also give rise to the provision of a new pedestrian access off Union Street. Vehicular access to the school will remain unaltered.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
St Annes - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.04.2017**

REPRESENTATIONS:

No third party representation has been received following the consultation exercise.

POLICIES:

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

EC_10_Maximising the potential of the Enterprise Zones
CF_5_Provision for primary and secondary schools
L_7_Protection of recreational and amenity land
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- i) Principle of the Development.
- ii) The impact of the proposal on the surrounding properties.
- iii) Highway Issues

Principle of the Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. As the proposal is aimed at improving the facilities available to the existing school, through increased car parking facilities, the proposed works are considered to accord with the requirements of policy EN10.

Policy CF5 of the UDP requires that where possible, the requirements for the provision of education shall be met on existing sites. In this regard, the proposed works would allow for improved car parking facilities aiding accessibility to the school and as such, the proposed development is considered to accord with the requirements of policy CF5.

The school playing fields are identified to be protected from development under UDP policy L7. As noted above, the areas in which the additional 16 car parking spaces are proposed are in, and adjacent to, the existing school car park and thus, there would be no impact upon playing field facilities or activities thereon, should the works be granted consent. As such, it is considered that the playing fields remain unaffected by the proposed works and the proposal is therefore considered to accord with the requirements of policy L7.

It is therefore considered that the proposed extension and reconfiguration of the existing car park accords with policies EN10, CF5 and L7 of the Unitary Development Plan and is acceptable in principle.

Design, siting and external appearance

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

In this regard, given the siting of the proposed works within and adjacent to the existing car park area at the school, offset by approx. 27 metres from the nearest dwellings to the south-east of the site in Floral Dene and approx. 26m away from the rear elevation of the terraced properties along Railway Terrace, the proposal is considered acceptable in order to protect the amenities of surrounding properties.

Therefore, in light of the above it is not considered that the proposed extension and reconfiguration of the existing car park would give rise to any adverse impacts either in terms of visual or residential amenity and, as such, the proposal is considered to be acceptable in this regard.

Highway Issues

Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Following consultation with Network Management the following comments were made.

New Car Park

The provision of additional car parking space within the curtilage of the site is acceptable. It is assumed the bays are for staff use only.

The proposed car park is to be constructed of a grass-crete type product. Consideration should be given to retaining existing kerbing where possible as a means of edge support to assist construction, with an appropriate sub-grade material provided as a base layer depending on ground conditions. On-site delineation of bays should be considered to ensure effective use of the new parking bays.

New Pedestrian Access

The new pedestrian access is acceptable and provides a safer route segregated from vehicular traffic. This access appears to make use of an existing single gated entrance and is considered to be an improvement on the location identified as the existing pedestrian route. No changes are required to the existing School Keep Clear markings on Union Street.

In light of the above, the proposal is considered to be acceptable and in accordance with policies T14 and T22.

Trees

There are a number of trees on site and within close proximity to the proposed car park area and as such it is advised that a condition be imposed on any grant of consent that seeks to protect the trees and their root system during the construction works.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations. It is recommended that Members grant consent subject to Regulation 3.

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:

Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Existing Site Layout Showing Application Boundary ref: MD1078.PA.02

Proposed Site Layout ref: MD1078.PA.03

Proposed Car Park Layout with Topographical Survey Information ref: MD1078.PA.01

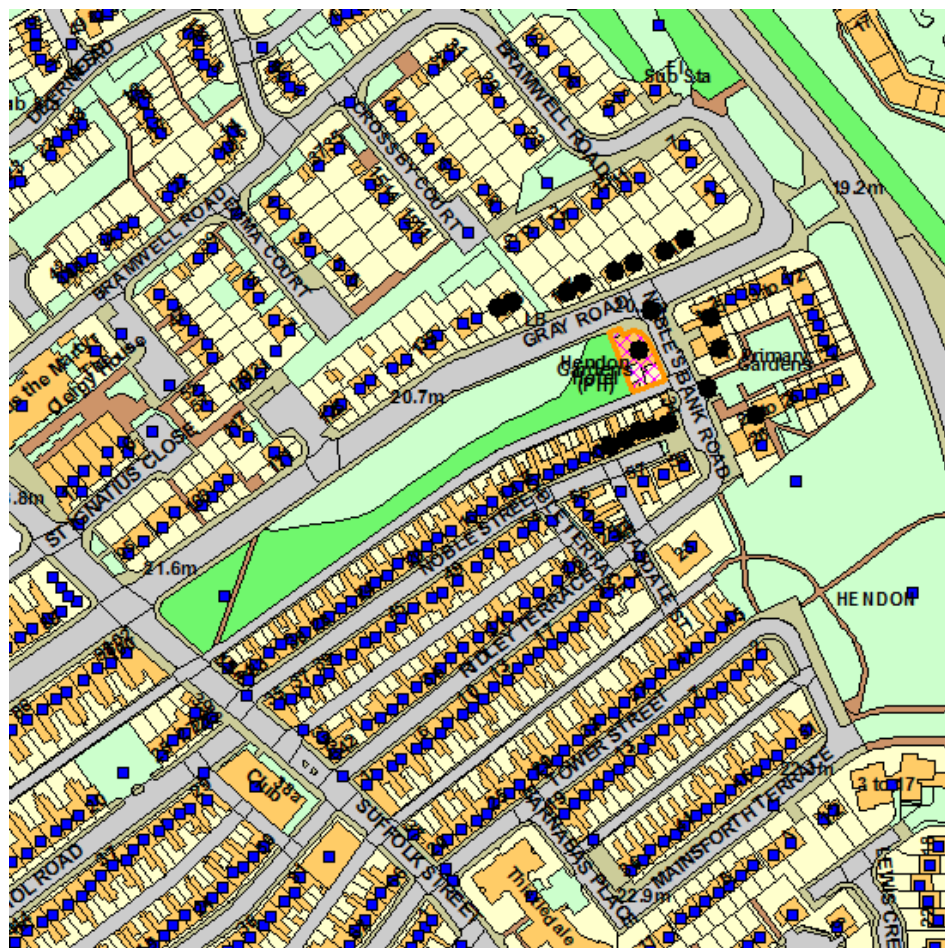
In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, 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.

Proposal: Change of use from former public house (use class A4) to 8no self-contained apartments (use class C3) and erection of two storey extension to rear and first floor extension to side (west elevation).

Ward: Hendon
Applicant: NMBC Properties Ltd
Date Valid: 2 March 2017
Target Date: 27 April 2017

Location Plan



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PROPOSAL:

The application seeks full planning permission for the change of use of a public house to eight self-contained apartments at the 152 Gray Road, Sunderland.

The site lies to the east of the city centre and covers approximately 275 square metres. The site currently comprises an "L" shaped two storey former public house; with the balance of the site given over to open space (such as a yard). The surrounding land uses are generally residential, with an area of green space to the west.

The proposed development seeks full planning permission to change the use of the building to eight self-contained apartments. The proposed development would also involve the construction of a two storey extension to the southern elevation which would provide space for a garage at ground floor and the seventh and eighth apartments at first floor. The services would be at ground floor level (such as a cupboard for the electric meter and the bin store). The submitted application form indicates the extension would be constructed from brick & render walls, a concrete tile roof and upvc windows.

The site, in terms of relevant planning constraints, lies within an archaeological site and a Coal Standing Advice Area.

The application has been called into committee by Cllr Mordey so that local residents who live in the area can have their objections heard by elected Members. Cllr Mordey has advised that residents are concerned that the proposed use will have a potential negative effect on the local area. They are further concerned that the potential use of the building as a hostel / HMO is out of character with the predominate use in the area i.e. single family residential units.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Fire Prevention Officer
Northumbrian Water
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **30.05.2017**

REPRESENTATIONS:

Archaeologist - Recommend a photographic survey.

Ecologist - Recommend conditions / informatives in accordance with submitted ecology survey.

Environmental Health - Recommend a condition covering construction and internal / external noise levels. Comments awaited on recently submitted Phase 1 Investigation.

Fire & Rescue - No objections; subject to comments relating to Building Regulations.

Street Scene (Network Management) - Observe that any on street parking would not restrict the free and safe movement of vehicles. Recommend conditions / informatives covering construction and cycle storage.

Northumbrian Water - advise they have no comments.

There have been seven e-mails / letters of objection which are summarised below:

- o Design: Overdevelopment and unsympathetic.
- o Highways: safety and traffic generation.
- o Living conditions: loss of day light and privacy. Noise. Litter and waste disposal.
- o Principle: Different type of residents. Could become an HMO. Not a hotel or beer garden in the past. Empty properties in area.
- o Procedure: Not consulted.

POLICIES:

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

Residential Design Guide (2008)

CF_2_Consideration of alternative community uses when existing sites become surplus

CF_13_Replacement of necessary community facilities lost as part of development

R_1_Working towards environmentally sustainable development

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

H_1_Provision for new housing

H_8_Windfall sites to accord with other policies unless specific benefits are provided

B_2_Scale, massing layout and setting of new developments

EN_12_Conflicts between new development and flood risk / water resources

CN_22_Developments affecting protected wildlife species and habitats

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

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

T_22_Parking standards in new developments

COMMENTS:

The main planning considerations, having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations (including representations received) are noted below:

- * Principle of the development.
- * Drainage
- * Ecology
- * Ground works
- * Heritage
- * Highways

These considerations are expanded upon below.

Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) forms a material consideration.

The Framework, at paragraph 12, states that the development plans form the starting point for decision making. The Framework, at paragraph 215, further states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given). The Unitary Development Plan (1998) forms the relevant development plan and consideration needs to be given to its consistency with the Framework.

The last known use of the site has been as a public house and the application will be given consideration on that basis. The UDP, at policies CF2 and CF13, states that

Where land or buildings currently in community use become surplus to requirements, priority will be given to alternative public / community uses

The loss of necessary community facilities will be a material consideration in assessing development proposals.

These provisions align quite closely with the Framework which states, at para 70, that

Planning decisions should plan positively for, community facilities (such as public houses)

Planning decisions should guard against the unnecessary loss of valued facilities and services.

The agent has submitted a supporting statement which has drawn to attention the building being vacant since 2008. The supporting statement also draws to attention the variety of other public houses in the area.

The site has therefore been vacant for nearly a decade, without any intervening uses as either a public house run by another operator or as an alternative community facility. There would therefore seem to be little likelihood of a community use being brought forward for the site and consideration should be given to potential alternative uses.

The proposed use would be residential. The UDP, at policies R1, R2, H1 and H8, state

The City Council will work towards environmentally sustainable development, making the most efficient use of land.

The Council will take into account the extent to which (new development) make(s) use of vacant and derelict land.

New housing will be provided which: maximises locational choice, assists in the regeneration of existing residential areas, secures the re-use of vacant and derelict land wherever possible.

These provisions would align quite closely with the Framework which states, at para 6 and 49, that

The purpose of the planning system is to contribute to the achievement of sustainable development

Encourage the effective use of land by reusing land that has been previously developed.

Housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposed development would bring a currently vacant building back into use as eight self-contained apartment (albeit with a two storey extension for two of the units). The building itself lies within a site that can further be given consideration as being previously developed. The overall site would be a sustainable location for the provision of residential development given that the services needed for everyday living can be found nearby; such as a primary school, public transport and the shops / services on Villette Road.

There has been concern / objection on the grounds that there are other empty properties in the area. The application does, however, need to be assessed on its own merits and the possible existence of other empty properties in the area does not necessarily form a substantial material consideration.

The proposal can therefore be given consideration as a sustainable form of development; in accordance with the above policies. There now needs to be consideration given to any detailed impacts. These can be seen below.

Design

The UDP, at policy B2, states that

The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the qualities of nearby properties and locality.

These provisions would align quite closely with the Framework which states, at para 56, that

Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development;

The proposed development would generally retain the existing building with the alterations generally restricted to re-opening boarded up windows. The proposed development would involve the provision of a two storey extension which would have a relatively proportionate footprint when compared to the main building. The proposed extension would be subservient to the main building through the provision of a lower eaves / ridge and would have similarly proportioned openings. The proposed garage doors to the rear would be similar to those already seen on the road to the back of the site.

The proposal would therefore have an acceptable impact in design terms, in accordance with the above policies.

Drainage

The UDP states, at policy EN12, states that

In assessing proposals for development (including changes of use), the Council will seek to ensure that the proposal would not be likely to increase the risk of flooding elsewhere.

These provisions align quite closely with the Framework which states, at para 103, that

Local Planning Authorities should ensure flood risk is not increased elsewhere.

The submitted application form indicates that the proposed development would connect to the main sewer for the disposal of both foul sewage and surface water. The application has been examined by Northumbrian Water who have advised that they have no comments to make.

The proposal would therefore have an acceptable impact in terms of drainage, in accordance with the above policies.

Ecology

The UDP, at policy CN22, states that

Development which would adversely affect any plant or animal species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable; and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

These provisions align quite closely with the Framework which states, at para 109, that

The planning system should contribute to and enhance the natural and local environment.

The agent has submitted a Bat Risk Assessment which identifies, at 4.1, that the main building and the current extensions have been assessed as having the potential to contain hibernating bats. The Assessment recommends that any proposed site works do not commence during the key bat hibernation period (i.e. November to March). The Assessment also identifies that the ecological value of the site could be enhanced through the provision of two bat tubes. The Council's Ecologist has advised that these provisions should be secured by a planning condition (subject to the application being approved).

The proposal would therefore have an acceptable impact in terms of ecology, in accordance with the above policies (subject to the recommended conditions).

Ground works

The provisions of the UDP, at policy EN14, state

Where development is proposed on land which there is reason to believe

- (i) Unstable or potentially unstable
- (ii) Contaminated or potentially at risk from contaminants

The Council will require the applicant carry out adequate investigations to determine the nature of the ground conditions.

These provisions align quite closely with the Framework which states, at para 109, that

The planning system should contribute to and enhance the natural and local environment by; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of; land instability.

The site lies within a Coal Mining Standing Advice Area. The matter in question can therefore be covered by the standing advice issued by the Coal Authority; rather than requiring any surveys to be submitted with the application.

The proposed use for the building would be sensitive (residential) and the agent has accordingly submitted a Phase 1 Preliminary Investigation. The Investigation identifies, at sections 5 and 6, that there are not any significant hazards associated with the anticipated underlying ground conditions and nor are there any potential sources of contamination. The Investigation concludes that there are no recommendations for further work, based on these findings. The Environmental Health Officer has been consulted with a response due on 30 May 2017. If Members were minded to grant planning permission for the proposed development, then any matters relating to ground conditions could be delegated to officers - i.e. a decision notice would only be issued once a positive response has been received from the Environmental Health Officer.

Highway

The UDP, at policies T14 and T22, states that

Proposals for new development should not cause traffic congestion or highway safety problems on existing roads.

Necessary car and cycle parking provision will be ensured.

These provisions align quite closely with the Framework which states, at para 32, that

Decisions should ensure safe and suitable access to the site can be achieved for all people.

The proposed development would provide four parking spaces within proposed ground floor garage and space for waste disposal. The site, as noted above, more generally lies within a built up area where many of the facilities for everyday living are within walking distance or can be accessed by the available public transport. The Network Management Team have examined the application and observed that any on street parking would not restrict the free and safe movement of vehicles. They have recommended conditions/ informatives covering construction and cycle storage.

The Fire & Rescue Service have made comments concerning compliance with the Building Regulations. These are, however, separate Regulations that do not fall within the scope of considering a planning application.

The proposal would therefore have an acceptable impact in highway terms; in accordance with the above policies.

Living conditions

The provisions of the Framework, at para 17, states that planning should

Always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed development would provide eight self-contained apartments within an existing building; albeit a two storey extension would provide the floor space for the seventh and eighth apartments. The proposed apartments would appear to provide a good standard of accommodation generally covering 38-55 square metres with each unit providing a living room /

kitchen, bathroom and bedroom. There would not be any shared facilities, beyond the communal areas found in most flatted developments - for example, a communal bin store and four space garage. The units of accommodation would be independently occupied. The use of the building for the apartment development shown on the submitted drawings would therefore be in keeping with the residential nature of the surrounding area.

The proposed development would have a density equivalent to circa 288 dwelling houses per hectare. The surrounding density to the south equates to around 95 dwelling houses per hectare and to the south and circa 52 dwelling houses per hectare to the north.

The proposed development would therefore have a much higher density than the surrounding area. The provisions of the Council's adopted Residential Design Guide does, however, advise that

Mixed neighbourhoods with a range of different housing types are important.. because they can

- o Lead to a better balance of demand for community services and facilities
- o Improve surveillance of an area.
- o Provide opportunities for "lifetime communities" where people can move home without leaving an area

These provisions align quite closely with the Framework which advises, at paragraph 50, that local planning authorities should

Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The provision of a higher density form of development would therefore not necessarily lead to harm being caused to the surrounding area and would accord with the aims of the above policies. The re-use of the existing building has also been identified, as noted above, as being acceptable in design terms.

The proposed development would use the existing windows found on the building and also introduce new openings, especially for the proposed two storey extensions. The proposed development would achieve suitable separation distances of circa 20 metres to the dwelling houses to the north and the main elevation of the dwelling houses to the east (i.e. excluding the canopies). Although these separation distances would be slightly less than the recommendations within the Residential Design Guide of 21 metres, the impact would not be sufficiently material to warrant refusal of planning permission on these grounds alone.

There would be one window facing south at first floor level that would look across the back lane. The edge of the curtilage of the nearest dwelling houses would be around 5 metres away and the original back elevation would be circa 9 metres away. The window could lead to some overlooking of the properties to the back and, if Members were minded to approve the application, a condition would be recommended to ensure the provision of obscure glazing.

The proposed development would, given the separation distances noted above, not lead to a loss of day light for the occupiers of the dwelling houses to the north and the east. The proposed development would bring a two storey element onto the southern boundary of the site. The nearest properties, as noted above, are circa 5 metres away in terms of the boundary and around 9 metres away in terms of the back elevation (excluding any subsequent extensions).

The agent has prepared an additional drawing showing how the proposed development would be related to the properties on the back lane to the south. The drawing shows that there would be slight fall in the land towards the properties to the rear of the site. The properties to the rear of the site generally have windows facing towards the proposed two storey extension across a distance of around 9 metres. The day light, however, received by these windows would currently be somewhat reduced by the existence of a continuous wall at the edge of their boundary which has a height of around 2 metres (albeit punctuated by garage doors). The combination of the separation distance of 9 metres, combined with the existing boundary wall means that the impact of the proposed development upon the day light available for the occupiers of the dwelling houses to the south of the site would not be sufficiently material to warrant refusal of the application on these grounds alone. Although the separation distance would be less than recommended within the Residential Design Guidance of 21 metres, the particulars of the site noted above combined with the benefits of bringing a vacant building back into use mean that refusal of planning permission on these grounds alone would not be proportionate.

There has been concern / objection on the grounds that the proposed development could become a Home in Multiple Occupation (HMO). The proposed development has, however, been submitted as a change of use to provide eight self-contained apartments and the internal arrangements shown on the submitted drawings reflect these arrangements. The site further lies within the Article 4 (HMO) which means that planning permission would be required to change the use of any of the proposed flats to a Home in Multiple Occupation.

There has been further concern / objection on the grounds that the proposed development could become a hostel (Use Class C1). The use of the building as a hostel would, however, require planning permission of itself.

The proposal would therefore have an acceptable impact upon living conditions, in accordance with the above policies.

Procedure

There has been objection / concern that there has not been any public notification of the proposed development. The Local Planning Authority has, however, undertaken publicity including more than 25 neighbour notification letters and the display of two site notices.

Conclusion

The site has been vacant for nearly a decade, without any intervening uses as either a public house run by another operator or as an alternative community facility. The proposed use for residential would be a sustainable form of development, in accordance with the National Planning Policy Framework and UDP policies R1, R2, H1 and H8. The proposal further accords with the relevant UDP policies in terms of impacts upon design, drainage, ecology, ground works, highways and living conditions.

RECOMMENDATION:

Delegate to the Chief Operating Officer (Place) to grant consent; **subject to** the conditions listed below and the receipt of a positive response from the Environmental Health Officer (including any recommended conditions).

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

- o Proposed plans (DRAWING NO 02, REV. *)
- o Proposed elevations 1 of 2 (DRAWING NO 04 REV. *)
- o Proposed elevations 2 of 2, proposed roof plan (DRAWING NO 05, REV. *)
- o Proposed street elevations & block plan (DRAWING NO. 06, REV. *)
- o Bat Risk Assessment (Cummings_GraysInn-Bat1.1), Section 4.0

Reason: 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 No development shall commence until a photographic survey of the exterior of the building has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an achieve record can be made of the historic building, in accordance with paragraph 141 of the National Planning Policy Framework.

4 No development shall commence above damp proof course level on the extension hereby approved until details or samples of the construction materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure, in accordance with UDP policy B2, the development respects the property and the locality.

5 No apartment shall be occupied until details showing that the accommodation can meet the internal and external requirements of BS 8223:2014 and WHO guidance on community noise 1999 have been submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation shall be fully installed before the occupation of the first apartment and shall thereafter be retained.

Reason: To ensure, in accordance with paragraph 17 of the National Planning Policy Framework, the development hereby approved ensures a good standard of amenity for future occupants of the building.

6 No apartment shall be occupied until details of cycle parking has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully provided before the occupation of the first apartment and thereafter retained.

Reason: To ensure, in accordance with UDP policies T14 and T22, provides an appropriate level of cycle parking.

7 Apartment 7 shall only be occupied once the first floor window on the south elevation has been obscurely glazed. The obscure glazing shall thereafter be retained.

Reason: To ensure, in accordance with paragraph 17 of the National Planning Policy Framework that development hereby approved ensure a good standard of amenity for existing and future occupants of land and buildings.

Reference No.: 17/00593/FU4 Full Application (Reg 4)

Proposal: **Construction of a 10no space car park to existing hardstanding and creation of 2no vehicle access points within existing boundary wall to include new entrance pillars.**

Location: Barnes Junior School Mount Road Sunderland SR4 7QF

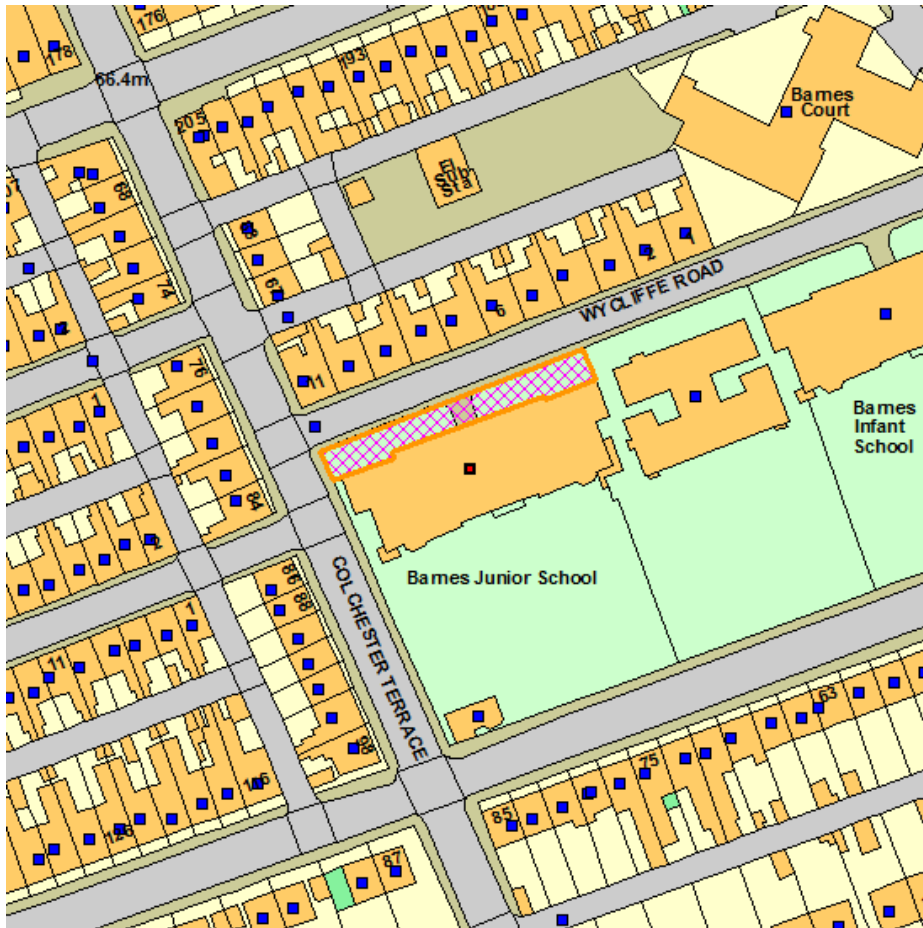
Ward: Barnes

Applicant: Barnes Junior School

Date Valid: 31 March 2017

Target Date: 26 May 2017

Location Plan



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PROPOSAL:

The application seeks full planning permission for the provision of two access points and to use an existing area of hard standing as a car park at Barnes Junior School, Mount Road, Sunderland.

The site lies towards the south west of the City and covers approximately 0.34 hectares. The Grade II listed school building itself lies towards the north of the site and comprises a substantial two storey Victorian building construction from brick. The balance of the land has been given over to a playground to the south and a further building can be seen to the south west.

The proposed development seeks full planning permission to create two new accesses onto Wycliffe Road. These would be formed by demolishing two small sections of the brick wall and providing a drop kerb to the footpath and an entrance pillar on either side. The newly formed accesses would mean the hard standing to the back of the building could be used to provide ten additional parking spaces.

The site, in terms of relevant planning constraints, lies within a Wildlife Corridor.

The agent recently submitted a Heritage Statement and any additional comments from the Conservation Team will be verbally reported to Members.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Barnes - Ward Councillor Consultation

Network Management

Final Date for Receipt of Representations: **04.05.2017**

REPRESENTATIONS:

Heritage Protection Team - consider the works to be acceptable in principle and that the impact upon the significance of the listed building would be negligible (subject to conditions).

Transportation Development - observe that a Section 278 agreement would be required, no stopping signs may require removing / relocating, works should take place during school holidays and some of the parking spaces would require vehicles to make several turning manoeuvres to access / egress the bays,

COMMENTS:

The main planning considerations, having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations (including representations received) are noted below:

- * Principle of the development.
- * Ecology
- * Heritage

These considerations are expanded upon below.

Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) forms a material consideration.

The Framework, at paragraph 12, states that the development plans form the starting point for decision making. The Framework, at paragraph 215, further states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given). The Unitary Development Plan (1998) forms the relevant development plan and consideration needs to be given to its consistency with the Framework.

The relevant policy of the Unitary Development Plan, T14, states that 'Proposals for new development' should not cause highway safety problems. These provisions align quite closely with the Framework which states, at para 32, that development should create safe and secure layouts.

The proposed development would provide additional parking off the highway which would reduce on street parking and ensure a freer flow of traffic in the local area. The Network Management Team have examined the application and made observations (rather than raising any objection). The Network Management Team have also confirmed that their comments relating to the parking spaces are advisory. The proposal would therefore be acceptable in principle and consideration should be given to any detailed impacts. These can be seen below.

Ecology

The site lies within a wildlife corridor where the UDP, at policy CN23, states that development which would adversely affect the continuity of corridors will normally be refused. These provisions align quite closely with the Framework which states, at para 109, that the planning system should contribute to and enhance the natural and local environment.

The proposed development would provide parking spaces atop existing hard standing and demolish two small sections of wall. There would not be any pruning or removal of any trees or hedges.

The proposal would therefore, in accordance with UDP policy CN23, not adversely affect the continuity of a wildlife corridor.

Heritage

The school on the site and the infant school to the east both have a Grade II listing. The provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The UDP, at policy B10, states that The Council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting. These provisions align quite closely with the Framework which states, at para 131, that Local Planning Authorities

should take into account the desirability of sustaining and enhancing the significance of heritage assets.

The Council's Heritage Protection Team have advised that the overall impact of the works upon the significance of the building would be negligible given that the removal of the boundary wall has been kept to a minimum and the pillars would be an appropriate means of replicating the form of existing historic pillars and the carved details of the coping stones (subject to conditions covering a Method Statement, samples of materials and a sample panel).

The proposal would therefore, in accordance with UDP policy B10 and section 12 of the Framework, sustain the significance of both the listed school immediately adjoining the site and the infant school to the east.

Conclusion

The proposal would provide additional parking in manner that sustains the significance of heritage assets and does not affect the wildlife corridor; in accordance with UDP Policies T14, CN23 and B10.

RECOMMENDATION:

Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions:

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 plan

Proj no 3323, Drg no 1.

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

Reference No.: 17/00594/LB4 Listed Building Consent (Reg 4)

Proposal: Construction of a 10no space car park to existing hardstanding and creation of 2no vehicle access points within existing boundary wall to include new entrance pillars.

Location: Barnes Junior School Mount Road Sunderland SR4 7QF

Ward: Barnes

Applicant: Barnes Junior School

Date Valid: 31 March 2017

Target Date: 26 May 2017

Location Plan



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PROPOSAL:

The application seeks full listed building consent for the provision of two access points and to use an existing area of hard standing as a car park at Barnes Junior Academy School, Mount Road, Sunderland.

The site lies towards the south west of the City and covers approximately 0.34 hectares. The Grade II listed school building itself lies towards the north of the site and comprises a substantial two storey Victorian building construction from brick. The walls form part of the historic curtilage of the school and therefore also benefit from being Grade II listed. The balance of the land has been given over to a playground to the south and a further building can be seen to the south west.

The proposed development seeks full planning permission to create two new accesses onto Wycliffe Road. These would be formed by demolishing two small sections of the brick wall and providing a drop kerb to the footpath and an entrance pillar on either side. The newly formed accesses would mean the hard standing to the back of the building could be used to provide ten additional parking spaces.

The agent recently submitted a Heritage Statement and any additional comments from the Conservation Team will be verbally reported to Members.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Barnes - Ward Councillor Consultation

Network Management

Final Date for Receipt of Representations: **04.05.2017**

REPRESENTATIONS:

Heritage Protection Team - consider the works to be acceptable in principle and that the impact upon the significance of the listed building would be negligible (subject to conditions).

COMMENTS:

The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, at section 16, that the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework further states, at para 132, that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation.

The Council's Heritage Protection Team have advised that the overall impact of the works upon the significance of the building would be negligible given that the removal of the boundary wall has been kept to a minimum and the pillars would be an appropriate means of replicating the form of existing historic pillars and the carved details of the coping stones (subject to conditions covering a Method Statement, samples of materials and a sample panel). The Heritage Protection Team have specifically commented that the concrete proposed for the pillars would not be acceptable.

Conclusion:

The proposal would, in accordance with section 12 of the Framework and the provisions of the 1990 Act, preserve the listed building.

RECOMMENDATION:

Grant listed building consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended); subject to the following conditions

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 plan Proj no 3323, Drg no 1.
Reason: In order to ensure that the completed development accords with the scheme approved.

3 No development shall commence until a Method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall describe how the existing wall sections will be dismantled and the bricks salvaged for re-use in construction of the new pillars. The works shall thereafter be undertaken in accordance with the approved Method Statement.

Reason: To ensure, in accordance with Section 12 of the National Planning Policy Framework, the works preserve the listed building.

4 No development shall commence until samples of the new terracotta / stone copings to the pillars and any new bricks required have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved samples.

Reason: To ensure, in accordance with Section 12 of the National Planning Policy Framework, the works preserve the listed building.

5 No development shall commence until a sample panel has been provided on site for the written approved for the Local Planning Authority. The sample panel shall be pointed in a lime mortar. The works shall thereafter be undertaken in accordance with the approved panel.

Reason: To ensure, in accordance with Section 12 of the National Planning Policy Framework, the works preserve the listed building.

Reference No.: 17/00674/FU4 Full Application (Reg 4)

Proposal: **Change of use from Church to new community venue and heritage attraction together with various external works and installation of new drainage facilities**

Location: Holy Trinity Church Church Street East Sunderland SR1 2BB

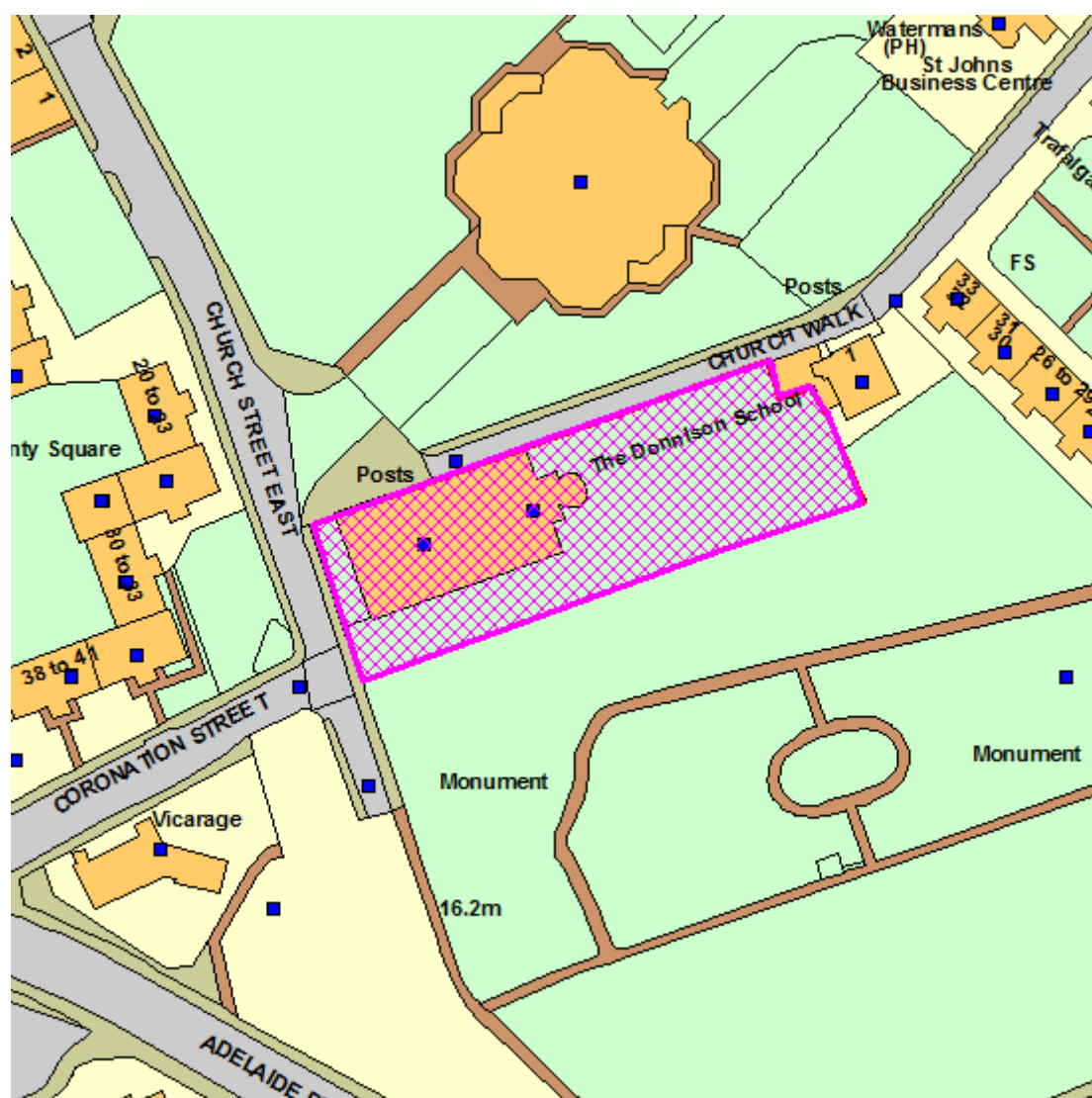
Ward: Hendon

Applicant: Churches Conservation Trust

Date Valid: 4 April 2017

Target Date: 30 May 2017

Location Plan



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PROPOSAL:

Planning permission is sought for the change of use of the church to a new community venue and heritage attraction, together with various external works and installation of new drainage facilities at Holy Trinity Church, Church Street East, Sunderland, SR1 2BB.

The proposals affect Holy Trinity Church, a Grade-I Listed building located within the Old Sunderland Conservation Area. The church stands within its enclosed grassed churchyard and is bordered by the pedestrianised Church Walk on its north side and Church Street East to its west (front), on the far side of which are the dwellings of Trinity Square. To the south of the church is an area of landscaped public open space, known as the Rector Gray Memorial Garden, which occupies the extent of the original, more extensive churchyard.

The church was built in 1719 as the first parish church of the settlement of Sunderland, as distinct from Bishopwearmouth to the west. It is a fine early example of a Georgian church building and retains a large number of its original details both in terms of architecture and fittings. It is built in the 'Baroque' style in red brick with stone dressings and is thought to have been designed by William Etty, a contemporary of Nicholas Hawksmoor and Sir John Vanbrugh. In its heyday spanning the next 100 years, the church had a dual role for worship and civic administration - until 1835, the church's vestry was used as a town hall and magistrates' court and the town's first public library was in the room directly above. The Council chamber's original oak meeting table and the shelves and desks of the library remain in situ.

The church would once have stood on the green edge of Sunderland's quayside but the building is now largely surrounded by modern low-level, medium-density residential development. There are, however, reminders of the church's historic setting in evidence, in the form of the aforementioned former churchyard (now memorial garden) to the south and the Grade-II Listed Donnison School (dating from 1778) and Trafalgar Almshouses (dating from 1840) immediately to its east. The boundary wall, railings and piers to the church are also Listed separately (Grade-II Listing).

As a result of mounting repair bills and a dwindling congregation, the church was made redundant in 1988 and has since been in the care of the Churches Conservation Trust (CCT). It is currently on Historic England's 'Heritage at Risk' Register. The churchyard still belongs to the Parochial Church Council (PCC) and is maintained by Sunderland City Council. The Council also owns and maintains the church forecourt and boundary walls. Public access to the church is currently very limited (by prior appointment only).

The current application seeks to change the use of the church (use class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a new community and commercial venue and heritage attraction as the focus of the 'Canny Space' project. The project is being led by the CCT in partnership with the City Council, Sunderland University, Hendon Young Peoples Project and local advocates, with the aim of bringing the building back into a community use and developing it as a cultural venue that attracts visitors from the City and wider region. The Canny Space project has already been successful in securing a Stage 1 grant from the Heritage Lottery Fund.

The proposed use of the church will involve:

- Establishing the church as a heritage attraction, open to visitors;
- Events involving immersive displays;
- A programme of cultural, heritage and learning events involving music, theatre, spoken word and storytelling;

- Providing fun activities and learning and skills development opportunities for the local community;
- Craft skills training programmes, to include apprenticeships in brick-work, paint conservation and building repair;
- Providing a training and development programme for new volunteers;
- A major launch programme to celebrate the church's impending 300th anniversary

The proposed use therefore appears to comprise a mixed use involving elements of both the existing use class D1, e.g. the heritage attraction, community and training uses, and use class D2 (assembly and leisure), e.g. the concert venue use.

The Canny Space project is to be conservation-led and will involve the urgent repair and rejuvenation of the church's built fabric, together with a series of alterations and adaptations to the interior and exterior of the building in order to accommodate the new use.

The elements affecting the exterior of the building, and hence requiring planning permission, comprise the following:

- reopening of the in-filled external doorway from the apse in order to provide a secondary means of escape;
- replacement of the stainless steel flashings and cement render to the building's parapet and roof;
- replacement of existing windows, which were largely installed after World War II and are constructed from timber and glazed with Perspex. The design of the new windows will be developed to replicate the glazing bar configuration, as informed by the only remaining original sash window to the church;

In addition, the application includes details of proposed improvements to the external drainage provision at the site. Such works are considered essential in order to alleviate issues relating to water ingress at both low and high level, which are having a detrimental effect on the building's fabric. The drainage works are to involve:

- the extension of existing rainwater goods;
- re-laying of perimeter stone slabs to the south elevation to direct water away from base of church;
- installation of field drain to south elevation;
- installation of below ground surface water drainage to collect and direct roof drainage away from the building's footprint;
- amendments to the raised lip detail to the building's north elevation to prevent water ponding and extension of rainwater goods to direct water to drainage gullies within the pathway;
- provision of rainwater goods to apse;

The planning application has been accompanied by a Design and Access/Heritage Statement (prepared by Mosedale Gillatt Architects) and a Bat Survey Report (prepared by Total Ecology). The Design and Access/Heritage Statement has been informed by a wide range of specialist conservation advice, including an Assessment of Significance, Historic Environment Desk-Based Assessment, a timber survey report, historic paint analysis report, woodwork and furniture report, structural appraisal, a glazing condition survey report, an historic plaster condition survey report, a roof inspection report, a report from a church organ consultant and a church bell inspection report.

The application has been submitted on behalf of the Churches Conservation Trust and notice of the application served on the church rector and the City Council.

Members should note that this planning application has been submitted in tandem with an application for Listed Building Consent (app. ref. 177/00675/LB4, also an item on this agenda), the Committee report for which considers the implications of the internal and external works in relation to the building's Grade-I Listed status in more detail.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Tyne And Wear Archaeology Officer
Environmental Health
Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **11.05.2017**

REPRESENTATIONS:

Public consultation
No letters of representation have been received in response to public consultation.

Historic England

The comments from Historic England advise that Holy Trinity Church is not only one of Sunderland's most beautiful and impressive historic buildings, but one of its most resonant because of the religious and civic role it played following its construction. It stands as a monument to Sunderland's commercial and maritime past and the importance of the industry and economic prosperity this delivered. Unfortunately, as the focus of the modern city has shifted westward, the church has become 'stranded', resulting in its deterioration and eventual inclusion on the Heritage at Risk register.

Historic England therefore very much welcomes this application for the repair and conversion of the church as part of the Canny Space project as it will not only arrest the building's deterioration but also secure its viable future. It is acknowledged that the proposals are informed by accumulated specialist conservation advice and they show a sound and sympathetic understanding of the building's significance and a conservation-led approach to its repair and re-use. The associated proposed drainage works are also of vital importance in rectifying and improving the prevailing environmental conditions at the site.

It is recognised that the precise approach to some of the works proposed to the church have yet to be finalised, but is recognised that the general approach is sound and Historic England is satisfied that finer details can be conditioned and agreed with the Council's own heritage officers at a later date.

Historic England is therefore satisfied that the proposals address the requirements of the National Planning Policy Framework in that they address the critical conservation and repair issues of the

building as well as delivering a viable new use. The application is consequently formally supported on heritage grounds in the hope that it will continue the building's legacy by bringing it back to its former glory and re-establishing its place as an important community asset.

Tyne and Wear County Archaeologist

The County Archaeologist welcomes the church being repaired and brought back into use. The consultation comments provided advise that the groundworks associated with the new drainage arrangements may disturb buried archaeology, including buried remains, and as such will require a faculty from the Durham Diocese. It is also recommended that these works are monitored by a qualified archaeologist (a 'watching brief'), in order to ensure the groundworks are undertaken in an appropriate manner and to allow for any archaeological remains uncovered during works to be properly recorded. It is also recommended that a full photographic survey of the church is carried out prior to any works commencing.

The County Archaeologist advises that in the event planning permission is granted, conditions be imposed requiring the undertaking of the photographic survey and the arrangement of a watching brief.

Council's Built Heritage Protection team

The Council's Built Heritage team advise that the proposals have been subject to detailed discussions and are firmly supported. The proposals will secure the future care and sustainable use of an exceptionally significant Grade-I Listed building and will ultimately lead to its removal from the 'Heritage at Risk' register. The proposals will serve to place the currently under-used church at the heart of the local community as a key and accessible attraction and the proposed events programme will draw people to Old Sunderland. The project will also make a key contribution to the wider regeneration aims of the area's recently-designated Heritage Zone status.

The design and details of the scheme are considered to demonstrate a sound and properly-informed conservation-led approach that should ensure the building's significance is conserved and sustained. It is recommended, however, that conditions be imposed on any approval of planning permission which require the submission and approval of full specifications and method statements in respect of various aspects of the proposed works to the building.

It is ultimately concluded that the proposals will have a positive impact on the significance and long-term conservation and sustainability of the Listed building and thereby satisfy the requirements of all relevant UDP and NPPF policies.

Council's Ecology team

No objections to the proposed development - it is requested, however, that in the event of approval, a condition be imposed to secure the delivery of the 'Mitigation' section of the Bat Survey report submitted with the application.

Council's Highways team

No objections to the proposals.

Council's Environmental Health team

No comments received to date.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings
CF_2_Consideration of alternative community uses when existing sites become surplus
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

ISSUES TO CONSIDER

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

These core principles of the NPPF feed into policies EN10, B2, B4, B8, B10, CF2, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on residential amenity
3. the impact of the development on visual amenity, the character and appearance of the Conservation Area and heritage significance of Listed Buildings;
4. the implications of the development in relation to ecology;
5. the impact of the development on highway and pedestrian safety;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

Also relevant is policy CF2 of the UDP, which states that where land or buildings currently in community use become surplus to requirements, priority will be given to alternative public/community uses unless the site is identified for redevelopment in accordance with another proposal of the plan. Otherwise, policy EN10's provisions will apply.

The approach of this policy echoes the guidance provided by paragraph 70 of the NPPF, which sets out that planning decisions should guard against the unnecessary loss of valued community facilities and services (such as places of worship), particularly where this would reduce the community's ability to meet its day-to-day needs.

In this regard, the use of the building as a working church ended almost 30 years ago and there is evidently no demand for a church use at present. Whilst the proposed alternative use is, in part, designed to establish Holy Trinity Church as a heritage attraction of wide appeal, it is also clearly designed to re-establish the building's role as a key and valued asset for the local community. As such, it is considered that the proposed use addresses the objectives of both UDP policy CF2 and paragraph 70 of the NPPF.

With regard to policy EN10's requirements, as noted earlier in this report, the proposed use will maintain elements of the existing D1 use of the building and overall, the proposed use is considered to share many characteristics of the historic church use (for example, gatherings for concerts and events would be akin to congregations for services and events at the church).

The proposed use of the church building is therefore considered to be respectful of established pattern of development in the area and the principle of the proposed development, in land use terms, is therefore considered to be broadly acceptable. Nevertheless, the appropriateness of the development can only be fully determined once all other material considerations have been addressed. These matters are considered further in the following sections of this report.

2. Impact of development on residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties, a position which echoes the core principles of the NPPF. Policy EN5, meanwhile, seeks to protect noise-sensitive properties from intrusive noise, an approach shared by paragraph 123 of the NPPF, which sets out that development must not give rise to significant adverse impacts in relation to noise.

The nearest existing residential properties to the church are those of Trinity Square, just to its west across Church Street East, and it is recognised that certain elements of the proposed use of the building could conceivably generate significant activity and, potentially, noise. For example, the agent for the applicant has verbally advised that any concerts being held at the church could attract approximately 100-150 persons and that such concerts may involve the playing of live music and/or singing. They are also likely to take place in the evening.

The agent has also stressed, however, that any such concerts are likely to be infrequent and will not represent the principle use of the building. The concerts will also be 'low-key' in nature - for example, the church is not equipped with a sound system designed for the playing of loud amplified music and so any live music is likely to be acoustic. It must also be recognised that the previous (and still authorised) use of the building as a church would have generated significant congregations for church services, which may in turn have involved singing and the playing of the church organ. Furthermore, the agent has stressed that the intention is for the building to be an asset within the community and as such, there is no desire or intention for the activities associated with the new use of the church to be in any way harmful to the living conditions of those living in its vicinity.

It is therefore considered that in terms of the likely levels of activity around the building and the generation of noise, the proposed use will be similar to the previous and currently-authorised use of the building as a church. In any case, for the reasons set out above, it is considered that the

likelihood of any intrusive noise occurring as a result of the proposed use is low and would not lead to the 'significant adverse impact' identified by paragraph 123 of the NPPF.

It must also be recognised that in the event an unacceptable noise nuisance did occur, the Council's Environmental Health team holds powers to intervene and take appropriate action to abate the nuisance where necessary.

Given the above, it is considered that the implications of the proposed use in relation to the amenity of nearby residential is acceptable and the proposals are consequently considered to comply with the objectives of UDP policies B2 and EN5 and the core principles and paragraph 123 of the NPPF.

3. Impact of development on visual amenity, character and appearance of Conservation Area and heritage significance of Listed buildings

As noted at the outset of this section of the report, one of the Core Principles of the NPPF is that new development should seek to conserve and manage heritage assets, such as Listed Buildings and Conservation Areas, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal.

Paragraph 131 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Also relevant is paragraph 137, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policy B2 of the UDP requires new development to respect and enhance visual amenity, whilst policy B4 seeks to ensure that new development within Conservation Areas will preserve or enhance their character and appearance. Policy B8, meanwhile, sets out a presumption in favour of retaining Listed buildings, whilst policy B10 requires new development proposals to respect the setting of Listed buildings.

The Council has also produced an Old Sunderland Conservation Area Character Appraisal and Management Strategy (CAMS), but this remains in draft form and can consequently be given little weight in the determination of planning applications. Nevertheless, the draft CAMS identifies the site as being within the Old Sunderland/Town Moor sub-area of the Conservation Area, which, in part, is characterised by the open space of the Town Moor and Rector Gray Memorial Garden and the cluster of historic buildings around it, including Holy Trinity. The church itself, meanwhile, is identified as a significant historic landmark within the Conservation Area and Management Proposal 2b of the CAMS sets out that the Council will continue to work in partnerships to find a sustainable, long-term use for the building.

As detailed earlier in this report, the external works associated with the proposed development are limited in scope and will only have a minor effect on the church's outward appearance. The works are also wholly sympathetic to the church's historic and architectural value and

significance. As such, it is considered that the proposals will have a negligible effect on the visual amenity of the area, the significance of the Conservation Area and the setting of adjacent Listed buildings (i.e. the church's boundary wall and the Donnison School). Furthermore, and as noted in the 'Representations' section of this report, the alterations to the building are fully supported by Historic England and the Council's Built Heritage officers on the basis that they have been informed by specialist conservation advice and will assist in securing the viable future of one of Sunderland's most important and significant heritage assets.

A more detailed discussion of the merits of the proposed works to the fabric of the building in respect of its heritage significance is provided by the report prepared in respect of the tandem application for Listed Building Consent (i.e., application ref, 17/00675/LB4), but in terms of their effect on visual amenity, the outward appearance of the church building, the character, appearance and significance of the Old Sunderland Conservation Area and the setting of adjacent Listed buildings, the proposals are considered to be acceptable. As such, and subject to the imposition of relevant conditions, it is considered that the proposals will comply with the requirements of policies B2, B4, B8 and B10 of the UDP, the objectives of the draft CAMS and the core principles and other relevant guidance of the NPPF as set out above.

4. Implications of development in relation to ecology

Policy CN22 of the UDP states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable. Paragraph 118 of the NPPF requires Local Planning Authorities to support the conservation and enhancement of biodiversity by refusing planning applications which will cause significant harm to biodiversity and SSSIs, unless the effects can be satisfactorily mitigated. Local Planning Authorities should also seek opportunities to incorporate and enhance biodiversity in and around new developments.

The application has been accompanied by a Bat Survey Report, which has concluded that the church should be considered as having low-moderate potential to contain roosting bats due to the presence of a large, uncluttered roof void and a low-quality foraging habitat. The Report sets out a range of proposed mitigation measures designed to maintain existing bat populations and deliver an overall net increase in available roost sites, which involve a pre-works inspection of the building by a qualified specialist and the undertaking of the works in accordance with a method statement provided by the applicant's ecologist.

As set out in the 'Representations' section of this report, the Council's Natural Heritage team has no objection to the proposals, subject to adherence to the mitigation measures set out in the Bat Survey Report and it is recommended that a condition requiring compliance with the mitigation measures be imposed in the event Members approve the application. Subject to such a condition, it is considered that the implications of the proposals in relation to protected species are acceptable, in accordance with the objectives of the NPPF and policy CN22 of the UDP.

5. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not give rise to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded appropriate levels of dedicated car parking. Paragraph 32 of the NPPF, meanwhile, advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Although parking at the church is limited to on-street parking and some off-street space adjacent to its entrance (at the junction with the access to the nearby Hendon Youth Project building), the

Council's Network Management team has, in response to consultation, offered no objections to the scheme on the basis that the vehicular activity associated with the proposed use of the building is anticipated to be similar to that associated with a church use or another use falling within use class D1 (for which planning permission would not be required). Moreover, it is recognised that the facilities to be provided at the church are primarily designed for the benefit of the local community, who would be able to arrive on foot.

As such, it is considered that the implications of the development in relation to highway and pedestrian safety are acceptable and the proposals will certainly not result in the severe cumulative impacts identified by paragraph 32 of the NPPF. The proposals are therefore considered to accord with the requirements of policies T14 and T22 of the UDP and the NPPF in this regard.

CONCLUSION

For the reasons outlined above, it is considered that the proposed development is acceptable in principle and that it will help to secure the long-term viable future of one of the City's most important and significant Listed buildings. To this end, the proposals have the full support of Historic England and the Council's Built Heritage officers on the basis that the scheme is heritage-led and informed by sound conservation principles.

Furthermore, the proposals will have an acceptable impact on the outward appearance of the church, the visual amenity of the area, the character, appearance and significance of the Old Sunderland Conservation Area and the setting of adjacent Listed buildings.

Whilst it is acknowledged that the proposed use of the building may give rise to some additional activity and, potentially, some noise, this will be limited and is not expected to give rise to significant amenity concerns. Furthermore, whilst parking at the church is limited, the parking available at the site is considered to be acceptable in relation to the proposed use, especially when compared to the existing authorised use of the building.

In any case, it must be recognised that any minor concerns in relation to these matters must be considered in the context of the benefits the proposals will bring in terms of facilitating the long-term viable future of one of the most significant historic buildings in the City.

It is therefore considered that the proposals are acceptable and that they comply with the relevant requirements of the NPPF and policies EN10, B2, B4, B8, B10, CF2, CN22, T14 and T22 of the Council's UDP as outlined previously in this report. It is consequently recommended that Members Grant Consent for the development under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the recommended conditions.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- 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:

Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions:

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

the location plan and site plan (drawing no. 942 AE (0) 001);
the existing ground and first floor plans (drawing no. 942 AE (0) 003);

the existing second floor plan (drawing no. 942 AE (0) 004);
the existing ceiling plan (drawing no. 942 AE (0) 005);
the existing north and east elevations (drawing no. 942 AE (0) 010);
the existing west and south elevations (drawing no. 942 AE (0) 011);
the existing internal elevations - nave repair and alteration (drawing no. 942 AE (0) 031);
the existing internal elevations - stairwell repair and alteration (drawing no. 942 AE (0) 032);
the existing internal elevations - vestry repair and alteration (drawing no. 942 AE (0) 033);
the existing internal elevations - central lobby repair and alteration (drawing no. 942 AE (0) 034);
the existing internal elevations - narthex repair and alteration (drawing no. 942 AE (0) 035);
the existing internal elevations - lower ringing chamber (drawing no. 942 AE (0) 036);
the existing internal elevations - gallery repair and alteration (drawing no. 942 AE (0) 037);
the existing internal elevations - clock tower repair/alteration (drawing no. 942 AE (0) 038);
the existing internal elevations - library repair and alteration (drawing no. 942 AE (0) 039);
the existing internal elevations - upper ringing chamber (drawing no. 942 AE (0) 040);
the proposed site plan (drawing no. 942 AL (0) 101);
the proposed ground and first floor plans (drawing no. 942 AL (0) 104);
the proposed roof void plan and roof plan (drawing no. 942 AL (0) 105);
the proposed north and east elevations (drawing no. 942 AL (0) 106);
the proposed west and south elevations (drawing no. 942 AL (0) 107);
the proposed below ground drainage strategy (drawing no. 942 AL (0) 130);

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 full details and samples of all external materials, including bricks, slates, slate vents, ridge and hip tiles, rainwater goods, flashings, chimney pots, windows and doors (external fire escape to apse), uplighters and CCTV cameras, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and maintaining the significance of the heritage asset and to comply with policies B2, B4 and B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

4 Notwithstanding the submitted plans and specifications, no development shall take place until full details of the replacement sliding sash/casement windows have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the submitted details shall include 1:20 scale cross-sections and elevation details of the replacement windows, to include dimensions and profiles of timber sections and glazing bars. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and maintaining the significance of the heritage asset and to comply with policies B2, B4 and B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

5 The development hereby approved shall be carried out in strict accordance with the mitigation recommendations provided by section 6.2 of the Bat Survey Report (prepared by Total Ecology, August 2016) submitted with the planning application, in order to minimise the risk of harm to protected species and to comply with the objectives of policy CN22 of the Council's UDP and the NPPF.

6 No works shall commence on the building before a detailed photographic survey of the building, including referenced plans, has been submitted to and approved in writing by the Local Planning Authority. The photographic survey shall include general views of the interior spaces plus detailed shots of features of interest such as walls, floors, ceilings, staircases, downstands,

nibs, arches, pews, cornices, doors, windows, window reveals, panelling, tiling, balustrading, dado rails and skirtings. The digital images will also be sent to the Historic Environment Record as jpegs or tiffs on CD. The survey is required to provide an archive record of the historic building, in accordance with paragraph 141 of the National Planning Policy Framework and saved Unitary Development Plan Policies B11, B13 and B14.

7 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record human remains and archaeological features in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing. The watching brief is required as the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

8 The building shall not be brought into the approved use until the report of the results of observations of the groundworks pursuant to condition 7 has been submitted to and approved in writing by the Local Planning Authority. The watching brief is required as the site is located within an area identified as being of potential archaeological interest and to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

Reference No.: 17/00675/LB4 Listed Building Consent (Reg 4)

Proposal: Various internal and external works, repair and conservation of the existing building fabric to include the replacement of stainless steel flashing and cement render to parapet and roof, replacement of battened plasterboard ceiling to the nave, strengthening works to the northern stair, replacement of existing windows, re-pointing external walls and roof repairs.

Location: Holy Trinity Church Church Street East Sunderland SR1 2BB

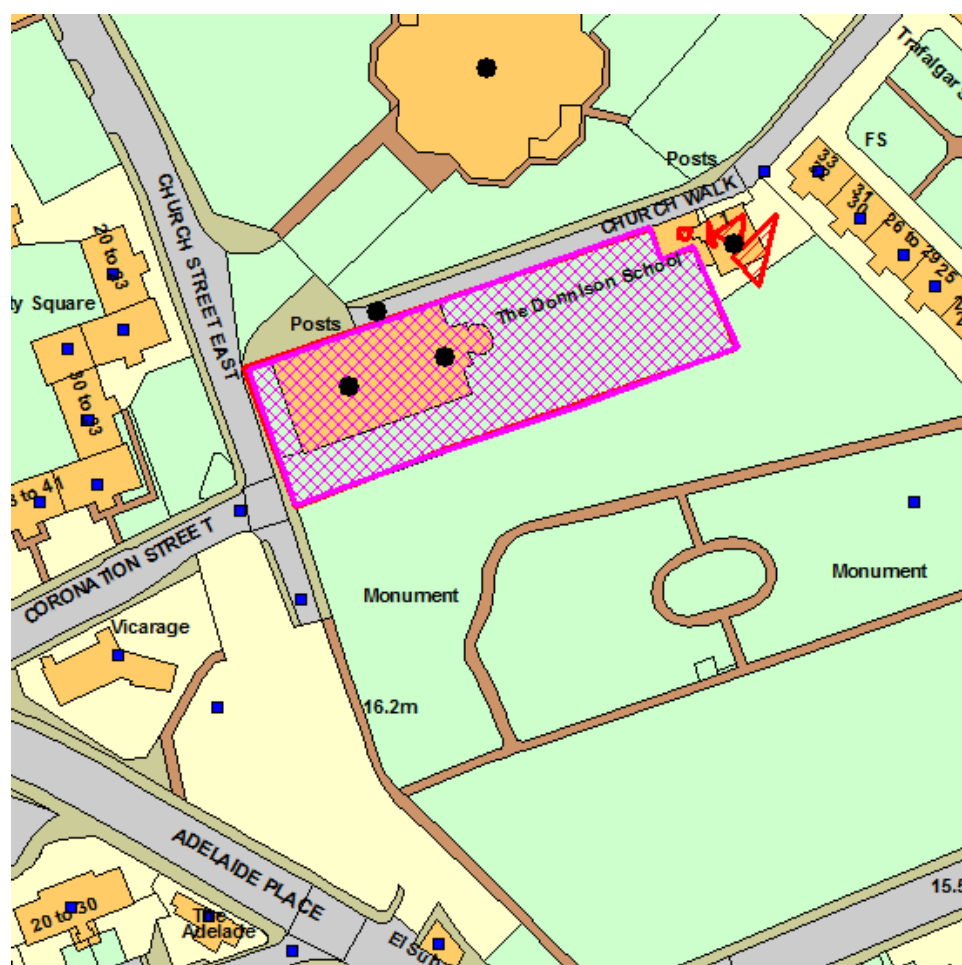
Ward: Hendon

Applicant: Churches Conservation Trust

Date Valid: 31 March 2017

Target Date: 26 May 2017

Location Plan



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PROPOSAL:

Listed Building Consent is sought for various repairs, conservation works and internal and external alterations at Holy Trinity Church, Church Street East, Sunderland, SR1 2BB.

The proposals affect Holy Trinity Church, a Grade-I Listed building located within the Old Sunderland Conservation Area. The church stands within its enclosed grassed churchyard and is bordered by the pedestrianised Church Walk on its north side and Church Street East to its west (front), on the far side of which are the dwellings of Trinity Square. To the south of the church is an area of landscaped public open space, known as the Rector Gray Memorial Garden, which occupies the extent of the original, more extensive churchyard.

The church was built in 1719 as the first parish church of the settlement of Sunderland, as distinct from Bishopwearmouth to the west. It is a fine early example of a Georgian church building and retains a large number of its original details both in terms of architecture and fittings. It is built in the 'Baroque' style in red brick with stone dressings and is thought to have been designed by William Etty, a contemporary of Nicholas Hawksmoor and Sir John Vanbrugh. In its heyday spanning the next 100 years, the church had a dual role for worship and civic administration - until 1835, the church's vestry was used as a town hall and magistrates' court and the town's first public library was in the room directly above. The Council chamber's original oak meeting table and the shelves and desks of the library remain in situ.

The church would once have stood on the green edge of Sunderland's quayside but the building is now largely surrounded by modern low-level, medium-density residential development. There are, however, reminders of the church's historic setting in evidence, in the form of the aforementioned former churchyard (now memorial garden) to the south and the Grade-II Listed Donnison School (dating from 1778) and Trafalgar Almshouses (dating from 1840) immediately to its east. The boundary wall, railings and piers to the church are also Listed separately (Grade-II Listing).

As a result of mounting repair bills and a dwindling congregation, the church was made redundant in 1988 and has since been in the care of the Churches Conservation Trust (CCT). It is currently on Historic England's 'Heritage at Risk' Register. The churchyard still belongs to the Parochial Church Council (PCC) and is maintained by Sunderland City Council. The Council also owns and maintains the church forecourt and boundary walls. Public access to the church is currently very limited (by prior appointment only).

The current application seeks Listed Building Consent for a range of internal and external alterations, repairs and conservation works in association with a proposed change of use of the church to a new community and commercial venue and heritage attraction as the focus of the 'Canny Space' project. Further details and consideration of the proposed new use of the building is provided by the report for the full planning application submitted in tandem with this application for Listed Building Consent (application ref. 17/00674/FU4, also an item on this agenda).

The Canny Space project is to be conservation-led and will involve the urgent repair and rejuvenation of the church's built fabric, together with a series of alterations and adaptations to the interior and exterior of the building in order to accommodate the new use.

The works affecting the exterior of the building comprise the following:

- Reopening of the in-filled external doorway from the apse in order to provide a secondary means of escape;
- Replacement of the stainless steel flashings and cement render to the building's parapet and roof;

- Replacement of existing windows, which were largely installed after World War II and are constructed from timber and glazed with Perspex. The design of the new windows will be developed to replicate the glazing bar configuration, as informed by the only remaining original sash window to the church;

The works affecting the interior of the building comprise the following:

- Removal of in-fill to subfloor void to nave in order to create a ventilated subfloor void and allow for installation of an insulated underfloor heating system;
- Replacement of battened plasterboard ceiling to the nave with new flush plasterboard lining, to better reflect original appearance;
- Repainting of interior, to be informed by analysis of paint in circular apse (added to building in 1735);
- Repair of internal plasterwork;
- Removal of pews (which date from 1935) in order to provide more usable internal space , together with relocation of communion rail to original position;
- New inner lobby to main central entrance, to take the form of a smooth lacquered timber structure with glazed doors and side panels which will be held in place by point fixings to minimise impact on existing fabric;
- Provision of additional WC facilities, to be installed at bottom of northern stairwell. The installation of the toilets will require the removal of a box-panelled closet (the age of which has not yet been fully determined), which is intended to be relocated elsewhere in the church. The toilets will be accommodated within a 'pod' constructed from modern materials to differentiate it from the historic fabric;
- Installation of new underfloor heating via a suspended floor installation system;
- Provision of a servery in the nave, to stand adjacent to northern wall and be designed so that it sits below line of window cills;
- Provision of gallery platform, to involve removal of small central section of pews to allow for the installation of a raised platform which will project forward at upper floor height. The platform will take the form of a raised timber deck which would sit below the line of the front row of pews to minimise its impact, together with a frameless glass balustrade to the perimeter. The gallery would be used for technical controls during performances (e.g. lighting and sound controls);
- Strengthening works to the northern staircase, which is currently sagging, via installation of new cranked steel beam to be concealed within stair structure;
- Installation of new services, utilising existing routes and voids where possible.

In addition, the application includes details of proposed improvements to the external drainage provision at the site. Such works are considered essential in order to alleviate issues relating to water ingress at both low and high level, which are having a detrimental effect on the building's fabric. The drainage works are to involve:

- the extension of existing rainwater goods;
- re-laying of perimeter stone slabs to the south elevation to direct water away from base of church;
- installation of field drain to south elevation;
- installation of below ground surface water drainage to collect and direct roof drainage away from the building's footprint;
- amendments to the raised lip detail to the building's north elevation to prevent water ponding and extension of rainwater goods to direct water to drainage gullies within the pathway;
- provision of rainwater goods to apse;

The application has been accompanied by a Design and Access/Heritage Statement (prepared by Mosedale Gillatt Architects) and a Bat Survey Report (prepared by Total Ecology). The Design

and Access/Heritage Statement has been informed by a wide range of specialist conservation advice, including an Assessment of Significance, Historic Environment Desk-Based Assessment, a timber survey report, historic paint analysis report, woodwork and furniture report, structural appraisal, a glazing condition survey report, an historic plaster condition survey report, a roof inspection report, a report from a church organ consultant and a church bell inspection report.

The application has been submitted on behalf of the Churches Conservation Trust.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Tyne And Wear Archaeology Officer
Environmental Health
Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **04.05.2017**

REPRESENTATIONS:

Public consultation
No letters of representation have been received in response to public consultation.

Historic England

The comments from Historic England advise that Holy Trinity Church is not only one of Sunderland's most beautiful and impressive historic buildings, but one of its most resonant because of the religious and civic role it played following its construction. It stands as a monument to Sunderland's commercial and maritime past and the importance of the industry and economic prosperity this delivered. Unfortunately, as the focus of the modern city has shifted westward, the church has become 'stranded', resulting in its deterioration and eventual inclusion on the Heritage at Risk register.

Historic England therefore very much welcomes this application for the repair and conversion of the church as part of the Canny Space project as it will not only arrest the building's deterioration but also secure its viable future. It is acknowledged that the proposals are informed by accumulated specialist conservation advice and they show a sound and sympathetic understanding of the building's significance and a conservation-led approach to its repair and re-use.

It is acknowledged that some of the new interventions will result in some minor harm in places (such as the removal of the closet to accommodate the WC), but it is accepted that the facilities provided are fundamental to securing a new use of the building and they affect areas where their impact on the significance of the building will be minimised. Furthermore, the design of such interventions is contemporary but complementary to the aesthetics of the historic internal space.

The associated proposed drainage works are also of vital importance in rectifying and improving the prevailing environmental conditions at the site.

It is recognised that the precise approach to some of the works proposed to the church have yet to be finalised, but it is recognised that the general approach is sound and Historic England is satisfied that finer details can be conditioned and agreed with the Council's own heritage officers at a later date.

Historic England is therefore satisfied that the proposals address the requirements of the National Planning Policy Framework in that they address the critical conservation and repair issues of the building as well as delivering a viable new use. The application is consequently formally supported on heritage grounds in the hope that it will continue the building's legacy by bringing it back to its former glory and re-establishing its place as an important community asset.

Tyne and Wear County Archaeologist

The County Archaeologist welcomes the church being repaired and brought back into use. The consultation comments provided advise that the groundworks associated with the new drainage arrangements may disturb buried archaeology, including buried remains, and as such will require a faculty from the Durham Diocese. It is also recommended that these works are monitored by a qualified archaeologist (a 'watching brief'), in order to ensure the groundworks are undertaken in an appropriate manner and to allow for any archaeological remains uncovered during works to be properly recorded. It is also recommended that a full photographic survey of the church is carried out prior to any works commencing.

The County Archaeologist advises that in the event planning permission is granted, conditions be imposed requiring the undertaking of the photographic survey and the arrangement of a watching brief.

Council's Built Heritage Protection team

The Council's Built Heritage team advise that the proposals have been subject to detailed discussions and are firmly supported. The proposals will secure the future care and sustainable use of an exceptionally significant Grade-I Listed building and will ultimately lead to its removal from the 'Heritage at Risk' register. The proposals will serve to place the currently under-used church at the heart of the local community as a key and accessible attraction and the proposed events programme will draw people to Old Sunderland. The project will also make a key contribution to the wider regeneration aims of the area's recently-designated Heritage Zone status.

The design and details of the scheme are considered to demonstrate a sound and properly-informed conservation-led approach that should ensure the building's significance is conserved and sustained. The repair and conservation works to the building's fabric are essential to arrest its deterioration and the holistic strategy for these works is well thought-out and both practically and philosophically sound in its application of minimal intervention wherever possible and having a long-term vision for the future operation and conservation of the building.

The proposed modern interventions (e.g. the new lobby, WC, servery, gallery etc.) are justified as necessary for the future operation and sustainable long-term use of the building and they have been sensibly and sensitively handled to represent high-quality modern interventions which will sit comfortably within the church's interior without harming its overall significance.

It is recommended, however, that conditions be imposed on any approval of planning permission which require the submission and approval of full specifications and method statements in respect

of various aspects of the proposed works to the building, including the repair and conservation works and the fixing of new structures to existing fabric.

It is ultimately concluded that the proposals will have a positive impact on the significance and long-term conservation and sustainability of the Listed building and thereby satisfy the requirements of all relevant UDP and NPPF policies.

POLICIES:

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

B_8_Demolition of listed buildings

COMMENTS:

CONSIDERATION OF PROPOSALS

As a starting point, regard must be given to the statutory obligation placed upon Local Planning Authorities by the aforementioned Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires LPAs to have special regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, which should be viewed as a 'golden thread' running through both plan-making and decision-taking. Within the overarching role of delivering sustainable development, the planning system should be underpinned by a series of 12 core land-use planning principles. The most pertinent core principle in relation to the current application is that the planning system should seek to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'.

Section 12 of the NPPF provides more detailed guidance in relation to conserving and enhancing the historic environment, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal. Paragraph 131 then states that in considering proposals, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

On a local level, policy B8 of the City Council's adopted Unitary Development Plan (1998) states that there will be a presumption in favour of retaining Listed buildings.

The Council has also produced an Old Sunderland Conservation Area Character Appraisal and Management Strategy (CAMS), but this remains in draft form and can consequently be given little weight in the determination of planning applications. The church is identified as a significant historic landmark within the Conservation Area which symbolises the ascendancy of Sunderland

from Bishopwearmouth Parish through the creation of a separate parish. Management Proposal 2b of the CAMS sets out that the Council will continue to work in partnerships to find a sustainable, long-term use for the building.

Holy Trinity Church's national and regional significance as a heritage asset is clearly evidenced by its Grade I Listed status and it is one of only nine Grade-I Listed buildings in the City's boundaries. The Design, Access and Heritage Statement submitted with this application considers the significance of the building in detail using four descriptions of 'value':

Evidential value

This lies within what can be seen of the building today - its design, fabric, fixtures, fittings and craftsmanship and what we know about its development to date. To this end, there is significant documentation on the church and its place in the community and it is understood that the overall plan form of the church has been little altered. There have been phases of re-ordering and refurbishment of the church but these have been well-documented to allow a good understanding of the church in relation to its historical value over its lifetime.

Historical value

The historical illustrative value of the church rests mainly with it being one of the earliest remaining buildings in Sunderland and also in its subsequent re-orderings as the economy and population changed. Historical associative value lies in the additional roles the church played in terms of its civic functions. The church is also notable for the number of local and regional craftsmen involved in its decoration and detailing, whilst there are also memorials to significant local figures found within the church and its grounds (including to Jack Crawford, in the Rector Gray Memorial Garden).

Aesthetic value

This derives from the building's age and its classical design, which acts as a reminder of an earlier era of economic prosperity in a thriving port. The Baroque exterior is little-altered, other than the loss of original tuck pointing and replacement of windows. The aesthetic value of the building's interior also remains high, particularly given the impression of spaciousness and light provided by the nave and aisles. Essentially, although much has changed over time, the church remains an impressive and beautiful reminder of the old township of Sunderland.

Communal value

The local recognition of the church has diminished in the period since it was last used as a place of worship, but it nevertheless holds significant community value for a significant number of local people. There is a real desire amongst the community and the Council to celebrate the church and the heritage of Old Sunderland/the East End by promoting the buildings which mark its prosperous past. It is hoped the repair and re-use of the church will act as a catalyst for driving forward this vision.

It is considered that the assessment provided by the application has clearly demonstrated that Holy Trinity Church is one of the most significant heritage assets in the City. Its significance is derived from its evidential, historic, aesthetic and communal value as a fine example of early Georgian architecture, it being a reminder of Old Sunderland's development and economic prosperity and its existing and future role as a symbol of the heritage of Old Sunderland and the East End.

As noted earlier in the 'Representations' section of this report, the proposals have the full support of Historic England and the Council's Built Heritage team, their advice being that the works and alterations to the building clearly satisfy the requirements of paragraph 131 of the NPPF in that they will sustain and enhance the significance of this heritage asset and put it to a viable use. All

works to the building have been informed by a range of supporting conservation advice and show a sound understanding of conservation principles and a sympathetic appreciation of the building's significance and value. The works to the building are clearly necessary and will serve to save the church from further deterioration and where some harm to the building's fabric is proposed, particularly in respect of some of the internal adaptations, it has been clearly justified as necessary to support the new use of the building and has been handled in a wholly appropriate and sympathetic manner.

Further detail is required in respect of some elements of the proposed works to the church, but both Historic England and the Council's Built Heritage team are satisfied that it is appropriate to require such details to be submitted to and agreed with the City Council via the imposition of conditions on any grant of Listed Building Consent. In the event Members are minded to grant Listed Building Consent, it is recommended that conditions to this effect are imposed.

CONCLUSION

In summary, both Historic England and the Council's Built Heritage team are of the view that the proposed internal and external works to the building will secure the sensitive repair, restoration, adaptation and return to a beneficial, sustainable use of a Grade I Listed building in an informed, conservation-led manner. Furthermore, the proposals are clearly underpinned by a sound understanding of the significance of the church. The proposals are therefore welcomed and fully supported by Historic England and the Council's Built Heritage team as a means of ensuring the viable future of one of the most important and significant heritage assets in the City.

The proposals are therefore considered to be acceptable in relation to their effect on the heritage significance of Holy Trinity Church and to comply with the requirements of paragraphs 128, 129, 131 and 132 of the NPPF, policy B8 of the UDP and the management objectives of the draft Old Sunderland Conservation Area CAMS. It is therefore recommended that Listed Building Consent is granted, subject to the recommended conditions.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- 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:

Grant Listed Building Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions:

Conditions:

1 The works 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 works are carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the works hereby granted consent shall be carried out in full accordance with the following approved plans:

the location plan and site plan (drawing no. 942 AE (0) 001);
the existing ground and first floor plans (drawing no. 942 AE (0) 003);
the existing second floor plan (drawing no. 942 AE (0) 004);
the existing ceiling plan (drawing no. 942 AE (0) 005);
the existing north and east elevations (drawing no. 942 AE (0) 010);
the existing west and south elevations (drawing no. 942 AE (0) 011);
the existing internal elevations - nave repair and alteration (drawing no. 942 AE (0) 031);
the existing internal elevations - stairwell repair and alteration (drawing no. 942 AE (0) 032);
the existing internal elevations - vestry repair and alteration (drawing no. 942 AE (0) 033);
the existing internal elevations - central lobby repair and alteration (drawing no. 942 AE (0) 034);
the existing internal elevations - narthex repair and alteration (drawing no. 942 AE (0) 035);
the existing internal elevations - lower ringing chamber (drawing no. 942 AE (0) 036);
the existing internal elevations - gallery repair and alteration (drawing no. 942 AE (0) 037);

the existing internal elevations - clock tower repair/alteration (drawing no. 942 AE (0) 038);
the existing internal elevations - library repair and alteration (drawing no. 942 AE (0) 039);
the existing internal elevations - upper ringing chamber (drawing no. 942 AE (0) 040);
the proposed site plan (drawing no. 942 AL (0) 101);
the proposed ground and first floor plans (drawing no. 942 AL (0) 104);
the proposed roof void plan and roof plan (drawing no. 942 AL (0) 105);
the proposed north and east elevations (drawing no. 942 AL (0) 106);
the proposed west and south elevations (drawing no. 942 AL (0) 107);
the proposed below ground drainage strategy (drawing no. 942 AL (0) 130);

in order to ensure that the completed works accord with the approved scheme and to comply with policy B8 of the adopted Unitary Development Plan.

3 Notwithstanding any indication of materials which may have been given in the application, no works shall take place until full details and samples of all external materials, including bricks, slates, slate vents, ridge and hip tiles, rainwater goods, flashings, chimney pots, windows and doors (external fire escape to apse), uplighters and CCTV cameras, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

4 Notwithstanding the submitted plans and specifications, no works shall take place until full details and samples of materials for new internal additions, such as the entrance lobby, servery, gallery and WC pod, have been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

5 Notwithstanding the submitted plans and specifications, no works shall take place until full details of the method of fixing of internal additions to the existing building's structure/fabric have been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

6 Notwithstanding the submitted plans and specifications, no works shall take place until full drawn details (including cross-sections) of all structural strengthening works, including to the northern stairs, cramping, bracing and stitching to walls, have been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

7 Notwithstanding the submitted plans and specifications, no works shall take place until full specifications and method statements for all repair and restoration works, including re-pointing, stone work repairs, indents and replacements, paint removal, plasterwork repairs, timber repairs and structural repairs (i.e. steel cramps, stitching etc.) have been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

8 Notwithstanding the submitted plans and specifications, no works shall take place until marked-up elevation drawings identifying areas of brickwork replacement, stone repairs and replacement and re-pointing, have been submitted to and agreed in writing with the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

9 Notwithstanding the submitted plans and specifications, no works shall take place until sample panels/areas of brickwork replacement, stone replacement and repairs and re-pointing are provided and have been accepted in writing by the Local Planning Authority. Any sample areas must be provided at locations to be agreed with the Council's Built Heritage team prior to the samples being prepared. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

10 Notwithstanding the submitted plans and specifications, no works shall take place until full details of the replacement sliding sash/casement windows have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the submitted details shall include 1:20 scale cross-sections and elevation details of the replacement windows, to include dimensions and profiles of timber sections and glazing bars. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

11 Notwithstanding the submitted plans and specifications, no works shall take place until full details of all fall-arrest systems have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

12 Notwithstanding the submitted plans and specifications, no works shall take place until full details of the precise colour scheme for the interior of the building, to be supported by paint analysis recommendations, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

13 Notwithstanding the submitted plans and specifications, no works shall take place until a full method statement for all temporary removal and reinstatement works (e.g. internal wall panelling, plaques, loose fittings etc.), including methods of protection and storage of fabric and features, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.

14 Notwithstanding the submitted plans and specifications, no works shall take place until full details of all service runs for mechanical and electrical installations have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details; in the interests of maintaining the significance of the heritage asset and to comply with policy B8 of the Unitary Development Plan and the heritage objectives of the NPPF.