

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows

Executive Director of Commercial Development

Reference No.: 16/00707/LP3 Local Authority (Reg 3)

Proposal: Erection of a detached single storey public convenience block, associated hard and soft landscaping, change of use of amenity open space for the provision of a temporary car park for the duration of the construction period and retrospective change of use of amenity open space to car park.

Location: Car Park Pier View/Marine Walk Sunderland

Ward: St Peters

Applicant: Commercial Development Directorate

Date Valid: 25 April 2016

Target Date: 20 June 2016

Location Plan



PROPOSAL:

The proposal relates to the erection of a detached single storey public convenience block, associated hard and soft landscaping, change of use of amenity open space for the provision of a temporary car park for the duration of the construction period and retrospective change of use of amenity open space to car park at the existing car park at Pier View/Marine Walk, Sunderland.

The application site is situated immediately behind Roker beach, within a raised area of footpath that bounds the Marine Walk car park and the surrounding landscape. The new public convenience block is to be positioned within this raised area with associated hard and soft landscaping in the footpaths surrounding it.

The temporary car park is to be provided within a grassed area to the west of the existing car park, with access taken through the existing access route, which has been recently installed utilising the Local Highway Authorities permitted development rights as part of a wider program of higher improvements in the area.

The regularisation of the change of use of amenity open space to car parking relates to a small parcel of land which formally had a recycle compound positioned on it, within the extent of the existing car park. Prior to the submission of the current proposal, pre-application advice indicated that the aforementioned was subject to planning control and hence the current proposal has incorporated these works within the description in order to regularise the situation.

All aspects of the proposal are positioned within the Roker Conservation Area and are within close proximity to the Grade II listed Roker Pier.

The proposed toilet block is positioned within the south east corner of the existing Marine Walk car park and measures approximately 13 metres in length, 8 metres in width and reaches 3.6 metres in height. Containing both male and female toilets, a baby changing facility and both an accessible wc and changing places room, the building is rectangular in design and is accessed via the east facing elevation (beach side). Designed with a V shaped roof, the walls of the block are indicated as being clad with European Larch.

To facilitate the siting of the proposal, the existing access to the car park off Marine Walk is to be removed and paving introduced. The introduction of the new access point to the car park providing access to the car park throughout the construction period to visitors, whilst the original access to the car park will provide a separate access to the compound area surrounding the toilet block development site. Overall the car park which currently provides 61 parking bays will see a reduction to 58 following the construction of the public convenience block.

In light of the need to utilise part of the existing car park in order to facilitate the construction of the public convenience block, should Members be minded to grant consent, the proposal seeks to create an area of temporary car parking on part of the existing open space to the west of the car park. This element of the proposal will be returned to its original state following the completion of the toilet block.

The proposal has also been supported by the following documents:

- Design, Access and Heritage Statement.
- Habitats Regulation Assessment.

The proposal is a departure from the Unitary Development Plan land allocation and has been advertised as such accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation

Network Management
Environmental Health
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **20.05.2016**

REPRESENTATIONS:

Two letters of representation have been received raising concerns over the need for the development and the associated loss of car parking spaces, additional noise created by the relocation of the car park entrance and subsequent loss of sea views and devaluation of property prices.

The latter two elements of the proposal are not considered to be material in the determination of this proposal, whilst the question relating to need has been previously identified as part of the Marine Walk Masterplan, and in particular along the lower promenade area which has seen and continues to see commercial growth in the form of a number of recently approved units.

With particular reference to the loss of parking spaces, 3 in total, further to consultations with the Network Management Section, this has not been seen as significant in this instance to warrant refusal of the current application, in light of the on-going highway safety improvements that the scheme proposes to bring forward.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_10_Development affecting the setting of listed buildings
B_13_Sites and monuments of local importance affected by development
L_1_General provision of recreational and leisure facilities
L_7_Protection of recreational and amenity land
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

COMMENTS:

In determining the application the main issues to consider are :

1. The principle of the use.
2. The visual impact of the proposal upon the setting of the listed pier and lighthouse and the character of the conservation area.
3. The impact of the proposal upon highway safety.
4. The impact upon residential amenity.
5. The impact upon protected species.
6. Other material considerations.

1. Principle of Use

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the NPPF, the greater the weight can be given to the development plan.

In assessing the principle of the use, the proposal has been considered against the relevant policies of the saved adopted Unitary Development (UDP), B2, B3, B4, B6, B10, B13, L1, L7, CN19, EN14, T14 and T22. In addition to the UDP policies, the City Council has produced The Seafront Regeneration Strategy which provides a strategic platform to guide the regeneration of Roker and Seaburn seafront and to act as a tool to deliver the objectives set out in the Sunderland Strategy (2008-2025) the overarching strategy for the city which states that "by 2025 Roker and Seaburn will have a key role in providing cultural tourism attractions."

The Marine Walk Masterplan is a Supplementary Planning Document (SPD) forming part of Sunderland City Council's Local Development Framework. As such the document has been taken forward through the statutory planning process in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).

Whilst it is recognised that the proposal does involve the temporary loss of amenity open space, this is considered to be acceptable in order to facilitate the safe construction of the proposed public convenience block, without placing undue pressures on the existing highway network in terms of on street parking. The proposed public convenience block is also considered to provide an acceptable land use on the lower promenade, meeting the needs previously highlighted within the Marine Walk Masterplan with a contemporary fully accessible public convenience.

In providing essential facilities for the expanding Marine Walk lower promenade area the development is considered to be acceptable in principle.

2. Visual impact upon the setting of the listed pier and lighthouse and the character of the conservation area.

In assessing the visual impact of the proposed alterations the proposal has been considered against Section 12 : Conserving and enhancing the historic environment of the NPPF relevant policies of the UDP B2, B4, B6 and B10 and Management Objective 6 and Proposal 6a of the Roker Park Conservation Area Management Strategy.

Further to consultations with the City Council's Heritage Protection Team, the proposal is considered to have been well thought through and the proposed materials and finishes are of a high quality that will complement the buildings of the Conservation Area. With reference to the loss of open space , it is considered that this small area was of poor quality and its loss will not detract from the appearance of the wider conservation area.

3. The impact of the proposal upon highway safety.

Policy T14 of the UDP requires in part that proposals for new development should be readily accessible by pedestrians and cyclists and not cause traffic congestion or highway safety problems.

Further to consultations with the Network Management Section, whilst it is acknowledged that the overall development will lead to a loss of three parking spaces from the site, it is noted that public parking provision is located to the immediate south along Marine Walk with a further dedicated disabled parking area sited to the north. With this in mind and added to the benefits that the scheme is bringing forward in terms of improving safety and access to the existing public car park the development proposal is considered to be acceptable and in accordance with relevant UDP policies.

4. The impact upon residential amenity.

Paragraph 17 Core Planning Principles states in part that a set of core land-use planning principles should underpin both plan making and decision-taking and highlights 12 key points. One of these points states that planning should:

"always seek to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings."

Policy B2 of the UDP reaffirms this position in seeking to ensure levels of privacy are maintained and developments are respectful and enhance the best qualities of nearby properties.

In assessing the impact of the proposed development upon levels of residential amenity, it is noted that the proposed public convenience block is sited due north of the existing RNLI building and access to the building is to be taken from the east facing elevation, therefore providing an element of screening to the residential properties on Liddell Court and Bloomfield Court. With regards to the new access provided to the car park and levels of noise associated with vehicles accessing and egressing the car park, the access was introduced without the need for planning permission and as such any potential impacts in the form of noise from vehicles are outside the control of the Local Planning Authority.

In light of the above, it is considered that design and siting of the proposed public convenience, the temporary extension of the car park to relocate the existing parking spaces will not lead to a significant impact upon existing levels of residential amenity and as such the proposal is considered to be acceptable and in accordance with both local and national policies.

5. The impact upon protected species.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addition to the above The Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular relevance in the assessment of this proposal.

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-

- If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI which is likely to have an adverse effect on a SSSI should not normally be permitted. Where an adverse effect is likely, an exception should only be made where the benefits of the development clearly outweigh the impacts on the features of the SSSI;
- Opportunities to incorporate biodiversity in and around development should be encouraged;
- The following wildlife sites should be given the same protection as European Sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are two designated statutory sites within the vicinity of the proposal, these being the Northumbria Coast Special Protection Area which is located approximately 0.75 km to the north of the development site and the Durham Coast Special Area of Conservation located to the south.

Policy CN19 of the UDP is of particular relevance and states that :

"Special Areas of Conservation, Special Protection Areas and Ramsar sites, either designated or proposed for designation, will be conserved. Development will not be permitted unless;

- (i) it is directly connected with or necessary to the management of the nature conservation interest of the site;
- (ii) it would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- (iii) the developer can demonstrate that there are imperative reasons of overriding public interest for the development and no alternative site is available.

Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected."

The above policy is fully compliant with the NPPF.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast, the application has been supported by a Habitats Regulations Assessment - Marine Walk Public Facilities.

Following consultations with City Council's Heritage Protection Team it is considered that the Marine Walk Public Facilities HRA February 2016 document provides the necessary information and appropriate conclusion of no likely significant effect to enable the competent authority, Sunderland City Council, to screen out the need for further consideration of the impact of the proposed development project under Habitats Regulations Assessment (HRA).

Should there be any changes to the construction and operation of the project and associated facilities, from the submitted proposal, these will need to be assessed in light of HRA and the coastal SSSI and other possible ecological receptors.

The proposal is considered to comply with relevant international, national and local policies and is considered to be acceptable.

6. Other material considerations.

Policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating landfill gas or mine, adequate investigations should be undertaken to determine the nature of the ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial or precautionary measures within the control of the applicant planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been supported by an assessment in respect of ground contamination.

Further to comments received from the City Council's Public Protection and Regulatory Services section, it is recommended that should members be minded to approve the proposal, the full suite of land contamination conditions be attached to be discharged on receipt of the findings of the above reports.

Conclusion.

It is considered that the proposed development will contribute to the achievement of sustainable development from an economic, social and environmental perspective as identified within the key themes of the NPPF, via the introduction of a much needed resource at the seafront. The design and siting of the block are considered to be of a high quality and suitably located to ensure and enable inclusive access, while respecting the existing buildings and structures of the conservation area. The closure of the existing access to the car park is also considered to significantly improve highway safety in the immediate area by relocating the access away from the children's play area and proposed toilets and reducing the potential for conflict between pedestrians and other road users.

In summary, the proposal is considered to comply with relevant NPPF and UDP policies and is in accordance with the Marine Walk Masterplan.

In light of the continued regeneration of the Marine Walk promenade area, it is recommended that Members Grant Consent under Regulation 3 of the General Regulations Order 1992 and subject to the conditions listed.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant Consent under Regulation 3 of the General Regulations Order 1992 and subject to the conditions listed.

Conditions:

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

Drawing No.0115011/ARCH/001 Rev T2, Existing Site Plan received 25.04.2016.
Drawing No.0115011/ARCH/006 Rev T3, Existing and Proposed Site Plans received 16.06.2016.
Drawing No.0115011/MECH/001 Rev T2, Proposed Mechanical Services received 25.04.2016.
Drawing No.0115011/ARCH/010 Rev T2, Development Plans and Elevations received 25.04.2016.

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.

2 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

3 The land indicated on Drawing no. 0115011/ARCH/006 received 16.06.2016 as temporary car park shall be reinstated to its former condition within 3 months of the public convenience block becoming operational in order to review the situation in light of experience and to comply with policy B2 of the saved Unitary Development Plan

4 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

5 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 6 to number 8 have been complied with. If unexpected contamination is found

after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

6 Site Characterisation

Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a full phase 1 desk top study, site investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
human health
property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

7 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

8 The remediation scheme approved under Condition number 7 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 6 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 7 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 8 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the saved adopted Unitary Development Plan.

10 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

Reference No.: 16/00825/FUL Full Application

Proposal: **Change of use from single dwelling to 9-bedroom house in multiple occupation (amended description 24/05/2016).**

Location: 55 Roker Avenue Sunderland SR6 0HT

Ward: St Peters

Applicant: Sunderland Accommodation Services

Date Valid: 13 May 2016

Target Date: 8 July 2016

Location Plan



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PROPOSAL:

Planning permission is sought for the change of use of 55 Roker Avenue, Roker, Sunderland, SR6 0HT from a single dwellinghouse to a 9-bedroom house in multiple occupation (HMO).

The proposed change of use affects a two-storey terraced property fronting the north side of Roker Avenue, between its junctions with Stansfield Street and Ripon Street. Roker Avenue is primarily flanked by residential properties, but there is also a scattering of commercial units, including a hot food takeaway to the ground floor of the adjoining no. 56. The properties to either side of the street have historically provided single dwellinghouses, but a significant proportion have been converted to flats and houses in multiple occupation (HMOs) in recent years.

The subject property is two-storeys and with rooms in its roofspace. At its rear is a part single-storey/part two-storey offshoot, which backs on to the offshoot of the adjoining no. 54. The ground floor of the offshoot extends to the end of the property's rear yard, beyond which is a lane serving the rear of the terrace.

The application proposes to change the use of the property from a single dwellinghouse to a 9-bedroom HMO. The floorplans submitted with the application show the ground floor providing two en-suite bedrooms, with a shared kitchen and utility room to the ground floor of the rear offshoot. The first floor, meanwhile, will provide four en-suite bedrooms, including one to the first floor of the rear offshoot, whilst the roofspace will provide two en-suite bedrooms in the roof of the main building and one to the roof space of the offshoot. This room is not en-suite and will instead be served by a bathroom off the adjacent landing.

All bedrooms to the ground and first floors will be afforded windows with an outlook to the front or rear of the property, but the three bedrooms to the roofspace are only served by rooflights. Each resident would be afforded access to the rear yard of the property via the main internal staircase and the rear door from the utility room.

There are no external alterations proposed to the property as part of this planning application, although it is observed that the front and rear elevations appear to have recently been rendered and that the rooflights designed to serve the bedrooms to the roofspace have recently been installed.

The rear yard of the property is capable of accommodating two vehicles, although this would have to be parked in a 'tandem' fashion (i.e. one car in front of the other).

The use of a property as an HMO occupied by no more than six residents falls within use class C4 of the Town and Country Planning (Use Classes) Order. As the proposed HMO would accommodate up to nine residents, the use falls outwith the scope of use class C4 and is instead a 'sui generis' use (i.e. a use which does not fall into one of the classes of the Order).

As Members may be aware, in December 2013 the Council introduced a Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development Order). This serves to remove the 'permitted development' right which would otherwise allow changes of use between use class C3 (dwellinghouses) and use class C4 to take place without requiring planning permission in five electoral Wards, including St. Peter's. In this case, however, the proposed change of use requires planning permission irrespective of the provisions of the Article 4 (1) Direction, as a material change of use to or from a sui generis use requires full planning consent in all circumstances.

A recent planning application which proposed to change the use of the property to a supported housing scheme (application ref. 14/02651/FUL) was withdrawn on 23rd January 2015.

An application of this nature would normally be dealt with by Officers under the City Council's Delegation scheme, but it has been referred to this Committee at the request of Ward Councillor Curran.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Peters - Ward Councillors Consultation

Final Date for Receipt of Representations: **16.06.2016**

REPRESENTATIONS:

Public consultation - letters of objection have been received from the occupiers of 141 and 143 Roker Avenue, whilst a third objector from 142 Roker Avenue has written to confirm their support for the objection from no. 143.

The letters of objection raise the following issues and concerns:

- there is no mention of whether an HMO licence is being sought;
- the property has already been gutted and adapted for conversion to an HMO, yet the application states that the development has not commenced;
- the rendering of the property effectively 'brands' it as an HMO (the applicant owns a number of HMOs in the area, many of which feature external rendering), allowing it to be identified as such by those who may want to exploit any vulnerable tenants;
- the proposed use will exacerbate existing parking problems in the area;
- allowing the change of use would mean there being no family homes left in the block of seven properties;
- Roker Avenue already suffers from high levels of crime and anti-social behaviour and approving this use will exacerbate such problems;
- the number of HMOs in the street has added to the 'deterioration' of the area and it has lost its 'family feel';
- the existing HMOs in the area result in noise, disturbance, rubbish/litter, excessive alterations to buildings and competition for on-street parking;
- landlords have difficulty in controlling anti-social and criminal activity generated by occupiers of their properties;
- fear that youths would congregate outside the property and partake in anti-social behaviour;
- the proposed change of use will adversely affect the character and amenity of the area;
- the proposed use of the property is not a 'standard residential class' (presumably meaning it does not fall into use classes C3 or C4) and should therefore be rejected;
- the community is being eroded by the 'drastic' change in the character of the area, with transient tenants and absent landlords not 'buying-in' to the locality or community;

- residents had been led to believe by Council Members and officers that the introduction of the Article 4(1) Direction would 'prevent' further losses of family homes and restrict the approval of HMOs;
- the number of HMOs to Roker Avenue is estimated to constitute around a third of all properties, a figure which is said to be 'beyond saturation point';
- other Local Planning Authorities refuse applications for further HMOs where a set saturation point has been reached;
- the Council should adopt policies to reject further HMOs and pursue prosecution of landlords who convert premises without planning approval, otherwise the future of Roker Avenue and neighbouring streets 'looks very grim';
- the rooflights to the front roof slope overlook properties on the opposite side of Roker Avenue;
- alterations to the property have been damaging and inappropriate given its historic value and architectural features;
- 'Access for All' facilities have not been designed into the development;
- the rendering of the property has a detrimental affect on the facade of the terrace;
- the alterations and proposed use do not add value nor enhance the character of the local area;

Both objections also set out that the use of the property has been subject to discussions between the Roker Eye local residents group, Council officers, elected Members and its owner. The objector sets out that it was hoped the property would be retained as a family home or converted into flats, but this has not occurred and the HMO use is now being sought.

Members must note at this point that the introduction of the Article 4(1) Direction has simply provided the City Council with a greater degree of control over the change of use of dwellinghouses to small HMOs (i.e. occupied by fewer than six residents), insofar as such changes of use now require full planning permission in the relevant Wards. The Direction does not, however, dictate that applications for HMOs must be refused planning permission and nor has it served to amend or alter the Council's adopted planning policies which guide the determination of applications for HMOs. The relevant policies of the Council's adopted Unitary Development Plan (UDP) and its Supplementary Planning Guidance remain the same as prior to the introduction of the Direction and the application must still be determined with regard to these policies and the national policy guidance provided by the National Planning Policy Framework.

Members should also note that any internal works already undertaken at the property do not require planning permission from the City Council as Local Planning Authority and do not amount to the commencement of the use of the property sought by this application. Similarly, the minor alterations already undertaken to the exterior of the property could have been carried out without planning permission by utilising the 'permitted development' rights afforded to dwellinghouses by Schedule 2, Part 1 of the GPDO.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

H_18_Proposals for provision/ conversion of dwellings for multiple occupation

T_22_Parking standards in new developments

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

COMMENTS:

RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always take into account the different roles and characters of different areas, should seek to secure a high standard of amenity for existing and future residential occupiers and should encourage the effective re-use of land and property.

Paragraph 50 of the NPPF, meanwhile, sets out that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H18, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy H18, meanwhile, states that the conversion of dwellings into flats or multiple shared accommodation will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality and appropriate arrangements are made to secure the maintenance of gardens and external spaces.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety. Policy T22, meanwhile, sets out that new development proposals must be afforded appropriate levels of dedicated car parking.

In addition, the Council's 'Development Control Guidelines' Supplementary Planning Guidance (SPG) provides more detailed planning guidance on specific types of development proposal, with section 4 giving advice on proposals involving the conversion of buildings to flats and HMOs and section 13 providing guidelines for car and cycle parking provision.

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

1. the principle of the proposal;
2. the impact of the proposal on the character and amenity of the locality;
3. standard of accommodation afforded to occupiers of the accommodation;
4. the implications of the proposal in respect of highway and pedestrian safety.

1. Principle of proposal

The proposed change of use will see the subject property retained in a residential use and so, in broadest terms, the proposal is considered to accord with policy EN10's requirements insofar as it maintains the established pattern of land use in the locality.

Notwithstanding the above, in order to establish the acceptability of the proposed use, as is required by policy H18 of the UDP, regard must be given to the implications of the proposed use of the building in respect of the character and amenity of the locality.

2. Impact of proposal on the character and amenity of the locality

As noted above, policy H18 of the UDP sets out that a key matter for assessment is whether the proposed change of use of the property to an HMO is compatible with the prevailing character and amenity of the locality. Such an approach is consistent with the core principles of the NPPF,

The objectors to the application have raised concerns in this regard, stating that Roker Avenue and its neighbouring streets have suffered a 'deterioration' in their character and appearance due to the number of HMOs and other forms of shared accommodation now present. It is also asserted that the 'community' itself is being eroded, due to the loss of single family homes and their replacement with accommodation occupied by transient tenants and owned by absentee landlords, who have no desire to 'buy-in' to the community in the same way as permanent residents. The number of HMOs is also considered to be contributing to high rates of crime, instances of anti-social behaviour, litter and poor standards of property upkeep.

The objectors have estimated that only a third of the properties flanking both sides of Roker Avenue remain as single family homes, whilst the Council's planning and housing records show that at least 24 no. properties have been converted into HMOs.

The concerns of objectors in relation to the effect the presence of the existing number of HMOs is having on the character, appearance and community of Roker Avenue are not disputed. At this time, however, the City Council does not have an adopted policy which serves to set a limit on the number or proportion of HMOs permissible in any given street or block of properties and, despite the introduction of the Article 4(1) Direction, the Council does not have an adopted policy which would allow the Council to take a stance that no further HMOs should be granted planning permission on Roker Avenue or its neighbouring streets.

Rather, the relevant adopted Council policy (UDP policy H18) sets out that HMO uses will 'normally be approved', subject to consideration being given to the broader issue of whether the proposed HMO would adversely affect the character and amenity of the locality. To this end, given the number of HMOs and other forms of residential accommodation already found in Roker Avenue and neighbouring streets, it is considered that it would be difficult to sustain a position that the introduction of one further HMO to the street would have an unduly negative effect on the character, amenity and appearance of the locality. As such, there is not considered to be any significant conflict with policy H18's requirements and objectives.

In addition, it is considered that the activity associated with the proposed HMO, e.g. comings and goings of residents on a more frequent basis than would be expected with a single family home, would not be uncharacteristic of a street where many properties are already in such a use. Furthermore, it is observed that the subject property adjoins a hot-food takeaway, which will generate significant levels of activity in its own right, especially during the evening.

The objector from no. 141 has suggested that the rooflights to the front roof slope of the host property would permit overlooking of the properties opposite the site, to the detriment of their privacy. This concern is not shared, given that the outlook afforded by such rooflights is primarily of the sky, rather than directly towards the properties standing opposite.

Given the above, it is considered that the proposed use of the premises will not cause unacceptable harm to the amenity and living conditions of existing residential properties in the vicinity of the site.

Objectors to the scheme have cited anti-social behaviour concerns, with the prospective occupiers of the property being seen as both potential perpetrators and targets of anti-social and criminal activity. As a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings.

To this end, there is no justifiable reason to conclude that prospective occupiers of the HMO would engage in anti-social behaviour and in this regard, it must be recognised that the planning system cannot seek to exercise control over the specific background or identity of any future residents of the premises. Similarly, it cannot legislate for the behaviour of individuals wishing to engage in anti-social behaviour. In cases where anti-social behaviour does arise, this would be a matter for other agencies (e.g. the police) to address.

The impact of the proposed change of use of the premises to an HMO on the character and amenity of the locality has been considered in light of the Council's current adopted planning policies and the objectives of the core principles of the NPPF. As set out above, the key consideration set out by UDP policy H18 is whether the proposed use would conflict with the character and amenity of the locality and in this regard, it is considered that the introduction of one further HMO would not cause unacceptable harm to the character and amenity of the Roker Avenue area.

3. Standard of accommodation afforded to prospective occupiers

A core principle of the NPPF is that any new development proposal must afford good standards of amenity to existing and future occupiers of land and buildings. To this end, section 4 of the Council's 'Development Control Guidelines' SPG provides detailed advice on the design and layout of properties proposed to be converted into HMOs, in order to ensure that they will afford satisfactory living conditions for prospective occupiers.

For example, it advises that:

- the privacy of rooms should be ensured by providing that habitable rooms are not unduly overlooked by people going to and from their vehicles;
- ensuring a reasonable separation between habitable rooms and parking bays to avoid noise and pollution issues;
- windows serving living rooms, kitchens or bedrooms should not overlook or be overlooked by adjoining properties to an unacceptable degree and should have a reasonable outlook;
- main living rooms should have a reasonable outlook and should not be lit solely by roof lights;

In this case, the application proposes the provision of 9 no. bedrooms in the property. Three of these bedrooms are in the roofspace and will only be served by rooflights rather than full windows, so that occupiers of these will be afforded no outlook and will receive limited amounts of natural light. In addition, three of the bedrooms are very small in size (bedrooms 3 and 6 are less than 10 sq. metres in floorspace), whilst bedroom 9 is contained within the roofspace of the mono-pitched roof of the property's rear offshoot and relies on a bathroom off the landing at the top of the staircase. The only window to bedroom 2, meanwhile, faces into the rear yard, which is available for car parking. In terms of shared accommodation, the property only affords a 'galley' kitchen contained within the ground floor of the rear offshoot, with a utility room at its end.

It is considered that the occupiers of bedrooms 3, 6, 7, 8 and 9 will, due to their size and/or absence of any windows, be afforded a particularly poor standard of amenity, with cramped conditions and/or no outlook and limited natural light. In addition, it is considered that as a whole, the accommodation provided by the HMO will be overly intensive and overcrowded, especially given that there will only be one shared room and no lounge, living room or dining room for residents to share and in which to spend recreational time.

Given the above, it is considered that the standard of accommodation provided by the HMO will be poor and will not afford prospective residents with an acceptable living conditions. The proposed change of use therefore conflicts with the requirements of the core principles of the NPPF and the design objectives of section 4 of the Council's 'Development Control Guidelines' SPG.

4. Implications of proposal in respect of highway and pedestrian safety

Paragraph 32 of the NPPF states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Meanwhile, UDP policy T14 sets out that development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking. To this end, section 13 of the Council's adopted 'Development Control Guidelines' Supplementary Planning Guidance sets out that HMOs located outside of the Central Parking Area (i.e. Sunderland City Centre and its environs) should be afforded 1 no. parking space per three bed spaces, with additional spaces for staff and visitors where required.

In response to consultation, the Council's Network Management team has noted that Roker Avenue is a busy local distributor road and bus route. The number of HMOs and sub-divided residential properties has led to an increase in demand for on-street parking and the street in front of the host property features a single yellow line. The provision of 9 no. bedrooms would, on the basis of the guidelines set out by the SPG as detailed above, require the provision of 3 no. parking spaces, whereas there is a maximum of two available in the rear yard and these would be arranged in a 'tandem' fashion.

The comments advise that if the accommodation were to be occupied by students, a lower level of parking may be acceptable, but the application does give any indication that this would be the case.

The intensity of the proposed use of the building is therefore considered to be such that the amount of parking available at the property is insufficient. The change of use will consequently result in additional on-street parking in an area which already experiences high levels of on-street parking, to the detriment of highway safety and in conflict with the objectives of policies T14 and T22 of the Council's adopted UDP and section 13 of the 'Development Control Guidelines' SPG.

CONCLUSION

For the reasons given above, it is considered that the principle of the proposed use of the building as an HMO and its impact on the character and amenity of the locality are broadly acceptable. The use of the building is, however, of an intensity that means it would afford prospective occupiers with particularly cramped and poor living conditions, whilst the level of in-curtilage parking available at the premises is also considered to be insufficient for the prospective number of residents.

The proposed change of use is therefore considered to fail with the core principles of the NPPF, policies H18, T14 and T22 of the UDP and sections 4 and 13 of the 'Development Control Guidelines' SPG. It is consequently recommended that Members refuse the application.

It is accepted that the proposed change of use will have some positive effects, insofar as it will contribute to the supply and mix of residential accommodation in the City. Nevertheless, it has been found that the intensity of the proposed use of the property is inappropriate, whilst the positive effects of the application are not considered to outweigh the outstanding concerns raised by the proposed change of use as detailed above.

As set out above, the proposed change of use is considered to conflict with the relevant local and national planning policy requirements and it is consequently recommended that Members refuse the application.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

RECOMMENDATION: REFUSE

Reasons:

1 The proposed HMO will afford prospective residents with an overly cramped and poor quality of accommodation, due to the number and size of bedrooms, limited areas of communal living space and bedrooms being served only by rooflights. The standard of amenity to be provided by the accommodation is therefore considered to be unacceptable, in conflict with the requirements of the core principles of the NPPF and section 4 of the Council's adopted 'Development Control Guidelines' SPG.

2 The number of in-curtilage parking spaces available at the property is considered to be insufficient for the proposed intensity of use. The proposed use will therefore result in an increase in on-street parking in a busy, heavily-parked locality, to the detriment of highway safety and in conflict with the requirements of policies T14 and T22 of the UDP, sections 4 and 13 of the Council's 'Development Control Guidelines' SPG and paragraph 32 of the NPPF.

Reference No.: 16/01002/LB3 Listed Building Consent (Reg3)

Proposal: Various repairs and restoration works to wrought and cast iron lighthouse, to include replacement exterior panel, interior fittings and re-painting.

Location: Meiks Lighthouse Cliffe Park Seaburn Sunderland

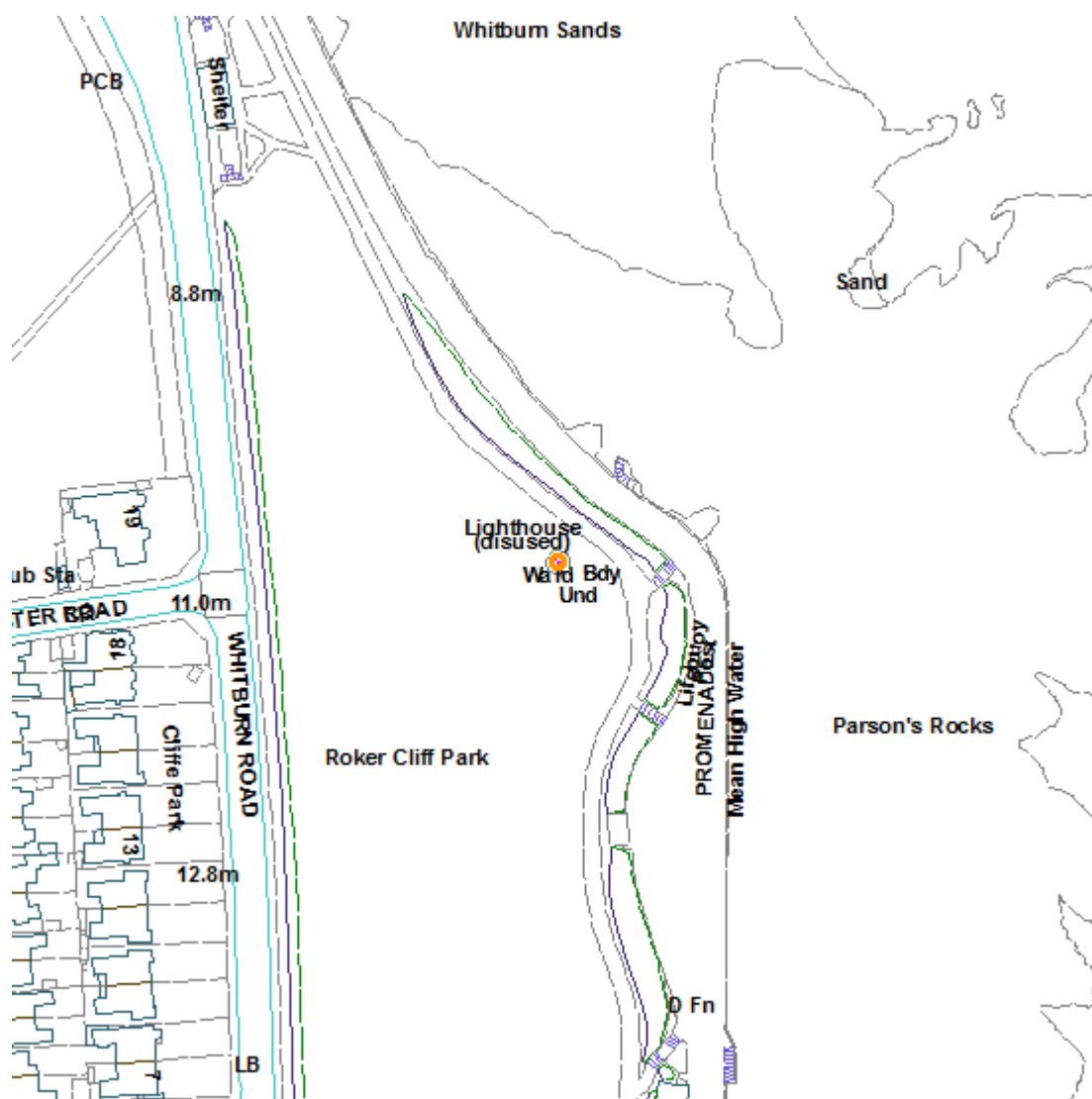
Ward: Fulwell

Applicant: Sunderland City Council

Date Valid: 8 June 2016

Target Date: 3 August 2016

Location Plan



PROPOSAL:

The proposal relates to a listed building consent application for repairs and maintenance works to Meik's Lighthouse, Sunderland.

The lighthouse is a Grade II* listed building dating from 1856, originally positioned on the Old South pier and moved in 1983 to its current location.

Following an assessment by Sunderland City Council in 2015 it was reported to be in a declining state and placed on Historic England's at risk register.

The schedule of works include:-

- Cleaning, painting and maintenance of existing paintwork
- Replacement of damaged steel floor plates on 2nd and 3rd floor levels.
- New steel angles to support staircase
- Replacement of corroding/missing fasteners.
- Refurbishment of existing doors and windows.

SITE

The application site is positioned on the edge of the cliffs at Seaburn seafront, namely Cliffe Park. The lighthouse is surrounded by a cobbled path and cast iron railings.

HISTORY

Responding to complaints from ships navigators relating to access to the port the structure was built in 1856 by the River Wear Commissioners Engineer Thomas Meik and positioned on south pier. It is constructed from cast and wrought iron and features an intricate cast iron spiral staircase, oriel window and the powerful lantern now placed within the Museum and Wintergardens.

In 1983 the lighthouse was moved to its current location and has become an iconic landmark, standing as a testament to one of the finest port engineers of his generation.

Meik succeeded the pioneers of Sunderland's port expansion, John Murray as engineer to the River Wear Commissioners in 1845, overseeing extensive harbour improvements that continued Murray's work in transforming Sunderland into one of the work's major ports. Commanding a team of engineers and workmen, Meik delivered various projects that improved Sunderland's coal exports and port function with attributed works including the new Hendon dock, the enlargement of the southern outlet, construction of fixed and swing bridges, new coal staithes, railways and widespread river dredging.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

The Ancient Monuments Society
The Council For British Archaeology
The Georgian Group
The Society For The Protection Of Ancient Buildings

Victorian Society
Twentieth Century Society
Fulwell - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Tyne And Wear Archaeology Officer
English Heritage

Final Date for Receipt of Representations: **15.07.2016**

REPRESENTATIONS:

The expiry date for the press notice is 14.7.16 and site notice is 15.7.16 and in this regard no representations have been received to date, however, should any comments be received they will be reported at the Committee Meeting.

Consultees:

The final date for consultee responses does not expire until 13.7.16 however the following comments have been received thus far.

Historic England

No objection to this proposal but recommend any necessary amendments and conditions with reference to information below:-

The painting of the external face of the building has shown that, even in this hostile environment, a regular maintenance programme can greatly reduce the rate of decay. Re-establishing a sound protective paint regime internally should have the same effect if maintained and will be a positive step towards getting the building off the at risk register. The application is lacking some detail though for certain key works, notably the methodologies for cleaning and replacing the two internal floors, and so further information will be needed to ensure that the solutions are appropriate for this structure and environment. Generally speaking though I am content with the proposal, as it satisfies the core planning principles of the National Planning Policy Framework by conserving the asset in a manner appropriate to its significance, so that it can be enjoyed for its contribution to the quality of life of this and future generations (para.17).

Although the principle of the works is fine and the proposal won't harm the significance of the building - once appropriate methodologies have been agreed - the information provided does raise some questions and I do worry that all this good work will be undermined because the root of the water ingress problems haven't been addressed. Even the best paint system will struggle if water continues to come in through the lantern and the window joints and so a practical discussion with the engineer/metalwork contractor about how certain details might be improved (including the replacement window/door frames) to mitigate the potential for future water ingress, corrosion and failure would be very useful at this point. Some of these options may not be practicable and/or affordable right now, but it would be good to understand what they might be at this stage so they can at least be discussed as part of the emerging repair strategy.

The application is considered to satisfy the requirements of section 131 of the NPPF and it is recommended that application be determined in accordance with national and local policy and on the basis of the in-house conservation team advice. It is stated no further consultation is necessary with English Heritage.

Built Heritage

Have recommended conditions to cover:-

- full specifications and methodologies for all repair and restoration works, including metalwork repairs, timber repairs and repairs to any other components of the lighthouse.
- samples of repair techniques provided on site.
- samples of any new cast iron / other metalwork components and features.
- full specifications of painting systems to exterior and interior, and methodologies for their application.
- sample areas of new paint provided on site.
- specification and methodology for cleaning of timber floors and any cleaning of any other building elements.
- specification and methodology for replacement of floors.

Tyne and Wear Archaeology Officer

Upon the expiry of the consultation period no comments or representations have been received.

The Society for the protection of Ancient Buildings

Upon the expiry of the consultation period no comments or representations have been received.

The Georgian Group

Upon the expiry of the consultation period no comments or representations have been received.

Victorian Society

Upon the expiry of the consultation period no comments or representations have been received.

Twentieth Century Society

Upon the expiry of the consultation period no comments or representations have been received.

POLICIES:

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

B10: Development and listed buildings

COMMENTS:

The main issues under consideration in the assessment of this application relate to the impact of the development upon the character and appearance of a Grade II* Listed Building.

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

Paragraph 128: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 131: In determining planning applications, local planning authorities should take account of:

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

Paragraph 134: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 141: Local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

LOCAL ADOPTED PLANNING POLICY AND GUIDANCE

B10: Development and listed buildings

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

In respect of the above it is considered that the proposed works will bring about positive and significant benefit to the listed building which will contribute towards the structures' longevity and restore and maintain its original features. It is considered that the works are acceptable in compliance with the above policies with no harm to the character, appearance or setting of the Grade II* Listed Building being identified.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

Conclusion

Having regard to National and Local Planning Policy it is considered that the proposal represents an acceptable form of development bringing about positive benefits to the listed structure. It is noted that the final date for the receipt of representation is not until 15 July and as such should any adverse representation be received following this meeting and the expiry of the aforementioned date then the application will be reported back to the first available Committee for determination.

As such it is recommended that Members be Minded to Grant Consent under Regulation 3 of the General Regulations Order 1992 subject to the conditions listed and no adverse representation being received by 15 July.

RECOMMENDATION: Members be Minded to Grant Consent Under Regulation 3 of the General Regulations Order 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 level 1 to 2 stair drawing No. T1320/E/6 received on 6.6.16
- Existing Plans level 2 and 3 drawing No. T1320/E/7 received on 6.6.16
- Existing east elevation drawing No. T1320/E/1 received on 6.6.16
- Existing west elevation drawing No. T1320/E/2 received on 6.6.16
- Existing ground and level 1 plan drawing No. T1320/E/5
- Existing section through lighthouse drawing No. T1320/E/10
- Proposed east elevation drawing No. T1320/P/21 received on 6.6.16
- Proposed west elevation drawing No. T1320/P/22 received on 6.6.16
- Proposed ground and level 1 plans drawing No. T1320/P/25 received on 6.6.16
- Proposed level 1 to 2 stair drawing No. T1320/P/26 received on 6.6.16
- Proposed level 2 and 3 plans drawing No. T1320/P/27 received on 6.6.16

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

3 Notwithstanding any indication of materials which may have been given in the application, no alterations shall be carried out until the following information has been received and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in order to maintain the historic fabric and character of the listed building and to comply with paragraphs 128, 129 and 132 of the National Planning Policy Framework.

- Full specification and methodologies to include:-
 - o For repair and restoration works, including metalwork repairs, timber repairs and repairs to any other components of the lighthouse.
 - o Replacement of doors
 - o For cleaning of timber floors and any cleaning of any other building elements.
 - o Painting systems to interior and exterior and their application.
- Samples of the following:-
 - o Repair techniques provided on site.
 - o Any new cast iron/other metalwork components and features.
 - o Areas of new paint provided on site