

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/

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/01631/FU4 Full Application (Reg 4)

Proposal: Construction 18 of dwelling houses (including two storey extension to Penshaw House to provide a separate dwelling house), change of use of Penshaw House from offices to a dwelling house, refurbishment of walled garden and associated works (including drainage and landscaping) (as amended).

Location: Land At Penshaw House Penshaw Stables Penshaw Houghton-le-Spring
DH4 7LB

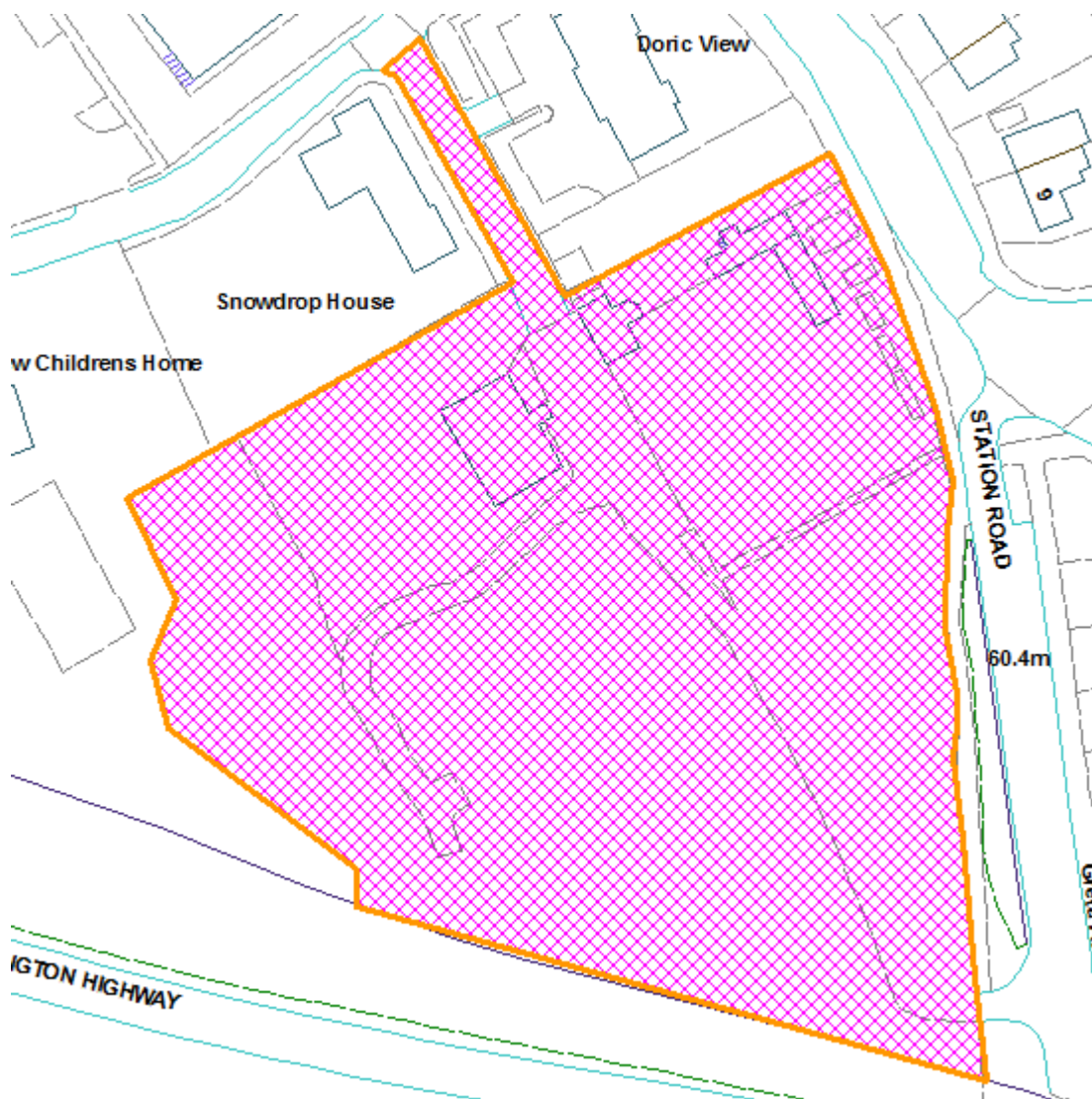
Ward: Shiney Row

Applicant: NORR Consultants

Date Valid: 26 September 2017

Target Date: 26 December 2017

Location Plan



PROPOSAL:

The above application seeks full planning permission for the construction of 18 dwelling houses, a two storey extension to provide a dwelling house and a change of use from offices to a dwelling house at Penshaw House, Penshaw. The application has been referred to the Development Control (Houghton, Hetton and Washington) Sub-Committee for two reasons - namely, the City Council has an interest in the land in question and, secondly, the application comprises Major development.

The site lies within the New Penshaw area. The surrounding area comprises a variety of land uses including residential to the north, a road to the south and an office to the west. The site itself comprises an irregularly shaped piece of land covering around 1.1 hectares containing the Grade II listed Penshaw House together with the associated walled garden. The balance of the site has uneven levels and has been given over to grass.

The proposed development, as noted above, comprises a combination of works which are expanded upon below.

The initial element of the proposed development comprises the change of use of an office to a dwelling house; namely the Grade II listed Penshaw House. The list description identifies that the building dates from circa 1930 and has previously been used as a dwelling house. The proposed change of use would provide a four bedroom dwelling house. The applicant has submitted an associated application for listed building consent (ref: 17/01930/LB4).

The application further seeks to construct a two storey extension to provide a dwelling house onto the northern elevation of Penshaw House. The proposed extension would provide a four bedroom dwelling house with the accommodation spread across two storeys and within the roof space.

The application finally seeks to construct 17 dwelling houses on the balance of the site and to restore the walled garden associated with Penshaw House. The proposed dwelling houses would be a variety of types; ranging from two bedroom bungalows through to two storey properties with rooms in the roof space. The submitted design & access statement identifies that the walled garden would be for the use of all of the future occupants.

The proposed development for plots 1-16 would use an existing access off Greta Avenue; whilst the balance of the site would use an existing access to the north. The submitted boundary enclosures plan shows there would be an acoustic fence to the south west, with a height of around 1.8 metres.

The applicant has amended the application through the submission of amended details covering matters including drainage, ecology, ground conditions and noise. The agent has also submitted amended drawings to reflect the comments made within the amended surveys.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Flood And Coastal Group Engineer
Network Management
Northumbrian Water
Shiney Row - Ward Councillors Consultation
Director Of Childrens Services
NE Ambulance Service NHS Trust
Fire Prevention Officer
Nexus
Natural England
Southern Area Command - Police

Final Date for Receipt of Representations: **13.03.2018**

REPRESENTATIONS:

Concern at potential traffic on Greta Avenue, request the creation of an entrance on Station Road or another location.

Query whether trees are protected by a TPO and, if not, whether a TPO could be requested.

POLICIES:

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

The Council recently undertook a consultation exercise for a new local plan, the "Draft Core Strategy and Development Plan". The National Planning Policy Framework (the Framework), at paragraph 216 states that

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)

The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and

The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice within the Framework, Planning Strategy are currently giving consideration to the representations received from the above consultation exercise. The weight that can be given to the Draft Plan would therefore be limited to the extent that consideration of the application in question, in terms of the development plan, will be made using the policies within the Unitary Development Plan and any other material considerations.

H_1_Provision for new housing
 H_4_Density of housing development to at least reflect that of the locality
 R_1_Working towards environmentally sustainable development
 R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
 R_4_Incorporation of energy saving measures
 EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
 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
 B_10_Development affecting the setting of listed buildings
 T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
 T_22_Parking standards in new developments
 R_3_Infrastructure provision, etc. in association with developments
 H_16_Negotiation for affordable housing in major developments
 H_21_Open space requirements in new residential developments (over 40 bed spaces)
 CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

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.

In terms of material considerations, the National Planning Policy Framework forms a material consideration. The Framework advises, at paragraph 215, 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 Council, subsequent to the advice within para 215 of the Framework undertook, an assessment (hereafter "the assessment") to establish whether policies within the UDP were consistent with the Framework. The Planning & Highways Committee, in November 2012, gave consideration to the assessment and

"endorsed the conclusions so that they could be applied accordingly to determine planning applications."

The UDP, at policy H1, states that

"New housing will be provided which:

- (i) Maximises locational choice (subject to environmental and infrastructure constraints) whilst allowing for a variety of needs in appropriate environments
- (ii) caters for reduced out-migration and increasing household formation
- (iii) assists in the regeneration of existing residential areas.
- (iv) secures the re-use of vacant and derelict land wherever possible.

The assessment of UDP policies against the Framework identifies UDP policy H1 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) as additional housing would be provided within the area covered by the Hetton, Houghton and Washington Sub-Committee. Officers would also advise that there would also be a contribution towards (iv) as a currently vacant piece of land would be brought back into use to provide 18 dwelling houses. Officers would conclude that, in the absence of any material considerations to the contrary, the proposed development would accord with UDP policy H1.

The UDP, at policy H4, states that

"Housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought, particularly where they relate to a public transport corridor".

The assessment of UDP policies against the Framework identifies UDP policy H4 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that the density of the proposed development, including bungalows, semi-detached and short terrace blocks would be consistent with the surrounding area. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy H4.

There are also more general policies within the UDP which need to be given consideration. These can be seen below.

The UDP, at policy R1, states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by

- (i) making the most efficient use of land, energy and other resources
- (ii) reducing reliance on the use of the motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo.

The assessment of UDP policy R1 against the Framework identifies the policy as being "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) as a currently vacant piece of land would be brought back into use to provide dwelling houses. Officers would also advise that there would be a contribution towards (ii) as a housing scheme would be provided within an area that has many of the facilities needed for everyday living within walking distance (such as local shops and public transport). Officers would finally advise that there would be a contribution towards (iii) as the ground conditions section below has found these impacts to be acceptable.

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy R1.

The UDP, at policy R2, states that

"In considering proposals for new development, the Council will take into account the extent to which they

(i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity'

(ii) Minimise the need for travel'

(iii) Make use of vacant and derelict land.

The assessment of UDP policy R2 against the Framework identifies the policy to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) as a currently vacant piece of land would be brought back into use to provide a housing scheme. Officers would further advise that there would be a contribution towards (ii) as a housing scheme would be provided within an area that has many of the facilities needed for everyday living within walking distance (such as shops and public transport). Officers would finally advise that there would be a contribution towards (iii) through the provision of a housing scheme on a currently vacant piece of land. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy R2.

The UDP, at policy R4, states that

"In assessing proposals for development' the Council will have regard to evolving government policy on the efficient use of energy and use of non-fossil fuels sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy-saving technology. Combined heat and power schemes will be encouraged in Major new developments and restructuring schemes.

The assessment of UDP policies against the Framework identifies UDP policy R4 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that a condition could be attached, if Members were minded to grant planning permission, ensuring the submission of a scheme to ensure accordance with the above policy. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy R4.

Officers would, in terms of the principle of the development, advise that the proposed development would accord with the relevant provisions of the UDP and there are not any material considerations that indicate a decision should be made otherwise. Officers would advise that the principle of the development can therefore be supported and consideration needs to be given to any detailed impacts arising from the proposed development. These can be seen below.

Amenity

The UDP, at policy EN6, states that

"Where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation into the design of the development. Where such measures are not practical, permission will normally be refused.

The assessment of UDP policies against the Framework identifies UDP policy EN6 as being "fully compliant no conformity issue - continue to use policy".

The submitted noise survey and facade acoustic design strategy identifies

"that noise levels affecting the proposed development from road traffic have been measured during the day and night, and the facade noise impact calculated' A set of minimum glazing and ventilation strategy options' is proposed"

The Environmental Health Officer has examined the submitted documents and plans and has advised that

"the noise impact assessment appears to show that reasonable internal and external noise levels are achievable with the incorporation of the mitigation measures".

Officers would advise, in the absence of any material considerations to the contrary, that the proposed development would accord with policy EN6.

The UDP, at policy B2, states that

"The scale, massing, layout or setting of new developments' should' retain acceptable levels of privacy."

The Council, subsequent to the adoption of the UDP, published a "Residential Design Guide". The Guide, at section 10C, identifies spacing between dwellings which should be regarded as "minimum standards".

There are a number of instances where the proposed layout falls below these minimum standards; including the distance from plot 17 to 19 (11.5-13 metres rather than 21 metres), plot 11 to 13 (13.5 metres rather than 21 metres and plot 2 to 7 (19 metres rather than 21 metres). Given that the Design Guide forms part of the development plan, there need to be consideration given as to whether there are any material considerations that outweigh the conflict in question.

Officers would initially draw to attention that the distance identified for plots 17 to 19 only occurs due to the new build in question being a re-build of a former gardeners cottage. The Council's Conservation Officer has advised that the

"rebuilding and extending of the former Gardener's cottage as a new residential cottage is appropriate."

The Council's Conservation Officer has also advised that

"This proposal' will repair, restore and return into beneficial and sustainable use the currently vacant and at risk grade II listed Penshaw House and provide a good quality residential development within its former grounds that respect its setting and facilitates the re-use and restoration of its outbuildings and walled garden."

Officers consider that the benefits of the proposed development, as identified by the above comments from the Conservation Officer, outweigh the conflicts with the development plan in terms of the overlooking distances within the Residential Design Guide. Officers would also advise that the site presents special and unique characteristics which ensure that Members, if they were minded to grant planning permission, would not necessarily be setting a precedent for any future residential schemes that sought shorter distances than those suggested in the Design Guide.

Design

The UDP, at policy B2, states that

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

The assessment of the UDP policies against the Framework identifies UDP policy B2 to be "fully compliant no conformity issue - continue to use policy".

The submitted design & access statement states that the change of use to Penshaw House would be a "sympathetic conversion which will essentially maintain the existing room layout" and that the proposed extension would be a "subordinate wing" that has been "sympathetically design to ensure it has a moderate scale and architectural rhythm". The Statement continues by stating that there would be the "retention and renovation of the Walled Garden as part of the greater development" and the "re-use of building footprint adjacent to the Walled Garden as a single storey dwelling unit". The Statement also states that there would be the "provision of a wider range of house sizes and types to meet established needs..." that would be "of a good quality and diverse in size and tenure".

The Council's Urban Design Officer has stated that they "agree with the comments from the Conservation Officer". In terms of design, the Conservation Officer has stated that for the new build residential development

"The layout of the new houses' the height, scale and massing of the housing is subservient to Penshaw House and the variation of building forms and heights adds interest to the development, to the benefit of the setting of the listed group.

A largely traditional approach has been taken to the design of the new houses, and despite being architecturally plain this approach allows the houses to sit comfortably within the former grounds of Penshaw House. The 'cottage' style of the house linked to Penshaw House with its increased window proportions and rendered frontage gives it a more distinctive traditional appearance that responds well to its setting alongside the listed building".

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy B2.

Drainage

The UDP, at policy EN12, states that

"In assessing proposals for development' the Council' will seek to ensure that the proposal would

(i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding'

(ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats"

The assessment of UDP policies against the NPPF identifies policy EN12 as being "broadly compliant".

The submitted Flood Risk Assessment identifies that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The assessment takes into account all types of possible flooding and identifies that the risk from all forms of flooding to be low. The Assessment identifies that

"impermeable areas will be positively drained via a suitable drainage system that will incorporate typical gravity drainage systems and attenuation of flows'

The impermeable areas within the site will be positively drainage via a positive drainage network and discharged at a controlled rate".

The Lead Local Flood Authority has advised that further information should be submitted; either before the determination of the application or as conditions. The agent has very recently submitted additional information and an update will be provided to Members in due course.

Ecology

The UDP, at policy CN22, states that

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

The assessment of UDP policies against the Framework identifies UDP policy CN22 to be "fully compliant no conformity issue - continue to use policy".

The submitted Ecological Appraisal states that within 2km of the site there are seven Local Wildlife Sites. The Appraisal states that the site would be separated from these Sites by substantial areas of residential and commercial development which means there would be no impact on these Sites.

The Appraisal continues by identifying that eight types of habitat were recorded; including amenity grassland, semi-natural woodland and scattered trees. The Appraisal identifies that the site only provides limited opportunities for protected species; albeit further consideration should be given to bats (please see paragraphs below).

The Appraisal concludes by suggesting mitigation including controls for the removal of an invasive plant species on the site, timing of works and enhancements such as planting native shrubs and trees.

The submitted Bat Survey identifies that a single common pipistrelle bat, in June 2012, has been recorded as roosting within Penshaw House. The Survey continues by stating that, during August 2013-July 2014, three common pipistrelles were recorded. The Survey further states that no bats were recorded entering or emerging from the building or bat box during the activity surveys of 2016 (three surveys between early August and early September). The survey states that the same 2016 survey undertook an internal inspection finding no evidence of bats and noted moderate levels of bat commuting and foraging activity were recorded around the site.

The Survey continues by identifying that mitigation would include the need to retain the mitigation maternity box on the building and further mitigation including avoiding external lighting that could reduce bat use of the building and the incorporation of two bat roosting opportunities.

The Council's Ecologist has advised that no decision can currently be made on the proposal as the submitted details are insufficient for a reasonable assessment to be made. There has been further discussions with ecology and an update will be provided to Members in due course.

The Natural England have made "no comments".

Ground works

The UDP, at policy EN14, states that

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

(i) unstable or potentially unstable

(ii) contaminated or potentially at risk from migrating contaminants

(iii) potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventative, 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."

Officers consider that UDP policy EN14 aligns closely with the Framework.

The submitted Ground Investigation Report identifies that, in terms of contamination, pervasive and elevated levels of Arsenic which could represent a future risk to end users. The Report suggests that remedial measures should be undertaken; such as a clean cover barrier that would remove the potential exposure pathway between future residents and the potential elevated concentrations of Arsenic. The Report also identifies that the "no gas protection measures would be required for the proposed residential development" and that during construction "it would be prudent to allow for the introduction of temporary groundwater control measures".

The Environmental Health Officer has advised that contamination does not appear to pose a significant constraint to development and recommends conditions. They have further advised that the noise impact assessment appears to show that reasonable internal and external noise levels are achievable with the incorporation of the mitigation measures and recommend

conditions. They have finally advised that a condition should be attached to any grant of planning permission ensuring the provision of a Construction Environmental Management Plan.

Officers would conclude, in the absence of any other material considerations to the contrary, that the proposed development would accord with UDP policy EN14.

Heritage

The UDP, at policy B10, states that

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

The assessment of UDP policies against the NPPF identifies UDP policy B4 to be "fully compliant no conformity issues - continue to use policy".

The submitted design & access statement states that the change of use to Penshaw House would be a "sympathetic conversion which will essentially maintain the existing room layout" and that the proposed extension would be a "subordinate wing" that has been "sympathetically design to ensure it has a moderate scale and architectural rhythm". The Statement continues by stating that there would be the "retention and renovation of the Walled Garden as part of the greater development" and the "re-use of building footprint adjacent to the Walled Garden as a single storey dwelling unit". The Statement also states that there would be the "provision of a wider range of house sizes and types to meet established needs..." that would be "of a good quality and diverse in size and tenure".

The Council's Conservation Officer has advised that

"This proposal' will repair, restore and return into beneficial and sustainable use the currently vacant and at risk grade II listed Penshaw House and provide a good quality residential development within its former grounds that respect its setting and facilitates the re-use and restoration of its outbuildings and walled garden."

The Conservation Officer has, however, also advised that some modification and additional would be required before recommending approval. The applicant subsequently submitted further details which the Conservation Officer has advised would be acceptable; subject to further details via condition. The exception would be concerns covering a surviving outbuilding where the Conservation Officer has stated

"this is the last surviving outbuilding to the walled garden so it is especially important it is retained as evidence of the historic collection of sheds etc that were attached to the walled garden."

The above comments have been brought to the attention of the applicant - an update will be provided to Members in due course.

Highways

The UDP, at policy T14, states that

"Proposals for new development should:-

(i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve

(ii) not cause traffic congestion or highways safety problems on existing roads'

(iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.

(iv) make provision for the loading and unloading of commercial vehicles

(v) indicate how parking requirements will be accommodated

The assessment of UDP policies against the Framework identifies UDP policy T14 to be "broadly compliant - continue to use policy..."

The UDP, at policy T22, states that

In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

(i) development type (e.g. scale, use, catchment, user characteristics);

(ii) locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character"

The assessment of UDP policies against the Framework identifies UDP policy T22 to be "broadly compliant - continue to use policy..."

The submitted design & access statement identifies that include a pedestrian access that would "include and enhance established 'desire lines' through the site" and that the site "is very well connected to the local trunk road network"

The Highway Authority have examined the submitted documents and plans and have made a series of comments including matters such as the adopted areas, roadway widths and parking requirements. The agent has very recently submitted amended documents and plans and an update will be provided to Members in due course.

Obligations

The UDP, at policy R3, states that

"Where the effects of a development would require additional off-site infrastructure or community facilities (including open space and recreation) or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the City Council to enable suitable provision, protection or investigation to be made".

The assessment of UDP policies against the Framework identifies UDP policy R3 as being "broadly compliant".

The UDP further states, at policy H16, that

"The City Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing (suitable for those unable to buy or rent in the open market) to be provided on major new housing sites..."

The assessment of UDP policies against the Framework identifies UDP policy H16 as being "fully compliant no conformity issue - continue to use policy".

The Council's Housing Team have advised that the development should generate two affordable units given that the Strategic Housing Market Assessment shows an affordable housing imbalance within the Coalfield area as 91 general needs units. The agent has proposed, in a piece of correspondence, that they would be agreeable to providing two units off site at Shiney Row (planning approval ref: 16/02259/FUL). The correspondence explains that

"due to the nature of the site and the level of abnormal costs associated with the renovation / repair and bringing back to use of Penshaw House it is not viable to have on site affordable housing, however Karbon Homes are agreeable to providing two units on their scheme at Shiney Row (16/02259/FUL)' these will be provided no later than the 31st December 2018 and made available for occupation, which is significantly earlier than if the affordable provision was to be provided on the Penshaw House site."

Officers would advise that the site at Shiney Row referred to by the agent does not have any planning obligations (either in the forms of conditions or a Section 106 agreement). The Housing Team have reviewed the suggested off-site provision and advised that they can support the proposed off-site provision.

Officers would therefore conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy H16. Officers would also advise that, if minded to grant planning permission, Members would not necessarily be setting a precedent for any other residential developers to provide affordable housing off-site - the application in question present a special set of circumstances whereby the developer of one site owns another one extremely close nearby where the affordable housing could be provided; within the context of a scheme that has been led by the heritage requirements of the listed building and its setting.

The UDP, at policy H21, states that

"Within new residential developments of more than 40 bed spaces:

(a) amenity open space / casual play space should be provided as follows:

(i) a minimum of 0.4ha per 1000 bed spaces where the site is within 0.5km of a neighbourhood (or larger) open space).

(ii) a minimum of 0.9ha per 1000 bed spaces where the site is not within 05km of a neighbourhood (or larger) open space

(b) additionally, in the case of family dwellings, formal (equipped) children's play space should be provided at a minimum of 0.2ha per 1000 bed spaces.

In applying this policy, the Council will take into consideration existing provision in the locality."

The assessment of UDP policies against the Framework identifies UDP policy H21 to be "broadly compliant".

Officers would advise that the proposed development would involve the restoration of the walled garden which the agent has advised would be available for all occupants of the proposed scheme which means there would be a meaningful contribution towards (a). In terms of equipped children's play space the agent has indicated that they would be willing to enter into a Section 106 agreement to provide an off-site financial contribution to these facilities. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy H21.

Trees

The UDP, at policy CN17, states that

"The City Council will encourage the retention of trees which make a valuable contribution to the character of the area by the making of Tree Preservation Orders and replacing trees in highways and other public areas with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible."

The submitted Arboricultural Method Statement identifies that the proposed development would involve the felling of 30 trees, four hedges, the shortening of another hedge and the removal of a hawthorn from group of trees. The Statement undertakes a Tree Quality Assessment which categorises the trees to be felled as four being unsuitable for retention, 11 of are poor quality, 11 are of moderate quality and four of good quality. The Statement also identifies that four hedges of low quality would be removed and a further hedge would be shortened. The Statement also identifies that "no visual signs were found to indicate the presence of bats in the surveyed trees" and that "no nesting birds were present at the time of inspection".

The Statement continues by suggested mitigation including protective barriers being installed before the commencement of development and storing site compound and storage areas outside root protection areas of the retained trees.

The submitted design & access statement states, in terms of tree felling, that

"These have been removed within the layout to allow for the planning of the site to avoid crowding the listed building and Walled Garden. Although these trees are proposed to be removed, critically the major mature tree canopy to the sites south boundary will remain untouched. A number of trees have been retained close to plots 12 through to 7 in order to maintain the density of the tree canopy. The further reinstatement of the historic 'Walled Garden' and 'Lawns' will be an additional amenity for the residents and reinstate ecological benefits lost through the use of mixed planting and trees".

In terms of material considerations, there has been a representation received seeking clarification in terms of whether the trees are protected by a Tree Preservation Order.

Officers would advise that the benefits of the scheme, as noted by Conservation Officer, would outweigh the loss to the character of the area caused by the loss of four trees identified as having a high quality and 11 trees identified as having a moderate quality. To re-cap, the benefits identified by the Conservation Officer, in summary are, that

"This proposal' will repair, restore and return into beneficial and sustainable use the currently vacant and at risk grade II listed Penshaw House and provide a good quality residential

development within its former grounds that respect its setting and facilitates the re-use and restoration of its outbuildings and walled garden."

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: Minded to GRANT CONSENT under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report, subject to:

1. The receipt of positive comments from the Conservation Officer to the additional information that will shortly be submitted by the applicant (including any recommended conditions).
2. The receipt of positive comments to the recent re-consultation from the Lead Local Flood Authority (including any recommended conditions).
3. The receipt of positive comments from the Council's Ecologist (including any recommended conditions).
4. The receipt of positive comments from the Local Highway Authority (including any recommended conditions).
5. The completion of a Section 106 agreement to provide off-site affordable housing and financial contributions towards education, equipped play space and biodiversity measures in the wider area.

and subject to the following draft 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:

Proposed Site Plan Dwg No A1-00-01 (Rev P)
Proposed Boundary Treatment Dwg No A1-00-05 (Rev B)
House Type 1 PBH House Type B1 Dwg No A2-00-01 (Rev C)
House Type 1A PBH House Type B1 Dwg No A2-00-01A (Rev B)
House Type 3 Dwg No A2-00-03 (Rev E)
House Type 3 Terrace Dwg No A2-00-003B (Rev B)
House Type 3A Dwg No A2-00-03A (Rev B)
House Type 4 Dwg No A2-00-04 (Rev D)
House Type 4A Dwg No A2-00-04A (Rev B)
House Type 5 PBH Type 5 Dwg No A2-00-05 (Rev E)
House Type 5 Terrace Dwg No A2-00-05B (Rev B)
House Type 7 PBH Type 7 (Dwg No A2-00-08 (Rev E)
Penshaw House Type 8 Dwg No A2-00-07 (Rev C)
House Type 9 Dwg No A2-00-09 (Rev B)
Noise survey and façade acoustic design strategy, 5961.1 (Revision B) - Table 1 and paragraphs 7.2, 7.3 and 7.5

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 phasing plan has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a timescale for the works to Penshaw House, the new build dwelling houses and the balance of the works on site. The development shall thereafter be undertaken in accordance with the approved phasing plan.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and B10, the development hereby approved enhances the locality and does not adversely affect the character or setting of the listed building.

4 No development shall commence until a detailed Remediation Strategy and Verification Plan 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 has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

5 The dwelling houses hereby approved shall not be occupied until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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 Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

7 No development above damp proof course shall take place on any of the new build dwelling houses hereby approved until full details and samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The details and samples shall include bricks, roofing materials, slates, stone, render, windows and doors, rainwater goods and hard landscaping materials. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and B10, the development hereby approved enhances the locality and does not adversely affect the character or setting of the listed building.

8 No development above damp proof course shall take place on any of the new build dwelling houses hereby approved until elevation and section drawings of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The drawings shall include details of the decorative railings to Penshaw House. The new build dwelling houses hereby approved shall not be occupied until the approved boundary treatments have been installed on site.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and B10, the development hereby approved enhances the locality and does not adversely affect the character or setting of the listed building.

9 No development above damp proof course shall take place on any of the new build dwelling houses hereby approved until a fully detailed landscaping scheme (including an amended landscaping scheme for the walled garden) has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be undertaken within the timescale as identified in the phasing plan noted in condition no. 3. The landscaping shall be maintained for a period of at least five years including watering during dry periods.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and B10, the development hereby approved enhances the locality and does not adversely affect the character or setting of the listed building.

10 The acoustic fencing shown on the Proposed Boundary Treatment Dwg No A1-00-05 (Rev B) shall be installed on site before the occupation of the first dwelling house hereby approved. The acoustic fencing shall thereafter be retained.

Reason: To ensure, in accordance with Unitary Development Plan policy EN6, the development hereby approved would not be exposed to unacceptable levels of noise.

Reference No.: 17/01930/LB4 Listed Building Consent (Reg 4)

Proposal: **Conversion of Penshaw House to a dwelling house (including internal alterations and works to the exterior, such as repairs), refurbishment of walled garden and construction of a two storey extension to provide one additional dwelling house (as amended by documents and plans received, January 2018).**

Location: Land At Penshaw House Penshaw Stables Penshaw Houghton-le-Spring
DH4 7LB

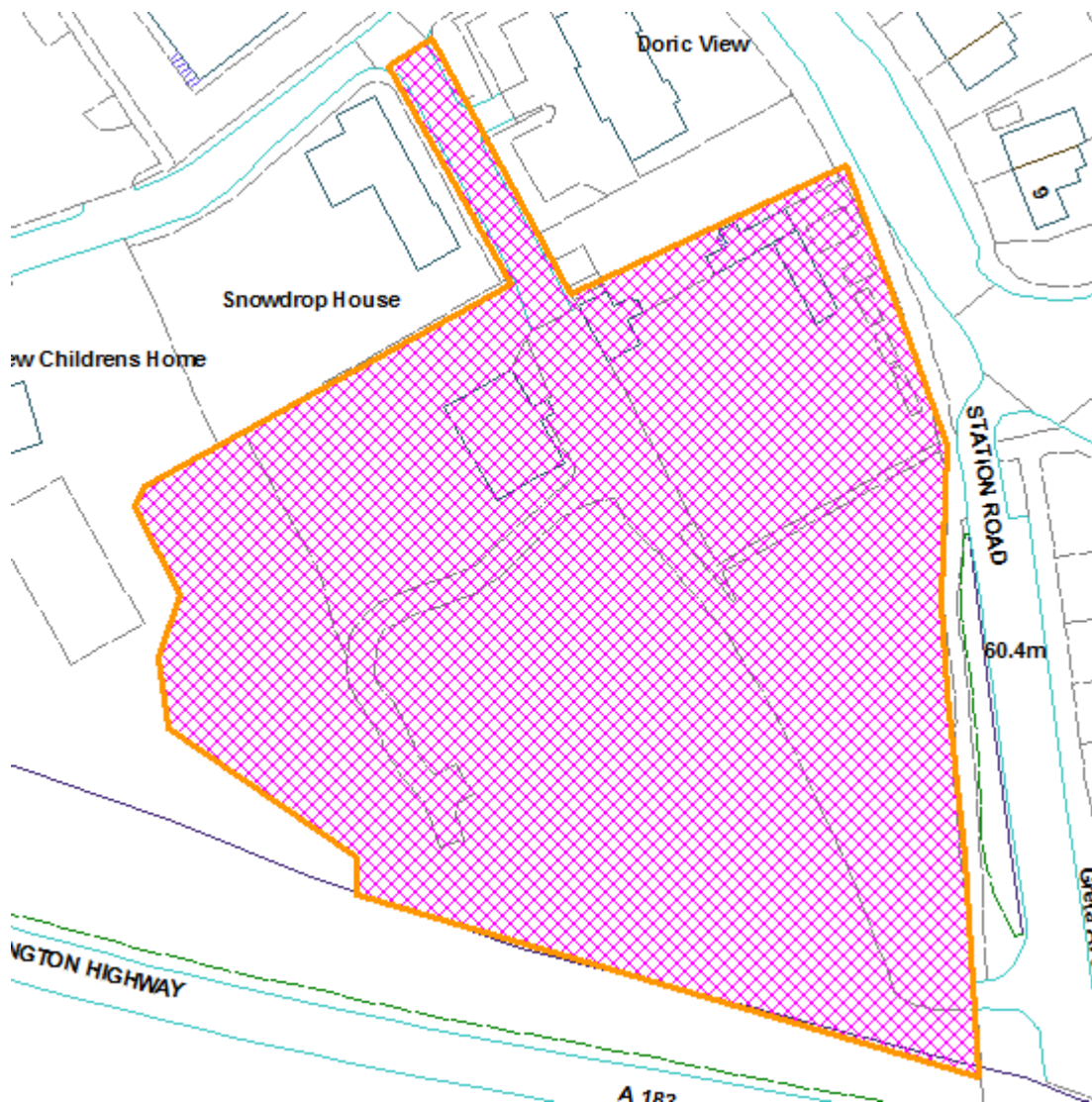
Ward: Shiney Row

Applicant: NORR Consultants

Date Valid: 26 September 2017

Target Date: 21 November 2017

Location Plan



PROPOSAL:

The above application seeks listed building consent for the conversion of a Grade II listed building to a dwelling house at Penshaw House, Penshaw. The application has been referred to the Development Control (Houghton, Hetton and Washington) Sub-Committee for two reasons - namely, the City Council has an interest in the land and, secondly, the associated planning application comprises Major development (ref: 17/01631/FU4).

The list description identifies that the building dates from circa 1830; constructed from ashlar with a low-pitched roof of Welsh slate with flat stone gable coping.

The proposed works include internal alterations and works to the exterior (such as repairs). There would also be the construction of a two storey extension to provide an additional dwelling house and the refurbishment of the associated walled garden.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Shiney Row - Ward Councillors Consultation
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **06.02.2018**

REPRESENTATIONS:

None received.

POLICIES:

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

National Planning Policy Framework (section 12)

COMMENTS:

The Planning (Listed Building and Conservation Areas) Act 1990 states, at paragraph 16(2) that

"In considering whether to grant listed building consent for any works the local planning authority' shall 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 (the Framework), at paragraph 132, subsequently states that

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The Council's Conservation Officer has examined the submitted documents and plans. They have, in summary, stated that

"This proposal will repair, restore and return into beneficial and sustainable use the currently vacant and at risk grade II listed Penshaw House".

In general terms the approach to converting Penshaw House has been handled in a sensitive manner.

The 'cottage' style of the house linked to Penshaw House with its increased window proportions and rendered frontage gives it a more distinctive traditional appearance that responds well to its siting alongside the listed building."

The Conservation Officer has, however, also advised that some modification and additional would be required before recommending approval. The applicant subsequently submitted further details which the Conservation Officer has advised would be acceptable; subject to further details via condition. The exception would be concerns covering a surviving outbuilding where the Conservation Officer has stated

"this is the last surviving outbuilding to the walled garden so it is especially important it is retained as evidence of the historic collection of sheds etc. that were attached to the walled garden."

The above comments have been brought to the attention of the applicant - an update will be provided to Members in due course.

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: To GRANT LISTED BUILDING CONSENT for the reasons set out in the report, subject to:

1. The receipt of positive comments from the Conservation Officer to the additional information that will shortly be submitted by the applicant (including any recommended conditions).

and subject to the following draft 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:

Penshaw House Type 8, Dwg No A2-00-07 (Rev C)
House Type 9, Dwg No A2-00-09 (Rev B)
Existing Condition and Repairs, Dwg No A3-00-01 (Rev A)
Schedule of Conditions/Proposed Works, IANC160040
Proposed Site plan, A1-00-01 (Rev P)

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 works shall commence until full details and samples of all external materials, i.e. bricks, stone, roof, render, windows and doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4 No works shall commence until a section detail has been submitted to and approved in writing by the Local Planning Authority. The section detail shall show how the stud walls in the proposed utility room would be cut around any surviving skirtings, cornicing, dado and picture rails and any other surviving decorative features. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5 No works shall commence until a section / elevational detail has been submitted to and approved in writing by the Local Planning Authority. The details shall show the new opening between the dining room and kitchen and show the preservation of any cornicing etc above the openings. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6 No works shall commence until a schedule of retained and new internal doors has been submitted to and approved in writing by the Local Planning Authority. The schedule shall show the style of the new door that match the originals. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 No works shall commence until a detailed schedule, specifications and method statements for all repair and restoration works have been submitted to and approved in writing by the Local Planning Authority. The schedule, specifications and statements shall include stonework repairs, re-pointing, window refurbishment / repair, internal joinery, plaster repairs and reinstatement. The statements shall be provided by reputable specialists (i.e. stone mason, window repair and plaster repair specialists). The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8 No works shall commence until full details of any thermal upgrade measures, such as secondary glazing, re-lining of walls etc has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9 No works shall commence until detailed scale drawings of the porch rebuilding have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with paragraph 16(2) of the Planning (Listed Building and Conservation Areas), that the works hereby approved have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Reference No.: 17/01872/FUL Full Application

Proposal: **Erection of two bed dwelling.**

Location: Land At Station Road Washington

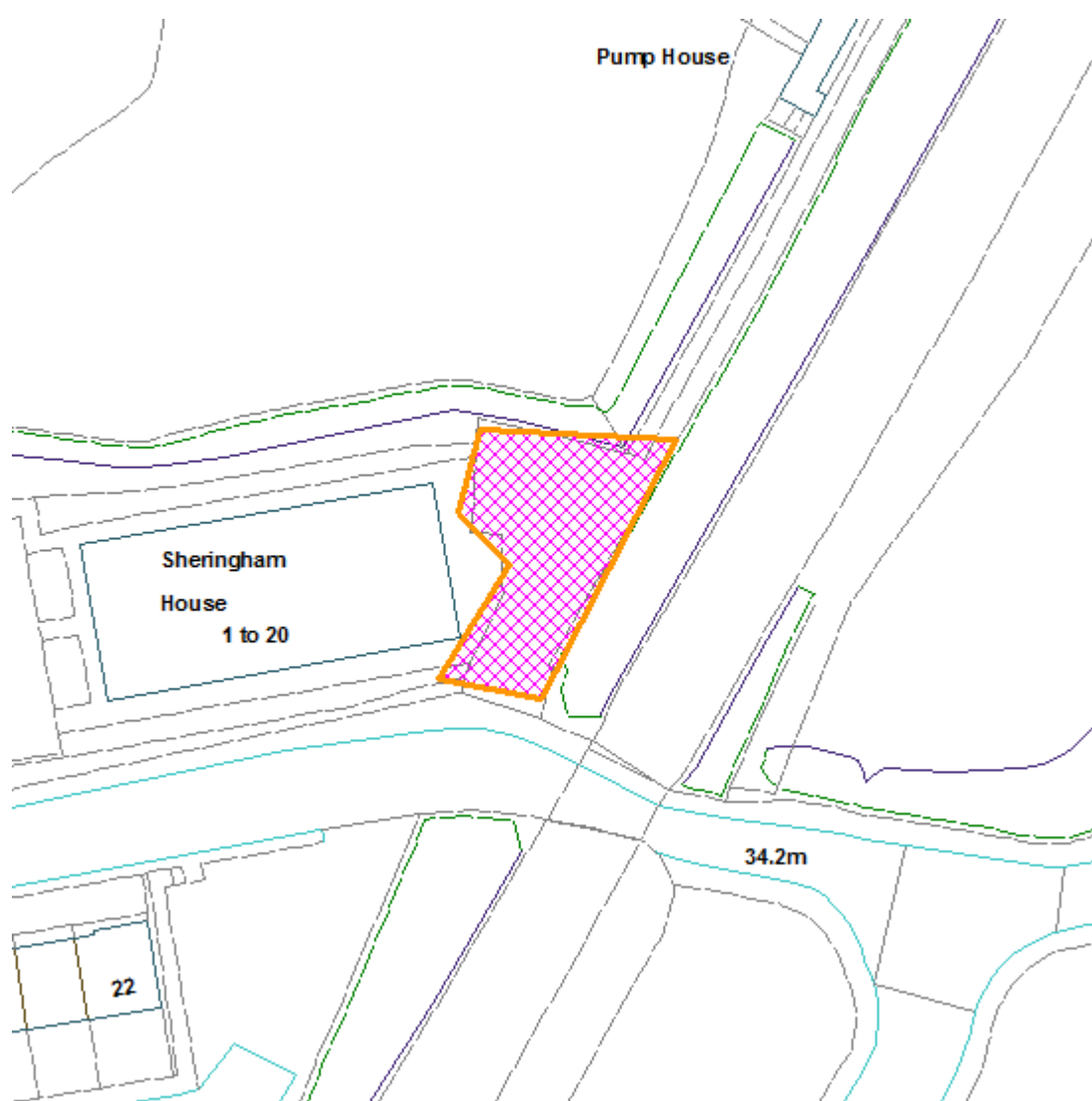
Ward: Washington East

Applicant: Mr Robert Wales

Date Valid: 22 December 2017

Target Date: 16 February 2018

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The proposed development affects a roughly triangular piece of land located on the south side of the reservoir within Washington known as 'Willows Pond'. The application site is adjacent to the residential Sherringham House to the west, and a track located to the south-east side which sits below the Leamside Line embankment. There are also dwellings opposite the site to the western and north-eastern shores of the reservoir.

PROPOSED DEVELOPMENT

The proposed dwelling is two storey and would have a ground floor footprint of approximately 56.25m². The dwelling would be characterised by a balcony to the front of the property which would overhang 'Willows Pond'. There would be a limited amount of amenity space around the property and no in curtilage parking is proposed.

It is proposed to provide two parking spaces which would be located to the west of the dwelling, a distance of approximately 56 metres from the site, and that access to the dwelling would be taken from Station Road and along the footpath to the north of Sherringham House.

It is also proposed to remove a number of trees on and adjacent to the site. The Council's records indicate that there are a number of trees within and immediately adjacent to the enquiry site which are formally protected by Tree Preservation Order 128.

It should be noted that the agent provided an amended location plan on the 08.02.18 which includes the pathway to the north of Sherringham House and the proposed parking area to the west of the site. The Agent has confirmed that certificate B has been served on the adjoining owners of Sherringham House.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2006 for the use of the existing reservoir and adjoining land as a trout/pike lake, with associated development including a lodge, wardens' accommodation, snack and tackle shop, WC and education room, a car park, new ponds, jetties, footpaths and fencing (application ref. 05/03963/SUB).

This permission was not implemented within the 5-year period set by condition 1 of the approval and a subsequent application to extend the time period for implementation by an additional 3 years was refused in January 2014 (application ref. 11/03177/EXT1).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Network Management

Washington East - Ward Councillor Consultation
Northumbrian Water
Northern Electric
Environmental Health

Final Date for Receipt of Representations: **08.02.2018**

REPRESENTATIONS:

County Archaeologist - No archaeological work required.

Heritage Team- No decision can currently be made on the proposal as the submitted details are insufficient for a reasonable assessment to be made.

Highway Engineers - Recommend consideration of refusal given the remoteness of the parking spaces from the site.

Northumbrian Water - Noted that a public sewer crosses the site which may be affected by the proposed development.

Northern Power Grid - No objection to the application, subject to their rights of access remaining unaffected, in relation to the maintenance, replacement or renewal of apparatus.

Public Health- Proposal is acceptable subject to appropriate conditions.

Public consultation - Letters of objection have been received from the occupiers of nos. 6, 7, 8, 9, 10 and 11 The Willows and Miss C Grogan, Mrs C McMullan and Mr and Mrs Richardson who are adjacent land owners.

The letters of objection to the application raise the following concerns:

- The ownership of the land;
- The potential future development of the site;
- The impact of the development on visual amenity as the proposal 'is inappropriate and unsympathetic to the appearance and character of the local environment' and the balcony is 'out of context';
- The impact of the development on residential amenity in particular with regard to limited outdoor space and privacy;
- The impact of the development on residential amenity during the construction phase.
- The unsuitability of access to the proposed dwelling;
- The potential for the development to result in off-site visitor parking to the detriment of surrounding properties and road safety;
- The increase in flooding caused by the development;
- The impact of the development on local wildlife and protected species;
- The impact of the development on the surrounding trees;
- The requirement for the safe removal of Japanese knotweed;
- The 'inconsistencies, inaccuracies and inadequacies' of information provided;

With regard to the concern relating to ownership of the site, the express consent of the owners of the site would need to be obtained prior to development. This would be a civil matter between the owners of the land and could not be considered as part of the planning application.

In relation to the future development of the site any proposal that would require planning permission would be considered on its own merits once submitted.

With reference to flooding the site does not fall within a flood risk zone, is not in a critical drainage area and does not constitute 'major development' therefore a flood risk assessment would not be required in this instance. Concerns have been raised with regard to the potential for flooding to be increased given that "the safety release mechanism for the reservoir (is) being built upon directly" and the "poor maintenance of the "overflow on the eastern side of the lake". However these matters primarily relate to ongoing appropriate maintenance of the reservoir, rather than specific flood risk issues, and any such concerns would have to be addressed privately and not as part of the planning process.

The other concerns which have been raised will be addressed within the following report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

T_22_Parking standards in new developments

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_22_Developments affecting protected wildlife species and habitats

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

RELEVANT POLICY BACKGROUND

In order to assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Residential Design Guide Supplementary Planning Document (SPD), both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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 seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

With regard to housing, paragraph 49 of the NPPF states that applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

With regard to highway safety, meanwhile, paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

With regard to biodiversity paragraph 118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and loss of aged veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The relevant guidance of the NPPF detailed above feeds into policies H1, H8, B2, CN21, CN22, T14, T22 and EN14 of the City Council's adopted Unitary Development Plan (1998).

Policy H1, states that new housing will be provided which caters for need, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible, whilst policy H8 states that housing applications on 'windfall' sites (i.e. sites not formally allocated for housing by the UDP) must normally accord with other relevant policies and proposals of the Plan.

Policy B2 is also relevant and it requires all new development proposals to respect and enhance visual and residential amenity. Policies CN21 and CN22, meanwhile, seek to ensure that new development will not detrimentally impact upon local nature reserves and animal and plant species protected by law and their habitats.

Furthermore, policies T14 and T22 seek to maintain acceptable levels of highway and pedestrian safety and provide new developments with appropriate levels of dedicated car parking respectively. In addition, policy EN14 states that where a development site is potentially contaminated, the Council will require the applicant to carry out adequate investigations and provide suitable mitigation measures before granting planning permission.

Policy CN17 of the UDP is also applicable in this instance given the protected trees on site. The policy sets out that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible.

With regard to the above relevant national and local planning policies, it is evident that the main issues for consideration in the determination of this application are as follows:

- the principle of the development;
- the impact of the development on visual amenity;
- the impact of the development on residential amenity;
- the impact of the development on highway and pedestrian safety;
- the impact of the development on ecology;
- the impact of the development on trees;
- land contamination implications

1. Principle of development

Willows Pond and much of its immediate surroundings form part of an area of open recreational space which serves the nearby Barmston village and policies L1, L5 and WA14 of the Council's adopted Unitary Development Plan (1998) seek to maintain and improve the area as such. The plot on which the dwelling is proposed to be built is, however, excluded from the area of allocated open recreational space and, in fact, is not covered by any specific land use allocation.

In these circumstances, policy EN10 of the UDP is applicable and this essentially requires new development proposals at unallocated sites to maintain, and be compatible with, the prevailing pattern of land use in the neighbourhood. The plot in question is located immediately adjacent to the residential Sheringham House, whilst there are also dwellings to the western and north-eastern shores of the reservoir. As such, a residential use of the plot would not necessarily conflict with the prevailing pattern of land use, in accordance with policy EN10's requirements.

It is also considered that the proposal accords with the provisions of policies H1 and H8 in that it would secure the reuse of vacant land on a 'windfall site'.

Notwithstanding this view, the acceptability of the proposed development can only be determined once consideration has been given to all the material planning issues raised by the scheme. The relevant planning considerations are addressed in turn below.

2. Impact of development on visual amenity

The plot on which the dwelling is proposed is located immediately to the east of the gable end of Sheringham House and is bordered by the shore of Willows Pond on its north side and the track below the embankment of the Leamside Line to its south-east side. It is a small plot of an irregular shape and is heavily constrained by the aforementioned existing built development and other natural and man-made features.

The erection of a dwelling on the site would, it is considered, result in development which appears to be 'squeezed' into a highly constrained plot. It is considered that the proposed dwelling would not sit comfortably with the established pattern of built development in the locality or relate satisfactorily to its surroundings, instead appearing as incongruous and intrusive.

In addition to the above, the proposed parking arrangements give cause for concern from a visual amenity point of view. It is unclear as to exactly how the spaces will be constructed, but nevertheless, the current proposals indicate that they will project beyond the existing boundary of Sheringham House's car park and into the area of open space/shoreline behind the fence. Such an incursion from the existing car park and into the open space would appear as incongruous and visually intrusive.

It is therefore considered that the development would be detrimental to the visual amenity of the area and consequently fails to accord with the requirements of policy B2 of the UDP and the core principles of the NPPF in this regard.

3. Impact of development on residential amenity

The new dwelling would stand immediately adjacent to the blank gable end of Sheringham House and as such, is not anticipated to result in any substantial harm to the amenity of residents of the building. Concerns have been raised with regard to access along the footpath running along the northern elevation of Sheringham House. However, it would not be considered that the comings and goings from one dwelling would be of such frequency, that the residential amenity of the residents within Sheringham House would be negatively impacted.

With regard to privacy it would not be considered that Sheringham House would experience overlooking in relation to the proposed dwelling, and given the distance to the properties bordering the reservoir at the Willows, it would not be considered that the privacy of these residences would be negatively impacted by the proposal.

The proposed floorplans demonstrate that the dwelling would be afforded rooms of a reasonable size and that main living areas would benefit from middle- to long-distance views, particularly across the reservoir. With regard to external amenity space, it is noted that the dwelling is proposed to be afforded a balcony and a platform extending out beyond the shore of the reservoir.

Whilst these would provide a degree of usable external amenity space, the garden space available within the rest of the plot will be very limited in area. Despite comments from the Agent received on the 29.01.18 stating that "The reality is (the) house would have access to the whole lake, as well as the area ending with pump house to be usable amenity spaces", it would not be considered that this space would form part of the curtilage of the dwelling and therefore would not be considered to contribute to the dwellings amenity space.

In addition, given that the plot is flanked by the gable end of Sheringham House on its west side and is also bordered by mature trees and the embankment of the Leamside railway line, the garden space will receive little natural daylight and sunlight and be heavily 'enclosed' and overshadowed at various times of the day by surrounding built development and natural and man-made features. The relationship between the site and its immediate surroundings will also serve to limit the amount of daylight and sunlight reaching the dwelling itself.

Further to the above, it is observed that the parking space(s) to be provided for occupiers of the dwelling will be remote from the plot, as they are proposed to be located off the car park to the west side of Sheringham House. The remoteness of the spaces from the dwelling would be a highly impractical arrangement and of detriment to the amenity of occupiers.

With regard to the above, it is considered that whilst the development will not result in any harm to the amenity of existing residential properties, occupiers of the new dwelling will, overall, be afforded a poor standard of living, in conflict with the requirements of the core principles of the NPPF and policy B2 of the UDP.

4. Impact of development on highway and pedestrian safety

In response to consultation the Councils Network Management Team has expressed concern with regard to the proximity of the parking bays to the reservoir's edge, the potential loss of

parking within Sheringham houses car park and given the distance to the nearest highway, the storage and servicing of waste and the method by which construction vehicles will access the site.

The agent confirmed on the 29.01.18 that there would be no loss of parking in relation to the car park in Sheringham house and provided further information on the 08.02.19 relating to waste storage and servicing and some detail of construction methods.

Despite this the remoteness of the proposed parking spaces and the impracticality of these spaces being utilised in relation to the proposed dwelling is still a matter of concern. The agent has provided a further statement on the 02.03.18 with regard to highways and parking issues and this has been passed to the Council's Network Management Team for their consideration and comment. Details of any comments received will be provided to Members ahead of the meeting on a Supplementary Report.

5. Impact of development on ecology

Two ecological reports have been submitted with the application the ecology report undertaken by Argus Ecology on the 8th September 2016 is the most recent, and therefore it is this report that the Council's Ecological Officer has considered.

The Ecology Officer has noted that the report has not mentioned that the adjacent lake is currently a Local Wildlife Site. It does however state that 50% of the proposed development site has Japanese knotweed present. This plant is listed within Schedule 9, section 14 of the Wildlife and Countryside Act 1981, and as such it is an offence to plant or otherwise cause the species to grow wild. In addition it is also classed as 'controlled waste' and as such must be disposed of safely at a licenced landfill site according to the Environmental Protection Act Regulations 1991

Although general information on the removal of Japanese knotweed has been provided within the Arboricultural Method Statement, detailed information would need to be supplied regarding the control and treatment of the weed in relation to the proposed site.

The ecology report states that the trees present on site have a medium/high risk of supporting roosting bats and that no trees are to be felled as a result of the development. However, the Arboricultural Impact Assessment provided by All About Trees states within section 4.4 that all of the trees on site would need to be removed to facilitate the development.

If the trees were to be removed, further studies would need to be undertaken to ascertain the full ecological impact of the development.

The Council's Ecologist has concluded that the submitted details are insufficient for a reasonable assessment to be made at this stage. The agent was invited to provide further information on the 29.01.18 however, no further information relating to ecology was provided. A further statement was provided on 08.02.18 however, the detail within this statement was still not considered to be sufficient to afford the Council's ecologist a full understanding of the ecological implications of the proposed development.

The agent in a statement provided on the 02.03.18 has confirmed that further information with regard to ecology will be provided prior to the Committee meeting. Details of any further information received, together with final comments in relation to the ecology and biodiversity implications of the proposals, will be provided on a Supplementary Report.

6. Impact of development on trees

The tree report submitted by All About Trees states that all trees on site are to be removed, something which has been confirmed by the agent on the 08.02.18. The report goes on to state that the trees to be removed are of low quality and have a remaining lifespan of approximately 10 years. It is proposed that trees T1 to T6 situated within the application site would be required to be removed to facilitate development.

It is noted that the trees within Group 1 are not protected and are located some distance from the application site itself. The removal of these trees therefore would not be considered as part of this application.

As set out earlier in the report, there are trees within the site which are afforded full protection by Tree Preservation Order 128. These are the Willow tree referred to as T6C and the Hawthorn tree referred to as T5C within the Arboricultural Impact Assessment. Although the remaining trees 1-4 are not afforded similar protection given that they are within the application site, their removal must still be considered with regard to the impact on the surrounding area.

Despite the assertion that the trees are of low quality, it is still considered that they contribute positively to the visual amenity of the area and help to define the character of the reservoir, and would continue to do so for a number of years.

In the statement provided on the 02.03.18 the agent has stressed the poor physical condition of the protected trees on site. The tree reports have therefore been passed to the Council's Arboricultural Officer to provide comment. Details of any comments received will be provided to Members ahead of the Committee meeting by means of a Supplementary Report.

7. Land contamination implications

The applicant has submitted a Phase One Desktop Study with reference to ground conditions and possible contaminants. The Council's Public Protection and Environmental Services have commented as below and stated that subject to the use of suitable conditions the proposal would be considered acceptable.

They state that the Phase I Desk Study indicates that land contamination is not likely to be a significant constraint to development provided that conditions for a Phase II, Remedial Strategy/verification plan and Verification Report are attached to any granted consent, in addition to conditions for unexpected contamination and an UXO risk assessment.

Furthermore they state that a construction management plan would be required in order to ensure the environmental impact of the construction and demolition of the development is adequately managed and mitigated, and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Given the above, it is considered that subject to the recommended conditions, the implications of the scheme in relation to construction practices and land contamination will be acceptable.

CONCLUSION

Although the principle of the proposed development is considered to be broadly appropriate in land use terms, the scheme raises a number of significant planning concerns, as have been detailed above. In particular, it is considered that the development will cause harm to the visual amenity of the locality, whilst the amenity to be afforded to prospective residents of the dwelling will also be poor, including in relation to the proposed parking arrangements. The proposals therefore conflict with the requirements of the core principles and policy B2 of the Council's UDP in this regard.

However, as set out above, consideration is still being given to matters relating to highway and pedestrian safety, ecology and protected trees and in this regard the applicant's agent has recently submitted additional information which is still being given consideration by Council Officers. It is anticipated that consideration of these matters will be completed shortly and details of final comments will be provided on a supplementary report prior to the Committee meeting.

Given that paragraph 187 of the NPPF requires Local Planning Authorities to engage proactively with developers on issues raised by the consideration of planning applications, it is considered reasonable to continue discussions in relation to the outstanding matters of concern identified above. Nevertheless, notwithstanding the outcome of discussions in relation to these outstanding matters, it is anticipated that there will remain significant and insurmountable concerns in respect of the development's impact on visual and residential amenity and the quality of the living conditions it would afford to prospective occupiers. It is considered that these concerns are, in their own right, significant enough to warrant the refusal of planning permission and it is therefore anticipated that the recommendation to Members will be that the application should be refused.

The Supplementary Report will, however, provide Members with final comments in relation to the outstanding matters, together with a recommended decision and reasons for that recommendation.

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: Mind to REFUSE, for reasons to be provided on Supplementary Report following conclusion of ongoing discussions with applicant's agent.