

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.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.	21/01969/FU4 Full Application (Reg 4)
Proposal	Construction of three storey building to provide 72 apartments, including parking and turning space and restoration of walled garden.
Location	Land at Station Road, Penshaw, Houghton-le-Spring
Ward	Shiney Row
Applicant	Vistry Partnerships North East
Date Valid	4 August 2021
Target Date	3 November 2021

Proposal

The application seeks full planning permission for

“Construction of three storey building to provide 72 apartments, including parking and turning space and restoration of walled garden”.

At

Land at Station Road, Penshaw, nr. Houghton-le-Spring

The site in question lies to the south of Penshaw. The surrounding land uses include the Grade II listed Penshaw House to the north (last used as an office), dwelling houses to the east and a classified road to the south (A183). The site itself has an irregular plan form and covers around 0.85 hectares.

The proposed development would involve the construction of a three-storey building to provide 72 apartments, including parking and turning space and restoration of the walled garden. The proposed building would have a staggered plan form, with a maximum depth of 84 metres and a maximum width of 65 metres. The maximum height would be around 12.75 metres. The construction materials are proposed as Alnwick Blend / Grampian Red Mixture for the walls.

The main pedestrian / vehicular access would be off Greta Avenue / Station Road, which leads into an area providing 52 parking spaces (including three accessible spaces).

The proposed development would be occupied by those aged over 55. The Design & Access Statement says that

“The design of this buildings is aimed at providing a barrier free environment, thus enabling the residents to maintain their independence much further into their life”.

Publicity

Neighbour notifications (25 properties): 25 September 2021.

Press notice (Sunderland Echo): 2 September 2021.

Site notice (displayed on Greta Avenue / Station Rd): 10 September 2021.

Consultees

Ward Councillors: Shiney Row

Council Officers: Archaeology (Tyne & Wear), ecology (consultant) Environmental Health, land contamination (consultant), Lead Local Flood Authority, Local Highway Authority, urban design (consultant)

Regional: Tyne & Wear Fire & Rescue, North East Ambulance Service

National: National Highways

Representations

There have been 11 representations received which are summarised in the relevant sections of the report below.

Policies

The development plan policies are summarised in the relevant sections of the report below.

Planning History

12/02413/LAD

Demolish buildings to ground level. Site then to be backfilled with subsoil covered with 150mm imported top soil, graded to existing levels and grass seeded.

Status: No observations.

Officer comment: This application relates to the demolition of the former office buildings on the site.

17/01930/LB4

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).

Status: Minded to grant listed building consent; subject to completion of a planning obligation.

17/01631/FU4

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).

Status: Minded to grant planning permission; subject to completion of a planning obligation.

21/01955/LB4

Refurbishment of walled garden located adjacent to Grade II listed building Penshaw House.

Status: Pending consideration.

Officer comment: This application for listed building consent relates to the refurbishment of the walled garden. Officers have delegated powers to determine these applications.

Comments

Principle

The site does not benefit from any allocations within either the adopted Core Strategy and Development Plan (Core Strategy) or the Unitary Development Plan (UDP).

The site does, however, benefit from a housing allocation within the Draft Allocations and Designations Plan (A & D Plan). The A & D Plan, at draft policy H8, says

“The following sites are allocated for housing development, as shown on the Policies Map. Appendix 1 identifies the site-specific policy requirements for each of these sites”.

In terms of how much weight to give the draft policy, the provisions of the National Planning Policy Framework (the Framework) are relevant. The Framework says, at paragraph 48, that

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this 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,

- a) The Planning Policy section of the Council’s website says that:

“The Council consulted on the Draft Allocations and Designations Plan between 18 December 2020 and 12 February 2021. Representations are currently being logged and taken into consideration”.

- b) The sole representation, for the site in question, has been from Historic England who drew to attention that “special regard” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. They also advised that before allocating the site, an assessment should be undertaken of the contribution the site makes to the significance of the listed building and any potential impacts upon the loss of the site and any subsequent development might have upon its significance.

c) The A & D Plan, at paragraph 1.7, says

“The Plan has been prepared in accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and legislation”

The A & D Plan, given that only the first consultation period has expired combined with the comments from Historic England, can only be given very limited weight in the determination of the application.

The Strategic Housing Land Availability Assessment (SHLAA) says the site could provide 15 dwelling houses at a density of 11 dwellings per hectare. The glossary within the Core Strategy defines the SHLAA as

“Assessments of land available for housing development, the potential of these sites and the likely timeframe for their development. This assists with demonstrating a sufficient supply of land for housing to meet the identified need.”

The paragraph immediately above should, however, be given consideration in conjunction with the opening paragraph within the SHLAA; which has been repeated below.

“The Sunderland Strategic Housing Land Availability Assessment (SHLAA) report is not a policy document. While the SHLAA identifies land with the potential to accommodate housing, it does not determine whether a site should be allocated for housing as part of the Local Plan or be granted planning permission for housing.”

Given the paragraph immediately above concerning the status of the SHLAA and the absence of any allocations that can be given significant weight, the principle of the proposed development should be given consideration using the general policies within the development plan.

The Core Strategy, at policy SP1 (Development Strategy), says that

“1. To support sustainable economic growth and meet people’s needs, the council, working with local communities, its partners and key stakeholders will:

- i. deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure;
- ii. create at least 7,200 new jobs, particularly in key growth sectors;
- iii. develop at least 95ha of employment land;
- iv. deliver at least 45,400m² new comparison retail development; and
- v. ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs.”

The proposal would make a contribution towards the above policy by providing 72 apartments (point i).

The impact upon infrastructure will be given consideration in the detailed sections below (point v).

The policy continues by saying

“The spatial strategy seeks to deliver this growth and sustainable patterns of development by:

- i. supporting the sustainability of existing communities through the growth and regeneration of

Sunderland's sub areas including: the Urban Core (Policy SP2); Washington (Policy SP3); North Sunderland (Policy SP4); South Sunderland (Policy SP5); and the Coalfield (Policy SP6);

- ii. delivering the majority of development in the Existing Urban Area;
- iii. emphasising the need to develop in sustainable locations in close proximity to transport hubs;
- iv. encouraging higher density development around and in close proximity to transport hubs;
- v. delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas;
- vi. protecting Sunderland's character and environmental assets including Settlement Breaks, greenspaces, Open Countryside and Green Belt; and
- vii. minimising and mitigating the likely effects of climate change."

The proposal would make a contribution towards the above policy by:

Providing growth and regeneration within the Coalfield (point i).
Delivering development within an Existing Urban Area (point ii).

The site can be given consideration as a sustainable location given the bus stops nearby on Station Road and facilities within walking distance at the local centre on Chester Road (point iii). The impacts upon Sunderland's character and environmental assets will be given consideration in the detailed sections below (points vi).

The Core Strategy, at policy SP6 (The Coalfield), says that

"The Coalfield character and settlements will be protected whilst ensuring its future sustainability. In order to achieve this:

1. the Open Countryside and Settlement Breaks will be protected;
2. Housing Growth Areas at Penshaw, New Herrington and Philadelphia (Policy SS7) are allocated to ensure there is land for the future growth of The Coalfield;
3. existing Travelling Showpeople sites will be safeguarded and new sites allocated (Policy H4);
4. economic development will be focussed on identified Employment Areas (Policies EG1 and EG2);
5. Houghton Town Centre will be the focus for office, retail and Main Town Uses. Any development within the Centre should enhance its vitality and viability; and
6. the council and its partners will work to secure regeneration and renewal at Hetton Downs."

The proposal would contribute towards the above policy by:

Avoiding development within the Open Countryside and / or Settlement Breaks (point 1).

The Core Strategy, at policy SP8 (Housing supply and delivery), says

"The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year. The new homes to meet Sunderland's need will be achieved by:

1. the development of sites identified in the SHLAA;
2. the development of sites allocated in the A&D Plan;
3. the development of sites (Strategic and Housing Growth Areas) allocated in this Plan;
4. the conversion and change of use of properties;
5. the development of windfall sites; and
6. the development of small sites."

The proposal would contribute towards the above policy by:
Providing development on a windfall site (point 5).
Providing development on a small site (point 6).

The Core Strategy, at policy H1 (housing mix), says that

“1. Residential development should create mixed and sustainable communities by:

i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council’s SHMA or other evidence;
ii. providing a mix of house types, tenures and sizes which is appropriate to its location;
iii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and
iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 – accessible and adaptable dwellings.

2. Development where appropriate and justified, should also seek to:

i. provide larger detached dwellings; and
ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.

3. Development should consider the inclusion of self-build and custom house building plots.”

The proposed development would contribute towards the above policy by
providing 100% affordable housing (point 1i)
providing accessible apartments (points 1i, 1ii and 1iv and point 2ii).

The proposed density, as raised in point 1iii, will be given consideration in the design section below. The proposed development, as an apartment building, would not be capable of providing self-build plots (point 3).

The representations received concerning the principle of the proposed development are summarised below; with an officer comment thereafter.

Representation:

No need for the proposed scheme, similar accommodation in the local area has vacancies. A spreadsheet has been submitted showing vacancies within 3 miles.

Risk that there may not be enough demand to occupy the building.

Not all people over 55 seek to live in an apartment. The Strategic Housing Market Assessment highlights a lack of dwelling for older people; including bungalows.

Washington has as much need for 1 and 2 bedroomed bungalows as 1-3 bedroom flats.

Officer comment:

The Applicant does not, in terms of planning policy, need to demonstrate a need for the scheme.

The Housing Team have also advised that:

“The Council is aware that whilst there is an oversupply of sheltered housing in the City, much of this is of poor quality and there is an opportunity to provide high quality accessible accommodation for over 55s.

The Council feels that the development in question would be a good sustainable location for

accommodation of this type and acknowledges that there is sufficient demand in the City for this.”

Representation:

There should be a restriction on any future change of use.

Officer comment:

A condition could be attached, if the application were approved, limiting occupation to those aged over 55.

In summary, the principle of an affordable and accessible residential development on the site accords with the relevant development plan policies and there are not any material considerations that indicate otherwise.

The comments in the paragraph above relate solely to the principle of the proposed land use and not any detailed impacts (such as design or heritage). These can be seen in the sections below.

Amenity

In terms of air quality, the submitted Air Quality Assessment says that during construction the risk of dust has been "classed as medium for earthworks, construction and track out" and recommends "mitigation measures, based on best practice, are proposed to reduce any potential impacts". The Assessment continues by saying that the "operational phase air quality effects would be negligible and not significant" and that "Local air pollution background concentrations are low and emissions from vehicle trips arising from the development would not be capable of causing adverse air quality impacts at existing receptors".

In terms of noise, the submitted Noise Impact Assessment explains that noise measurements were taken from Greta Avenue and Station Road and identifies that the "most significant source affecting the daytime was road traffic noise". The Assessment recommends for most of the facades a "maximum of 2 no. trickle ventilators that achieve the minimum acoustic performance required in Table 1". The table in question specifies a glazing performance of 25 dB and a trickle ventilator performance of at least 32 dB. The table also suggests either a continuous mechanical extract or a mechanical supply and extract with heat recovery.

The Environmental Health Officer (EHO) has advised that the "development is acceptable"; subject to conditions covering a detailed scheme of noise mitigation and details of any external plant.

The Environmental Health Officer also initially recommended the submission of a Construction Environment Management Plan (CEMP). The Agent subsequently submitted a CEMP and the EHO has said that they have "considered the submitted revised site management methodology and would advise that it is accepted". The CEMP, if the application were approved, could be included as a condition.

In summary, the EHO has advised that the development would be acceptable; both in terms of construction and operation (subject to conditions).

The consideration of amenity also needs to take into account any impacts for the occupiers of nearby dwelling houses; in terms of both privacy and day light.

The proposed development, when facing north east, would be around 28.5 metres from the

dwelling houses on Greta Avenue (when measured in a north easterly direction). The gable end of the proposed building facing north east would be around 27.5 metres from the dwelling houses on Greta Avenue (again, when measured in a north easterly direction).

The proposed development, when facing south east, would overlook the internal car park and the A183. The proposed gable end facing south east would look across entrance to the car and the edge of the site around 30 metres away. The element of the proposed development north east of the projecting gable facing south east would face the proposed grassed area for a distance of at least 9.5 metres and would not directly overlook the dwelling houses on Greta Avenue.

The proposed development, when facing south west, would look across an internal car park and the A183.

The proposed development, when facing north west, would look across the proposed garden area for at least 21.5 metres. The exception would be the projecting gable which would be around 6.5 metres from the boundary of the plot.

The Council has recently adopted a Development Management Supplementary Planning Document (DM SPD). The DM SPD, at paragraph 5.23, says the "Council will assess the external distances based on the standards below". The standards seek a minimum of 26 metres between main facing windows between a three storey building and existing development. These distances, as noted in the paragraph immediately above, would be exceeded when facing north east, south east and south west. The proposal would therefore not lead to a material loss of privacy or day light for the occupiers of the nearby dwelling houses; nor would lead to a sense of overbearing or oppressiveness.

The exception to the paragraph immediately above would be the separation distance to the north west which, as noted above, would be 21.5 metres to the boundary of the plot. The distance does, however, relate to the edge of the plot; rather than Penshaw House itself. The exception, in terms of facing west, would be the projecting gable that would be around 6.5 metres from the boundary of the plot. The projecting gable does, however, generally align with the gable end of Penshaw House and only has windows that serve bathrooms; which means they would be obscurely glazed.

The representations received concerning amenity are summarised below; with an officer response thereafter.

Representation

Loss of amenity from overlooking and loss of day light / sun light. Dominating / imposing impact upon local residents.

Officer comment:

The proposal would generally accord with the separation distances sought within the DM SPD.

Representation:

Noise from additional traffic on Greta Avenue.

Officer comment:

The EHO has advised that standards for road traffic noise are assessed primarily as an 18hr L10 value with a threshold at 68dB(A) – equivalent to much higher main highway vehicle flows and the anticipated increase in traffic movements are not sufficient to trigger action.

Representation:

The trees, proposed for felling, currently provide a sound barrier from the A183. The trees that were cut down to facilitate a utilities survey have led to an increase in noise for the occupiers of the dwelling houses on Greta Avenue.

Officer comment:

The EHO has advised that the planted areas are insufficient to have any significant impact upon noise generated by road traffic on the A183.

Representation:

The Agent has not submitted any evidence to substantiate their statement concerning impacts around anti-social behaviour.

Officer comment:

Any issues around anti-social behaviour have not been included within the consideration of the application.

Representation:

What are the proposals for reducing traffic noise for the residents on Greta / Station Road.

Officer comment:

The application does not propose any such measures.

Representation:

There are discrepancies between the noise report for an earlier application and the one submitted for the current application.

Officer comment:

The submitted Noise Assessment has been prepared by a Member of the Association of Noise Consultant and been given consideration by the EHO.

Representation:

There would be adverse impacts on air quality, noise and dust. Impact upon air quality from removal of trees.

Officer comment:

The application has been submitted with detailed reports covering both air quality and noise. The EHO has advised that the "development is acceptable"; subject to conditions covering a detailed scheme of noise mitigation and details of any external plant.

In summary, the impacts of the proposal concerning amenity would accord with the relevant development plan policies (policies HS1 and HS2 of the Core Strategy) and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Design

The submitted Design and Access Statement says that "a minimum of 72 dwellings are required to ensure viability" and that the final design "secures the optimal viable use of the site, maximising the specialist accommodation being created whilst framing the walled garden"

The Council's Urban Design consultant has advised that

“Generally the proposal is supported in principle and it is positive to see development coming forward on a brownfield site”.

They have also advised that:

“There are some areas to consider further which could improve the proposal from a design perspective. These include ensuring that the parking will be well screened and will not dominate the street scene on either Greta Ave or the A183, and also testing some more elevation treatments to help with breaking up the mass of the building”

The immediate surrounding context can be seen on the street opposite the site, Greta Avenue. There are a short terraces of dwelling houses that have a height to the ridge of around 8.5 metres and a density of around 45 dwelling houses per hectare.

The wider surrounding context can be seen on the dwelling houses opposite Penshaw House itself. These are semi-detached two-storey dwelling houses that have a height to the ridge of around 7.25 metres and a density of around 35 dwelling houses per hectare.

The proposed development would have a maximum height of 12.75 metres and a density of around 84 apartments per hectare. The proposed development would therefore be around 4 - 5.5 metres higher than the nearby buildings and would be around twice the density.

The Core Strategy, at policy BH1, says that

“To achieve high quality design and positive improvement, development should... be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.”

Whilst noting the comments within the Design & Access Statement and from the Urban Design consultant, the proposed development would, very approximately, be around one third higher and twice the density of the surrounding context. The proposal would therefore be contrary to the above policy.

In terms of material considerations, the representations received relating to design are summarised below:

Too many apartments. Overdevelopment.

Too big. Should be a two-storey building.

The cabinet outside the site would be an “eyesore”.

Proposal would harm the frontage onto Greta Avenue.

Proposal would not fit into an area of housing dating from the 1920s-1950s. The proposed materials would be out of keeping. The developer of a nearby plot had to use certain materials (such as hand finished brick and slates) and height (1.5 storeys).

The SHLAA recommends 15 dwellings, a density of 11 dwellings per hectare.

In summary, the design of the proposed development would be contrary to the relevant development plan policy (policy BH1 of the Core Strategy). The relevant material considerations, i.e. the representations received which are summarised in the paragraph immediately above, also express concern / objection relating to design.

Drainage

The submitted Flood Risk Assessment & Drainage Strategy identifies that the site lies within

Flood Zone 1 (i.e. land with a low probability of flooding). The Strategy considers there to be a low risk of surface water flooding, no risk from flooding and unlikely to be a risk from groundwater flooding. The Strategy also considers there to be a low risk from sewer flooding.

The Strategy says that ground conditions mean that infiltration would not be suitable and the distance to the nearest named watercourse (River Wear) means that such a connection would be unfeasible. The Strategy proposes connecting to the existing public combined sewer network to the south of the site. The Strategy says the flow would be restricted to a greenfield run-off rate; achieved by porous paving, cellular storage and flow control.

The Strategy continues by saying that, in terms of potential pollution, the proposed car park would be low risk and the roof very low risk. The Strategy proposes a filter drain for the roof. The Strategy says that foul sewage would connect to the public combined sewer.

The Lead Local Flood Authority have advised that they "suggest the application could be approved"; subject to a verification condition.

Northumbrian Water have advised that they have "no issues to raise with the above application"; subject to a condition ensuring accordance with the submitted details.

In summary, the drainage arrangements for the proposed development would be in accordance with the relevant development plan policies (policies WWE3, WWE4 and WWE5 of the Core Strategy) and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Ecology

The submitted Ecological Impact Assessment says there are "no statutorily designated sites for nature conservation within 2km of the site". The Assessment continues by saying that within 2km of a Sites of Special Scientific Interest - namely Herrington Hill and Dawson's Plantation Quarry. The Assessment also identifies that there are nine Local Wildlife Sites within 2km of the site.

The Assessment, in terms of habitats, says that the habitats on site comprise "semi-improved neutral grassland with a small area of broadleaved woodland... and hardstanding" and the walled garden has habitat of "primarily semi-improved neutral grassland with scattered and dense areas of scrub". The Assessment says that the "habitats on site are considered to range from low to local value".

The Assessment, in terms of bats, says that the site "is considered to provide foraging habitat of moderate suitability for bats roosting within the local area" and "trees within the woodland and the more mature scattered trees within the wider site provide potential roost features". The Assessment identifies that 13 trees were identified as "being of moderate suitability for use by roosting bats with a further three of low suitability". The Assessment continues by saying that "dusk emergence and dawn re-entry survey of the moderate suitability trees did not confirm any roost sites" and that "remote monitoring of activity within the site has recorded four species". The Assessment concludes by saying the site "is considered to be of local value to the local bat population".

The Assessment, in terms of birds, says that the site "will provide nesting and foraging habitat for a range of locally common species" and that "woodland, scrub and scattered trees will provide suitable nesting opportunities". The Assessment concludes by saying that the site "is anticipated to be of no more than local ornithological value".

The Assessment, in terms of other protected species, says that the risk of great crested newt "is considered to be low". The Assessment continues by saying that the site "provided suitable habitat for a range of locally common butterfly species and potentially priority species dingy skipper and grayling" and consider the site "could have been of up to local value for these species". The Assessment further says that the site would be unlikely to be of more than local value for hedgehog and common toad and that other protected or priority species are "considered most likely to be absent".

The Assessment, in terms of impacts, identifies that these would include "loss of habitat of local value" and that "site investigation works have caused the loss of habitat considered likely to have been of up to parish value". The Assessment continues by saying there would be "loss of thirteen trees of moderate suitability for use by roosting bats and of three trees of low suitability" and there would be a "low risk of tree works causing harm / disturbance to roosting bats" and a "loss of bat foraging habitat of moderate suitability. The Assessment further says there would be "potential harm / disturbance of nesting birds through vegetation clearance" and a "loss of foraging and nesting habitat for a range of birds species".

The Assessment continues, in terms of impacts, by saying that "site investigation works have caused the loss of habitat likely to have supported a range of butterfly species" and that there would be "potential harm / disturbance to hedgehog through the construction works". The Assessment also says there would be a "low risk of works harming / disturbing reptiles or amphibians" and that there would be a "reduction in the value of the site to wildlife through an increase in light and noise levels.

The Assessment provides recommendations including during construction including timing and method of vegetation clearance, tree felling to be undertaken to a bat method statement and protection measures for retained trees. The Assessment also provides recommendations within the proposed development including opportunities for bat / bird roosts, species rich grassland and wildflower species. The Assessment further recommends a management plan for the site.

The Council's ecology consultant has advised that the "proposal is acceptable in principle"; but has also made detailed comments which can be seen below.

The consultant has advised that the

"habitats on site were considered to be suitable to support BAP Priority Species such as Dingy Skipper and Grayling, however, the grasslands / habitats which provided potentially suitable habitat were subject to significant disturbance through Ground Investigation works".

The consultant has continued by advising that the

"updated landscape proposals include the creation of additional areas of species-rich grassland or habitats which have the potential to support BAP butterflies, such as Dingy Skipper and Grayling however, the proposals still contain only small areas of potentially suitable habitat for such species".

The consultant concludes that the "proposals will result in a net loss of habitat for such species".

The consultant has further advised that whilst the submitted reports "include broad recommendations for habitat creation works, insufficient detail is provided to confirm that this can be delivered, with only small areas of 'wildflower turf' shown on the landscape plan" so that "the application will not result in a net gain for biodiversity".

The consultant concludes that "the proposals will result in an adverse impact on the ecological value of the site".

The Core Strategy, at policy NE2, says that

"Where appropriate, development must demonstrate how it will:

- i. provide net gains in biodiversity; and
- ii. avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy."

Whilst noting that the Council's ecology consultant has advised that the "proposal is acceptable in principle", the consultant has also advised that the "proposals will result in a net loss of habitat for such species" (i.e. birds and butterflies) and would "result in an adverse impact on the ecological value of the site". The proposal would therefore be contrary to the above development plan policy.

There have been representations concerning ecology matters, which are summarised below.

Wildlife uses the trees proposed for felling.

Evidence of priority species roosting and foraging in the area.

The submitted reports do not provide enough evidence for existing wildlife, such as bats and butterflies.

In summary, the ecology of the proposed development would be contrary to the relevant development plan policies (policy NE2 of the Core Strategy). The relevant material considerations, i.e. the representations received which are summarised in the paragraph immediately above, also express concern / objection relating to ecology.

Fire Safety

The Tyne & Wear Fire & Rescue Service have raised no objection to the proposed development; subject to a report relating to Building Regulations. These concerns would be given consideration via by an application submitted under the Building Regulations.

Groundworks

The submitted Phase II Ground Investigation says that potential contamination sources on site include made ground associated with former development (such as hydrocarbons) and mine gas. The potential sources off site are identified as landfill gas from an infilled quarry 400m to the east.

The Investigation has been informed by a ground investigation which includes 11 trial pits, 4 boreholes and chemical testing. The Investigation has recommended "more detailed characterisation of the contamination within the walled garden area" and suggests potential remediation options. The Investigation further recommends that future landscaped areas should incorporate a designed soil cover system and that "no gas protected measures are required".

The Council's land contamination consultant has raised detailed points including the walled garden and import of material onto the site. The matter has not yet been fully resolved.

Heritage

The submitted Heritage Statement says there are two heritage assets within the study area - namely Penshaw House (Grade II listed) and the walled garden to the east of the house.

The Statement says that "impact on views to and from Penshaw House as a result of the development are considered to be slight". The Statement continues by saying that when viewed from the south "it is considered that the development would have only a slight negative impact on the setting of the heritage asset".

The Statement continues by saying that "It is therefore considered that the proposed development within the grounds would overall positively impact on the fabric and setting of Penshaw House" and "retention, refurbishment and reuse of the walled garden is considered to represent a large positive impact upon this heritage asset".

The Tyne & Wear Archaeologist, in their initial consultation response, sought further information relating to proposed groundworks within the walled garden. The Agent subsequently advised that any excavations would be up to 600mm. The Archaeologist thereafter advised that

“an archaeological watching brief should be undertaken during these groundworks, if it transpires during the watching brief that nothing of note is found the archaeological monitoring can be reconsidered”.

The Archaeologist confirmed that the works could be secured via condition.

The Council's Conservation Officer has advised that the “application site forms a substantial part of the original grounds of the grade II listed Penshaw House, including its surviving walled garden”. The walled garden therefore benefits from curtilage listing and forms part of the Grade II listed heritage asset known as Penshaw House.

The Conservation Officer has further advised that

“...the significant scale, massing and form of the proposed singular apartment block is considered to have an overbearing impact on Penshaw House, especially in comparison to the low-density individual houses envisaged as a suitable form of development for the site.

Whilst it is acknowledged that the development will have limited impact on principal views from Penshaw House over its walled garden to the front and lawned garden to the rear, it will clearly have a significant impact on views towards Penshaw House from most directions where its overbearing impact alongside the listed building will be evident.

It is recognised that design improvements have been made to try and reduce the impact of the proposed apartment block, firstly by breaking up the bulk to some limited extent by stepping down the height of the building towards Penshaw House and introducing some variation into the roof form, and secondly by giving some variation and articulation to the elevational treatment. It is felt though that the elevations still appear rather plain and lacking in design quality and would benefit from more architectural variation and detailing. The design quality of the development will ultimately depend in a large part on the final choice of external materials, so it is important a good quality brick is used that reflects the colour and texture of the historic stonework and bricks to Penshaw House and the walled garden, and a natural slate (not an artificial slate) is used for the roof covering. In this respect sample boards of the proposed Grampian Red Mixture and Alnwick Blend bricks should be provided on site for an initial assessment of their appropriateness.

Overall, despite some design improvements and regardless of the quality of the materials, the sheer bulk of a development of this type within the grounds of and in such close proximity to a relatively modest former manor house of special architectural and historic interest, will inevitably have an adverse impact on the setting of the listed building. This is considered to cause less than substantial harm to the significance of Penshaw House, which is acknowledged by the applicant in the Planning Statement.”

The Conservation Officer has, in terms of just the proposed restoration of the walled garden, advised that

“The proposed scheme for the walled garden is considered to be largely acceptable, it will importantly conserve a rare survivor of its period and type, consolidate and repair the existing historic structures, and provide high quality soft and hard landscaping to create an attractive communal garden for residents. It is however requested that the pathways through the garden better reflect the historic configuration of footpaths shown on the 1857 ordinance survey map to secure a more informed restoration. A schedule of repair and restoration works is also needed to enable a full assessment to be made of the impact of the proposals on the listed structures of the walled garden. (see more detailed comments for application 21/01955/LB4).”

The Agent subsequently submitted a Scope of Works and a Landscape Strategy Plan. The Conservation Officer thereafter advised that the “landscaping scheme and scope of works document for the boundary walls is... acceptable in principle, subject of course to agreeing the final details, samples of materials and specifications via conditions”.

The Conservation Officer also stated that

“My only comment is that the use of tarmac for the pathways for the walled garden could detract from the otherwise high quality landscaping scheme. Is there colour options for the tarmac, for example a buff colour would be more sensitive? The final colour choice could be conditioned.”

The Core Strategy, at policy BH7, says that the

"Council will ensure that the historic environment is valued, recognised, conserved and enhance, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities by... supporting new development which makes a positive contribution to character and townscape quality of the historic environment.”

The Core Strategy also says, at policy BH8, that

"development affecting heritage assets... or their settings should recognise and respond to their significance and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.”

The proposed development, given that the Conservation Officer has identified “less than substantial harm to the significance of Penshaw House”, would be contrary to the above development plan policies. The benefit arising from the restoration of the curtilage listed walled garden does not outweigh the less than substantial harm to the significance of the Grade II listed Penshaw House.

In terms of material considerations, the representations received concerning heritage are summarised below; together with an officer response thereafter.

Representation:

The impact upon the listed building should not include consideration of the now demolished offices.

Officer comment:

The consideration of the impact upon the significance of the heritage asset has not included the previously demolished offices.

Representation:

The proposal would lead to “substantial harm” to the significance of Penshaw House.

Officer comment:

The Conservation Officer has advised that the proposal would lead to less than substantial harm; rather than substantial harm.

Representation:

Negative impact upon the setting of Penshaw House.

Officer comment:

The Conservation Officer has identified that there would be less than substantial harm to the setting of Penshaw House.

Representation:

The proposal would be detrimental to the refurbishment of Penshaw House.

Officer comment:

The proposal, as noted in the amenity section above, accords with the separation distances within the DM SPD; or, in the case of facing Penshaw House, there are reasons to support distances lower than those within the SPD. The EHO has recommended conditions concerning potential noise from plant.

In summary, the impacts upon heritage would be contrary to the relevant development plan policies (policies BH7 and BH8 of the Core Strategy). The relevant material considerations, i.e. the representations received which are summarised in the paragraphs above, also express concern / objection relating to heritage.

Highways

The submitted Transport Statement says that “there are no existing road safety issues that would be of concern in the context of the proposed development”. The Statement continues by saying that “day-to-day access to the development would be from Greta Avenue via a new access that would be created by slightly relocating the existing arrangement”. The Statement further says that there would be 52 parking spaces, which would be greater than the minimum requirement of 39 spaces as sought by the DM SPD. The Statement concludes by saying that the “proposed development is accessible by sustainable transport, well located for local amenities, has appropriate access and parking arrangements and will generate a small number of trips that would not have a significant impact on the surrounding highway network”.

The Local Highway Authority have advised that the parking / visitor parking, turning / swept path movements and pedestrian provision are all considered acceptable. They have also noted that the bin storage would be acceptable.

Highways England (the operator of Trunk Road, such as the A19), now National Highways,

have stated they “offer no objection”.

There have been representations concerning highway matters which are repeated below; with an officer comment thereafter.

Representations (parking):

The parking provision does not take into account staff, visitors and deliveries. Not enough parking. Parking will overspill onto nearby streets.

Officer comment:

The Local Highway Authority have advised that the parking provision exceeds the minimum required by the DM SPD.

Representation (Greta Avenue):

The proposed access means that there will be more traffic on Greta Avenue, within both the construction and operational phase; leading to concerns around both congestion and safety. Speed of traffic. Vehicles have to perform u-turns at the end of Greta Avenue. Could access be provided from Station Road.

Officer comment:

The Local Highway Authority have not raised any concerns around the traffic on Greta Avenue either during either construction or operation. The arrangements for vehicles performing u-turns within the adopted highway at the end of Greta Avenue would not significantly change; other than the existing point of access being slightly re-located and widened. The application proposes the day-to-day access from Greta Avenue and has been given consideration on that basis.

Representation (Parking on Greta Avenue):

The street provides parking for the vehicles of the existing dwelling houses (some of which do not have any in-curtilage parking), at school drop-off / pick-up and for staff at a nearby firm (NEDL). The NEDL office will generate more parking than present once Covid restrictions are lifted. There can be double parking, on either side of the road; creating a single width road (photographs have been submitted showing vehicles parking on the kerb, blocking the path). The swept path drawing does not reflect the parking which takes place on Greta Avenue. Whether there would be any parking restrictions on Greta Avenue.

Officer comment:

The comments concerning parking relate to an existing situation; whilst the proposed development provides more parking spaces than required by the DM SPD. The swept path drawing shows that the highway has the capacity to provide turning for long wheelbase vehicles. There are not any parking restrictions proposed at Greta Avenue.

Representation (parking elsewhere):

Parking could block access to existing properties.

Officer comment:

The proposed development provides more parking spaces than required by the DM SPD.

Representation (Local roads):

Increase in traffic. Vehicles speed through the 20mph zone. There are not any pedestrian or school crossing patrols. The local network would not be suitable for the proposed occupiers. The vehicle flows predicted within the Transport Statement are not accurate. The A & D Plan and the response from the Local Highway Authority for a previous application both say there

should be junction improvements at Station Rd.

Officer comment:

The Local Highway Authority have suggested a scheme of improvements to the highway, including junction widening at Greta Avenue / Station Road and footpath improvements at Greta Avenue; which can be secured via condition if the application were approved. The vehicle flows in the Transport Statement are based upon industry standard TRICS.

Representation (submitted reports):

The submitted Transport Statement considers the fallback position of an office building demolished ten years ago. The Statement also does not mention the previous one way system.

Officer comment:

The proposed development has been given consideration by officers based on the current situation on site.

In summary, the impacts of the proposal concerning highways would accord with the relevant development plan policies (policies ST2 and ST3 of the Core Strategy) and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Procedure

The representations received have made comments concerning procedural matters. These are summarised below; together with an officer response thereafter.

Representation:

A public consultation meeting took place two weeks after the deadline for comments. The organiser of the meeting discouraged public comments.

Officer comments:

The public consultation event in question had been organised by the Agent and, as such, would be outwith the control of the Council. The Council has undertaken publicity in a manner consistent with any Major application – namely neighbour notifications, press notices and site notices.

Representation:

The draft A & D Plan has been prepared without consultation.

Officer comments:

The Planning Policy section of the Council's website says that,

"The Council consulted on the Draft Allocations and Designations Plan between 18 December 2020 and 12 February 2021. Representations are currently being logged and taken into consideration".

Representation:

The draft A & D Plan allocates the site for 15 dwelling houses.

Officer comments:

The draft allocation of the site for 15 dwelling houses does not preclude anybody from submitting a planning application for a greater number of dwelling houses.

Representation:

The local residents were not notified of an amendment to the submitted plans.

Officer comments:

The amendment in question related to the re-siting of a substation. The plans are uploaded on the public access website.

Representation:

A site visit should take place.

Officer response:

Members of the Planning and Highways (West) Committee have undertaken a site visit.

Trees

The submitted Arboricultural Impact Assessment identifies that on site there are 46 individual trees, four groups of trees and two hedgerows. The Assessment identifies three of the trees as being Category A (i.e. high quality and value and of condition where they could make a substantial contribution to the site), 29 of the trees and one group of trees as being Category B (i.e. trees of a moderate quality and value where they make a substantial contribution to the site) and 15 trees, three groups of trees and two hedgerows as being in Category C (i.e. trees of a low quality and value, but of an adequate condition to remain in the short term). The Assessment also identifies that three of the trees are Category U (i.e. trees of such a condition that any existing value would be lost within 10 years).

The Assessment continues by saying the proposed development seeks to remove one Category A tree, 13 Category B trees and nine Category C trees. The Assessment also says there would be the removal of two hedgerows (both Category C) and one group of trees (also Category C).

The submitted Arboricultural Method Statement makes recommendations relating to the retained trees during construction works.

The Core Strategy, at policy NE3, says that

“To conserve significant trees, woodlands and hedgerows, development should... give consideration to trees and hedgerows both on individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting; and ensure that where trees, woodlands and hedgerows are impacted negatively by proposed development, justification, mitigation, compensation and maintenance measures are provided in a detailed management plan.”

The proposed development, given that Category A and B trees are proposed for felling, would be contrary to the above development plan policy.

The representations received concerning trees are summarised below

There would be the loss of trees.

The local residents have previously been advised that the trees were protected by a Tree Preservation Order.

The character of the area would be harmed by the removal of the trees.

The A & D Plan says that the trees / hedgerows and the woodland shelter belt should be

retained.

Will there be new trees planted?

Any new trees would take many years to establish.

The Arboricultural Impact Assessment has been undertaken 14 months ago.

In summary, the impacts upon heritage would be contrary to the relevant development plan policies (policies NE3 of the Core Strategy). The relevant material considerations, i.e. the representations received which are summarised in the paragraphs above, also express concern / objection relating to trees.

Summary

The principle of a residential development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The table below summarises the residual impacts arising from the construction and operational phases of the development; subject to the completion of a planning obligation and the recommended conditions.

	Positive	Neutral / Negligible	Negative
Economic	<p>Short term moderate benefit of job creation during construction.</p> <p>Medium - long term moderate benefit of potentially more customers to support local facilities (such as the local centre at Chester Road).</p>		
Environmental		<p><u>Amenity</u></p> <p>Air Quality Assessment says "no adverse air quality impacts at existing receptors".</p> <p>Noise Assessment recommends mitigation for proposed occupiers.</p> <p>No objection from Environmental Health</p>	<p><u>Design</u></p> <p>Proposal would, very approximately, be around one third higher and twice the density of the surrounding context.</p> <p><u>Ecology</u></p> <p>Net loss of habitat for species; including butterfly (during site investigation) and butterflies.</p> <p>No scheme for Biodiversity Net Gain.</p>

		<p>Officer.</p> <p>Separation distances accord with DM SPD.</p> <p><u>Drainage</u></p> <p>Surface water run-off restricted to greenfield, foul connects to existing main. No objection from Lead Local Flood Authority and Northumbrian Water.</p> <p><u>Fire Safety</u></p> <p>Matters raised by Tyne & Wear Fire & Rescue Service can be given consideration via Building Regulations.</p> <p><u>Highways</u></p> <p>Proposal exceeds parking standards. No objections from Local Highway Authority; subject to a scheme of local highway improvements.</p>	<p>Council's Ecology consultant advises that "the proposals will result in an adverse impact on the ecological value of the site".</p> <p><u>Heritage</u></p> <p>Less than substantial harm to the setting of the heritage asset (the Grade II listed Penshaw House).</p> <p><u>Trees</u></p> <p>Proposal would involve felling one tree within Category A and 13 trees within Category B.</p>
Social	<p><u>Housing</u></p> <p>Provision of accessible accommodation for those aged over 55.</p> <p>Accommodation would be 100% affordable, secured via planning obligation.</p>		

Conclusion

The decision taker, i.e Members of the Planning & Highways (West) Committee, need to

consider whether the benefits identified in the table immediately above outweigh the adverse impacts.

The benefits from the development are generally economic and social, arising from short term construction jobs and medium to longer term support for local facilities (economic) and the provision of affordable and accessible accommodation for those aged over 55 (social).

The adverse impacts are generally environmental, arising from design (approximately one third higher and twice the density of surrounding context), ecology (including loss of habitats and no biodiversity net gain), heritage via the less than substantial harm to the setting of the Grade II listed Penshaw House and the felling of trees falling within categories A and B.

In terms of assisting Members consideration of whether the economic and social benefits outweigh the environmental harm, officers would draw to attention the comments below.

The proposed development, as noted within the description, would be occupied by people who are more than 55 years old. The Agent has also recently stated that the "scheme will be 100% affordable, with the tenure proposed as per definition A of Annex 2 of the NPPF."

The definition noted in the paragraph above has been provided in full below.

"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

The Agent has agreed that the affordable housing can be secured via a planning obligation.

The adopted Housing Strategy (2017-2022) describes "our priorities" as including "Improving accommodation for residents with disabilities". The Strategy continues by identifying a key priority to be "diversifying the housing offer to meet identified housing needs" and that a headline action will be to "maximise the delivery of affordable housing" and "deliver with partners accommodation solutions for older people... and those with specialist housing needs."

The Strategy further says, at page 16, that

"Ageing population

Housing plays a fundamental role in ensuring the health and wellbeing of its residents, particularly older persons and vulnerable groups. The number of older persons aged 65+ years in Sunderland is projected to increase by 42% from 2015 to 2039. This presents a strategic challenge for the city. It is important that plans are put in place, based on sound evidence of need. Working with partners, providers and older residents, it is vital to ensure more housing choices are available to support the increasing group of older persons with a variety of housing needs. Currently there is a real shortage of bungalows. A further option could be to work with

older people who wish to downsize to release larger houses to families currently in need.”

The Council’s Housing Team have advised that

“Sunderland City Council’s Housing Strategy identifies a need for housing for vulnerable groups. In 2020 the Strategic Housing Market Assessment acknowledged that there was a need to meet the demands of an ageing population in Sunderland and that a major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area’s older population.

The Council is aware that whilst there is an oversupply of sheltered housing in the City, much of this is of poor quality and there is an opportunity to provide high quality accessible accommodation for over 55s.

The Council feels that the development in question would be a good sustainable location for accommodation of this type and acknowledges that there is sufficient demand in the City for this.”

The adopted City Plan also has three themes, one being a "healthy smart city" where "by 2030 we will have... access to equitable opportunities"

The above comments made within the Housing Strategy, by the Housing Team and within the City Plan mean that the social benefits of providing affordable and accessible accommodation for those aged over 55 should carry significant weight in the planning balance.

In terms of the adverse impacts are generally environmental, arising from design (approximately one third higher and twice the density of surrounding context), ecology (including loss of habitats and no biodiversity net gain), heritage via the less than substantial harm to the setting of the Grade II listed Penshaw House and the felling of trees within categories A and B.

Officers consider, given the comments made within the Housing Strategy, by the Housing Team and within City Plan, that these adverse impacts should be given less weight in the planning balance than the benefits arising from the scheme.

Officers would draw to attention that, in terms of considering impacts upon the setting of the heritage asset (i.e. the Grade I listed Penshaw Monument), there exists a slightly different policy test; which can be seen below.

The Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" and that 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."

In terms of material considerations, the National Planning Policy Framework at paragraph 202 states that:

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

Officers consider that whilst having regards to the desirability of preserving the setting of the

listed building, the social benefit arising from the proposed development would fall within the category of being a “public benefit” that outweighs the harm to the designated heritage asset.

Officers would also draw to attention that the application has been submitted with an Ecological Impact Assessment prepared by an ecology consultant. The Assessment has subsequently been given consideration by the Council’s ecology consultant, who has identified that “the proposals will result in an adverse impact on the ecological value of the site”. Officers would therefore advise that determination of the application will be in accordance with the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006. i.e.

“The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity

Summary

Officers would advise that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm; subject to the completion of a planning obligation and the recommended conditions.

There are public benefits, in the form of economic and social benefits, that outweigh the less than substantial harm to the setting of the heritage asset (i.e. the Grade II listed Penshaw House).

The application has been submitted with an Ecological Impact Assessment written by an ecology consultant which has been given consideration by the Council’s ecology consultant. The Council, as public authority, can therefore demonstrate regard to Section 40 of the Natural Environment and Rural Communities Act 2006.

Recommendation

Delegate to the Executive Director of City Development to **Grant Consent** in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to:

1. The completion of a planning obligation for the provision of 100% affordable housing.
2. The resolution of the outstanding matters relating to groundworks to the satisfaction of the Council’s land contamination consultant (including any additional and / or amended conditions).
3. The draft conditions below.

Draft 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.

Reason: 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 Layout (00-54 P8)
Landscape Strategy Plan (1595-3-1 E)

Proposed Ground Floor Layout (00-55 P4)
Proposed First Floor Layout (00-56-P4)
Proposed Second Floor Layout (00-57-P4)
Elevations - Sheet 1 of 2 (00-60 P8)
Elevations - Sheet 2 of 2 (00-61 P7)
Proposed Roof Plan (00-58 P3)
Proposed Apartment Layouts (00-59 P3)
Scope of Works – Walled Garden (E088)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3. The construction phase of the development hereby approved shall be undertaken in full accordance with the following approved plans:

Arboricultural Method Statement (ARB/CP/2575)
Site Management Methodology (E088 REV. 2)
Site Setup Layout (SK-SSUP)
Working Method Statement Amphibians and Reptiles (21006 V1)
Working Method Statement Invasive Species (21006 V1)
Working Method Statement Bats (21006 V1)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

4. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

5. No demolition / development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

6. No development shall take place within the walled garden until full details and samples of all hard surfacing materials and bricks, stone and copings for repair and restoration of the boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure, in accordance with policies BH7 and BH8, the development hereby approved enhances the walled garden.

7. No development shall take place above damp proof course 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 brick, stone, render, roofing slates, windows and doors. A sample panel of brick fully bedded and pointed shall also be provided for inspection. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure, in accordance with policies BH1, BH7 and BH8, the development hereby approved has as high design quality as possible and reduces its impact upon the setting of Penshaw House as much as possible.

8. No development shall take place above damp-proof course until details of any external air conditioning or ventilation and heating plant has been submitted to and approved in writing by the Local Planning Authority. The details shall be subject to an assessment of noise levels in accordance with BS4142:2014. The details shall also include plan and elevation drawings prepared to a recognised metric scale. Where necessary a suitable scheme of noise attenuation shall be provided to ensure that noise rated at the nearest sensitive receptors does not exceed background LA90 values in accordance with the British Standard. The development shall not be brought into use until the approved plant has been fully installed.

Reason: To ensure, in accordance with policies BH1 and HS2 of the Core Strategy and Development Plan (2015-2033), the development has as high design quality as possible and approved considers the impact upon noise sensitive receptors.

9. No development shall take place above damp-proof course until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall confirm the facades to be treated and the specification of suitable glazing and ventilation to be applied. The scheme shall, as a minimum, meet the specification set out in Table 1 and Figure 1 of the submitted Noise Assessment (Reference 9063.1 rev C dated 2 July 2021). No apartment shall be occupied until the approved mitigation has been installed. The approved mitigation shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy HS2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes a scheme of mitigation.

10. No apartment shall be occupied until a scheme of highway improvements has been submitted to and approved in writing by the Local Planning Authority. The highway improvements shall include localised widening of the junction at Greta Avenue / Station Road and footpath improvements on Greta Avenue (associated street lighting if required). The first apartment shall not be occupied until the approved works have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides safe and convenient access for all road users.

11. The apartments hereby approved shall not be occupied / brought into use until the report

of the results of observations of the groundworks pursuant to condition 4 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

12. No apartment shall be occupied until details of the electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed before the occupation of the first apartment and shall be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved incorporates an appropriate level of electric vehicle parking.

13. No apartment shall be occupied until details of cycle storage has been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed before the occupation of the first apartment and shall be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved incorporates an appropriate level of cycle storage.

14. No apartment shall be occupied until the vehicular access off Greta Avenue has been modified in accordance with the submitted Proposed Site Layout (Dwg No 00-54, Rev P8).

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved incorporates safe and appropriate access.

15. No apartment shall be occupied until the new pedestrian access off Greta Avenue has been provided in accordance with the submitted Proposed Site Layout (Dwg No 00-54, Rev P8).

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved incorporates safe and appropriate access.

16. No apartment shall be occupied until the parking and turning space, shown on the submitted Proposed Site Layout (Dwg No 00-54, Rev P8), has been fully provided. The parking / turning space shall thereafter be kept free of obstruction and shall only be used for the parking / turning of vehicles in association with the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved incorporates safe and appropriate access.

17. No apartment shall be occupied until the walled garden has been restored in accordance

with the details shown on the Landscape Strategy Plan (1595-3-1 E) and within the Scope of Works – Walled Garden (E088).

Reason: To ensure, in accordance with policies BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved enhances the walled garden.

18. Prior to the first occupation of any property and the last occupation of any property, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification reports at the beginning and end of the development shall include:
As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
Construction details (component drawings, materials, vegetation).
Health and Safety file.
Details of ownership organisation, adoption & maintenance.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan.

19. The landscaping shown on the submitted Landscape Strategy Plan (1595-3-1 E) shall be undertaken within the first planting season following completion of the development hereby approved and shall be maintained for a period of least two years; including watering during dry periods and replacing any plants that fail.

Reason: To ensure, in accordance with policy BH1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved.

20. The apartments hereby approved shall only be occupied as a dwelling house (as defined by Use Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

Reason: To define the planning permission hereby granted.

21. The apartments hereby approved shall only be occupied by those aged over 55.

Reason: To ensure (1) the occupation of the proposed development accords with the details submitted and (2) consideration can be given to whether any planning obligations would be necessary if the development were occupied by those aged under 55 (in accordance with policy ID2 of the Core Strategy and Development Plan).

Reference No	21/02551/LP3 Local Authority (Reg 3)
Proposal	Change of use from extra care housing to 1 no. dwelling house.
Location	25 Grasmere Avenue, Easington Lane, Houghton-le-Spring
Ward	Hetton
Applicant	Sunderland City Council - Housing Development
Date Valid	12 November 2021
Target Date	7 January 2022

Proposal

The planning application has been submitted by the Local Authority and is seeking to change the property from extra care housing (Use Class C2) to single dwelling house (Use Class C3).

The application site is located within a predominately residential area and is surrounded by housing. To the front is Grasmere Avenue where the vehicular access to the property is taken. To the rear is an area of open space and hardstanding and either side are residential properties.

The host property is two storey detached block in what appears to have originally been two semi-detached properties. The submitted Site Plan confirms that the existing in-curtilage parking to the side, which extends all the way to the rear elevation of the property, will be retained, along with the retention of the front walls and railings, concrete access ramp to the front of the property and the rear and side timber boundary fencing.

The application form also confirms that the property is currently vacant and was last in use as supported living accommodation in January 2018. The submitted plans also confirm that there are no internal floorplan amendments required to the existing 6 bed property, and nor are there any structural or elevation amendments proposed.

The application has been publicised by site notice and neighbour notifications. Following this extensive consultation exercise there were no letters of representation received.

Publicity

Neighbour Notifications (sent to six properties): 9 December 2021

Site Notice: 10 December 2021

Consultees

Environmental Health

Environmental Health responded by confirming no objections to the proposal.

Transportation Development

Transportation Development responded by commenting that the Applicant should ensure 1 in-curtilage parking space.

In response, Members should note, as already highlighted above, that the property will retain the existing in-curtilage car parking space at the property.

Hetton Town Council

Hetton Town Council responded by requesting an extension of time from the statutory 21-day consultation period (7 December) to the 24 December. This request is to tie in with the cycle of the Town Council meetings.

However, in order to meet the City Council's Committee cycles the Agenda report has had to be published in advance of that date and as such, it has not been possible to accommodate that request. Nevertheless, should any further comments be received prior to the Committee meeting then they shall be reported to Members at the meeting of the 4 January.

Final Date for Receipt of Representations: **31.12.2021**

Representations

None received.

Comments

In assessing the proposal, the main issues to consider are:

- Principle of Use
- Residential Amenity
- Visual Amenity
- Highway Safety

Principle of Use

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there

is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

In this regard, given that the application site lies within a predominantly residential area, the principle of development is considered to be acceptable.

Residential Amenity

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not unacceptably impact on the amenity of future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

The proposal is a form of residential development and therefore not considered likely to adversely impact upon the residential amenities of nearby properties. The proposed layout will also provide prospective occupiers with a good standard of amenity. The proposal therefore accords with the objectives of these policies and is considered to be acceptable in this respect.

Visual Amenity

Policy BH1 of the CSDP also states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

In this respect it is considered that the proposed external alterations to the premises are minimal and are unlikely to adversely impact upon the character of the host property or the visual amenities of the street scene in general.

Highway Safety

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

In this case, the existing in-curtilage parking space is to remain and thus the proposal is considered to be acceptable and in accordance with policy.

Conclusion

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

Recommendation:

GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to no representations being received within the remainder of the consultation period that raise fresh material planning considerations, and the conditions below:

Three Years

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.

Plans

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

- Site Location Plan, Drawing 001;
- Planning Layout Existing & Proposed Floor Plans – No Changes, Drawing 002;
- Existing & Proposed Site Plan – No changes, Drawing 003.

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.