

## **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 City Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director City Development

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North  
Sunderland

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**Reference No.:** 19/01427/FU4 Full Application (Reg 4)

**Proposal:** **Demolition of redundant former college buildings and construction of 105 dwellings and associated infrastructure, boundaries and landscaping**

**Location:** Former North Hylton College, North Hylton Road, Southwick, Sunderland, SR5 5DB

**Ward:** Southwick  
**Applicant:** Karbon Homes Limited  
**Date Valid:** 23 September 2019  
**Target Date:** 23 December 2019

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## PROPOSAL

Full planning permission is sought for the demolition of the redundant former college buildings and construction of 105 no. dwellings and associated infrastructure, boundaries and landscaping at former North Hylton College, North Hylton Road, Southwick, Sunderland, SR5 5DB.

The proposed development affects former North Hylton College, which occupies land on the north side of North Hylton Road in Southwick. The application site, which is relatively flat, covers approximately 3.8 hectares and currently comprises the former college buildings, together with areas of hardstanding, amenity grassland, a redundant football pitch, scattered trees and a length of hedgerow to the boundary with North Hylton Road. The college closed in 2016 upon its relocation to a site at Park Lane in the City Centre and the vacant buildings are in an increasingly poor state of repair.

The area around the application site features a mix of differing land uses. To the south, on the south side of North Hylton Road, are the industrial and commercial units of Southwick Industrial Estate, whilst to the east the application site is bordered by the grounds of English Martyrs' RC School, the end of Pinewood Road and the grounds of the former Torrens public house (now converted into commercial units).

The site's northern boundary is flanked by Redcar Road, on the north side of which is the site of the former Maplewood School. The western boundary, meanwhile, is flanked by a public footpath and areas of grassed landscaping which separate the site from the residential dwellings of the North Hylton Road Aged Miners' Homes, Redcar Road and Radcliffe Road. The western side of the site is also crossed by a row of electricity pylons, which benefit from an 'easement zone'.

The application site is partly owned by the City Council and partly owned by Sunderland College.

The current application has been submitted by Karbon Homes and it seeks full planning permission for the demolition of the existing college buildings and the erection of 105 new detached and semi-detached dwellings. The following schedule of housing types is proposed:

- 10 no. two-bed bungalows;
- 4 no. three-bed bungalows;

- 26 no. two-bed houses;
- 61 no. three-bed houses;
- 4 no. four-bed houses;

Members should note that the applicant is proposing for 100% of the housing to be affordable, with a mix of affordable rent and Rent to Buy tenures to be available. The development is also intended to provide residential accommodation for people of all ages and from a wide socio-economic range, with the dwellings designed to afford starter homes (age 20-35), young family homes, larger family homes, 'empty nester' homes, over-50s homes and homes for the 'active retired'.

The dwellings within the proposed development are to be arranged to present strong frontages to both North Hylton Road and Redcar Road. Where dwellings present their gable ends to these roads, activation and visual interest will be provided through the use of secondary windows and contrasting materials.

A key feature of the new development is a central 'parkland' and green spine, which will offer amenity space, informal areas for play and sustainable drainage features and will wind roughly west-east through the housing. The eastern end of this will terminate in a 'cottage garden' developed within the 'courtyard' of the proposed square of bungalows. In terms of play and recreation, the focus is on 'natural play', with the central green space offering a linear footway/cycle way, seating areas and informal play areas featuring primarily wooden play equipment. The western edge of the development will also provide an area of open space (essentially the easement zone for the pylons), with new pedestrian routes created through to the existing footpath between North Hylton Road and Redcar Road and, via an existing footpath across an existing area of grassed open space, directly to North Hylton Road itself. A landscaped buffer alongside the southern boundary will provide further recreation opportunities and spaces for 'pocket play' facilities.

Vehicular access into the site is to be taken from North Hylton Road and will utilise an existing access point for the college. An existing access from Redcar Road will also be retained and will be used to serve two dwellings via a shared driveway arrangement, but beyond this point, the route through development will be blocked to prevent it being used as a rat run whilst enabling it to still be used as an emergency access route.

All new dwellings within the development will all be afforded front and rear gardens, together with at least one dedicated parking space per dwelling (many dwellings will benefit from two spaces). Visitor parking bays are also distributed around the new development.

Boundary treatments will vary throughout the site, with: close-boarded timber fencing between rear gardens; acoustic fencing and brick walls and piers where required for noise attenuation; timber fencing between brick piers around the courtyard of bungalows; 520mm-high trip rails around the edge of the open space; low metal railings to the North Hylton Road boundary; and a 900mm-high brick wall with piers to the Redcar Road boundary.

In terms of trees, the proposals will involve the removal of the majority of the existing trees within the site, which are primarily located around its perimeter, along with a cotoneaster hedgerow to the southern boundary and a short section of blackthorn hedge within the development area. The scheme does, however, involve an extensive programme of new tree, hedge and shrub planting throughout the development as part of the wider landscaping and open space proposals.

The Sustainable Drainage Strategy for the development, meanwhile, is proposed to primarily involve below-ground attenuation with oversize pipes, with above-ground attenuation provided by

permeable paving to private driveways and 10% storage provision via detention basins within areas of landscaping.

The planning application has been accompanied by a range of supporting plans, drawings, information and technical documents, including the following:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Involvement;
- Phase I Desk Top Study report;
- Phase II Ground Investigation report;
- Revised Remediation Strategy;
- Demolition Method Statement;
- Asbestos Survey;
- Arboricultural Impact Assessment;
- Air Quality Assessment;
- Noise Impact Assessment;
- Report to inform Habitat Regulations Assessment;
- Preliminary Ecological Appraisal;
- Flood Risk and Drainage Assessment;
- Travel Plan;
- Transport Assessment;
- Archaeological Evaluation and Desk-Based Assessment;
- Sustainability Statement;
- Playing Pitch Statement;
- Draft Heads of Terms for section 106 agreement;

#### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

#### **CONSULTEES:**

Southwick - Ward Councillor Consultation

DC North Chair And Vice Chair Consultation

Network Management

NE Ambulance Service NHS Trust

Tyne And Wear Archaeology Officer

Northumbrian Water

Flood And Coastal Group Engineer

Director Of Childrens Services

Environment Agency

Fire Prevention Officer

North Gas Networks

Natural England

Nexus

Environmental Health

Southern Area Command - Police

Sport England

National Grid Transco  
Northern Electric

Final Date for Receipt of Representations: **29.11.2019**

## **REPRESENTATIONS:**

**Public consultation** - letters have been sent to 67 no. properties in the vicinity of the site, with site notices also posted and a notice published in the Sunderland Echo. No representations have been received in response to this consultation exercise.

The applicant also undertook a public consultation event prior to the submission of the application. This took place at Redhouse Community Centre on the evening of 5th August 2019 and was attended by 15 people, 12 of whom completed feedback forms. The Statement of Community Involvement submitted with the application notes that the feedback received was generally very positive, with all respondents welcoming the idea of housing on the site and largely supportive of the detailed proposals.

**Northern Gas Networks** - no objections to the proposals; the comments received provide advice to the developer in respect of any works required to existing gas infrastructure.

**Northumbrian Water** - no issues to raise with the application, provided that the application is approved and carried out within strict accordance with the submitted drainage scheme. It is requested that a condition be attached to any planning approval which requires compliance with the proposed drainage scheme, which should ensure that foul and surface water flows discharge to the combined sewer at manhole 3801, with surface water being restricted to 4.8 l/sec.

**Tyne and Wear Fire and Rescue Service** - no objections to the proposal.

**Tyne and Wear County Archaeologist** - initially requested that the applicant undertake some preliminary archaeological fieldwork, including a desk-based assessment, a geophysical survey and, if necessary, evaluation trenches, prior to the determination of the planning application. The work was considered necessary on the basis that the college site has not been previously investigated and there is an opportunity for buried remains to be present.

The fieldwork requested by the County Archaeologist has been undertaken and a report submitted for consideration. The report advises that no significant archaeological resource or artefactual assemblage was identified, and that the development is unlikely to impact on any significant archaeological deposits. No further archaeological works are recommended.

The report has been reviewed by the County Archaeologist, who is satisfied with its methodology and findings and concurs that no further works are necessary.

**Sport England** - initially advised that it considered its role to be statutory, on the basis that the proposals will prejudice the use, or lead to the loss of use, of land being used as a playing field or used as a playing field in the last five years (i.e. the former college playing field in the south-west corner of the application site). Whilst acknowledged that the playing field is unlikely to have been used since the closure of the college, Sport England contends that it is the current proposal which will cause its loss.

On the basis that there is no evidence to demonstrate there is a surplus of playing pitches in the area or that the applicant will replace the field (which would meet exceptions E1 and E4 of Sport

England's list of exceptions to allowing development of playing fields), Sport England formally objects to the development. In light of Sport England's statutory status, should the Council be minded to approve the application contrary to their objection, it would have to refer the application to the Secretary of State (SoS).

Subsequent to the receipt of Sport England's comments, the applicant and Council officers collated information (e.g. aerial photographs, records from the Durham FA, the Council and the college), which demonstrated that the college pitch has not been used for sports for more than 5 years.

Sport England have accepted the submitted details and, on the basis that the pitch has not been used in the past 5 years, advise that their role is no longer statutory. Sport England do, however, still object to the application and, on the basis that the Council's Playing Pitch Plan does not identify a surplus of pitches in the area, considers that its objection could only feasibly be withdrawn if the applicant were to agree to replacing the pitch on a like-for-like basis.

Nevertheless, Members should note that as Sport England's role is no longer statutory, the weight to be attributed to their comments is lessened and there is no requirement to refer the application to the SoS should the Council wish to approve the application.

**Natural England** - considers that the development could have potential significant effects on the Northumbria Coast Special Protection Area (SPA), the Northumbria Coast Ramsar site and the Durham Coast Special Area of Conservation (SAC) (the 'Natura 2000' sites). These significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location.

Natural England's initial comments advised that further information was required in order to determine the significance of these impacts and the scope for mitigation. Whilst acknowledged that the submitted Habitats Regulations Assessment report recognises the need for mitigation, it was requested that the applicant provide details of a clear strategy, including the required level of financial contribution and implementation, concluded through discussions with the Local Planning Authority, to ensure any effects on the special interest features of the Natura 2000 sites will be effectively mitigated. Without such information being provided, Natural England may need to object to the proposal.

Natural England's comments otherwise provide standing advice relative to protected species, local sites, priority habitats and species, environmental enhancements, access and recreation, rights of way and the Council's biodiversity duty.

**Nexus** - no objections to the development as the application site is well-served by the existing bus network. It is requested, however, that the applicant makes a financial contribution to fund the delivery of travel tickets for occupiers of the new dwellings, to encourage the take-up of public transport from the outset.

**Council's Planning Policy team** - notes that the application site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA), in which it is deemed capable of delivering up to 100 new dwellings over the next 10 years. The site is therefore envisaged as contributing to achieving the Council's target of delivering 745 new dwellings per annum over the period covered by its draft Core Strategy and Development Plan (CSDP) and the principle of developing 105 dwellings on the site is therefore acceptable.

The Policy team's comments also advise that the proposals are acceptable in terms of the housing mix being provided (particularly the new bungalows and larger detached dwellings) and

the amount of affordable housing being delivered, which should be afforded significant weight in determining the application. There are consequently no objections to the proposals from a planning policy perspective.

It is also advised that consideration should also be given to matters relating to open space provision, loss of open space, highway safety, sustainable design and construction and quality of life for occupiers as part of determining the application.

**Council's Highways officers** - the proposed access arrangements are broadly acceptable, but it was recommended that further consideration is given to the treatment of the access from Redcar Road, which would only serve two dwellings before it is terminated to prevent the creation of the rat run. Pedestrian and cycle access will be from both North Hylton Road and Redcar Road, ensuring good accessibility to local public transport services and other facilities and amenities. The proposed site layout is also considered to be acceptable.

It is noted that the majority of new dwellings will have two in-curtilage parking spaces and taking this into account, only 20 visitor spaces have been provided. Whilst this approach is reasonable, it is observed that at the eastern extremity of the site, there are 18 dwellings with only one in-curtilage parking space each and only three visitor spaces are provided nearby. It is recommended that two more visitor parking spaces are created at this location - the applicant has amended the proposed parking arrangements to address this concern.

The applicant has addressed the initial observations relative to visitor parking and the treatment of the Redcar Road access by including more visitor spaces at the eastern end of the site and converting the Redcar Road access into a shared driveway for the two dwellings it serves. These revisions have been agreed by the Council's Highways officers.

In terms of the development's impact on the wider road network, the submitted Transport Assessment concludes that the proposal for 105 dwellings will generate significantly fewer vehicular trips than the previous college use. The findings of the TA have been accepted by the Council's Highways team, who are satisfied that the development will not have a detrimental impact on the capacity or safety of the local road network.

**Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)** - initially advised that whilst the general approach to drainage design is appropriate, some further detail was required before an approval of the drainage strategy could be given.

**Council's Environmental Health team** - initially requested that further information was required in respect of the proposed method of demolition of the college buildings. Additional information and clarifying details were also requested in respect of the submitted noise assessment, particularly regarding some modelling conclusions, mitigation proposals and the number of monitoring points used. A condition requiring the submission and approval of a Construction Phase Environmental Management Plan was also requested.

With regard to land contamination and ground conditions, it has been advised that the submitted Desk Top Study is suitable to support the planning application. The submitted Phase II report should, however, be updated/amended to reflect comments provided by the Environmental Health team arising from their consideration of the Desk Top Study. Otherwise, it is advised that the development can proceed subject to the imposition of conditions for Phase II Ground Investigations, Remediation, Unexpected Contamination and Verification Reporting.

There are no objections relative to air quality, with the Air Quality Assessment submitted with the application providing comfort that the construction and operational phases of the development will have a negligible impact on existing air quality levels.

**Council's Ecology team** - have no objections to the development. It is advised that the report to inform an Appropriate Habitats Regulations Assessment submitted with the application provides the information necessary to conclude no likely significant effects on European sites, subject to a developer contribution of £795 per dwelling towards Strategic Access Management and Monitoring (SAMM) measures.

It is also requested that a commitment to the delivery of, or financial contribution towards, off-site conservation works to protect and enhance Local Wildlife Sites, including those at Timber Beach, Hylton Dene and Fulwell Quarry. A financial contribution of £652 per dwelling is recommended to deliver a programme of habitat and access management.

Finally, it is recommended that recommendations summarised in the submitted Preliminary Ecological Appraisal (PEA), including supervised removal of key features during the demolition of college buildings, are adopted and delivered. Provision of details of the ecological mitigation and enhancement measures recommended by the PEA, should be submitted for approval, along with measures for their integration with the landscaping and SuDS schemes and a mechanism to ensure their sustained maintenance and viability.

**Council's Education team** - considers that the scheme is likely to result in additional pressure being placed on local school places - a financial contribution of £395,583 towards supporting new education provision in the area, with a likely focus on the delivery of the replacement of Willow Fields Primary School.

**Council's Housing Strategy team** - provide guidance on the type of affordable housing most needed in the area and recommends that the development should deliver a minimum of 11 affordable dwellings on-site.

**Council's Landscape team** - no objections to the proposals and satisfied with the scope of the proposed play facilities.

## **POLICIES:**

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

- EN6 - Limit exposure of new noise/vibration sensitive developments to existing sources
- EN11 - Restrictions upon new development or intensified use of land liable to flooding
- EN12 - Conflicts between new development and flood risk / water resources
- EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas
- H1 - Provision for new housing
- H4 - Density of housing development to at least reflect that of the locality
- H16 - Negotiation for affordable housing in major developments
- H21 - Open space requirements in new residential developments (over 40 bed spaces)
- L4 - Standards for outdoor sport and recreation
- L5 - Ensuring the availability of Public Parks and amenity open space
- L7 - Protection of recreational and amenity land
- B2 - Scale, massing layout and setting of new developments
- B3 - Protection of public/ private open space (urban green space)
- B14 - Development in areas of potential archaeological importance



CN17 - Tree Preservation Orders and replacement of trees  
CN20 - Developments affecting designated/proposed SSSI's  
CN21 - Developments affecting designated / proposed LNR's, SNCI's or RIGS  
CN22 - Developments affecting protected wildlife species and habitats  
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 - Parking standards in new developments  
CF1 - Ensuring that land / buildings are available for community facilities  
NA14 - Development of Redcar Road Campus for college related uses  
R1 - Working towards environmentally sustainable development  
R3 - Infrastructure provision, etc. in association with developments

## **COMMENTS:**

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
  - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Footnote 7 to paragraph 11 clarifies that in relation to applications for housing, relevant development plan policies should be considered out of date in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Members should note that of relevance at this point is the Supreme Court's verdict in respect of the recent *Suffolk Coastal District Council v Hopkins Homes Ltd.* and *Richborough Estates Partnership v Cheshire East Borough Council* cases (both 2017), which determined that in respect of housing supply, the term 'relevant' policies for the purposes of paragraph 11 of the NPPF should be interpreted narrowly (i.e. meaning only those policies which specifically relate to housing supply and excluding those other policies which, although potentially having an effect on the consideration of applications for housing, have a broader purpose).

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In terms of the more detailed planning policies of the NPPF, of importance in considering the current application are those which seek to:

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14); and
- Conserve and enhance the natural environment (section 15).

These core principles of the NPPF feed into policies EN6, EN11, EN12, EN14, H1, H4, H16, H21, L4, L5, L7, B2, B3, B14, CN17, CN20, CN21, CN22, T14, T22, CF1, NA14, R1 and R3 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

The Council has also produced a new Core Strategy and Development Plan (CSDP), which sets out the Council's long-term plan for development across the City until 2033. The CSDP has been subject to an Examination in Public by the Planning Inspector, following which further public consultation on proposed modifications to the Plan has taken place. It is anticipated that the CSDP will be adopted by the Council in its current form in early 2020.

Paragraph 48 of the NPPF states 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);
- c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

With regard to paragraph 48's advice, given that the CSDP has been examined by a Planning Inspector, has been modified in line with the Inspector's advice and is expected to be adopted by the Council in its current form in the near future, it is considered that the relevant policies within the CSDP should be given substantial weight in the determination of this planning application.

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use considerations, including the principle of developing a sports pitch;
3. The merits of the proposed housing development;
4. The implications of the development in respect of residential amenity;
5. The implications of the development in respect of design and visual amenity;
6. The impact of the development in respect of highway and pedestrian safety;
7. The impact of the development in respect of ecology and biodiversity;
8. The impact of the development in respect of flooding and drainage;
9. The impact of the development in respect of ground conditions;
10. The implications of the development in respect of archaeology;
11. The implications of the development in respect of education provision;
12. The implications of the development in respect of affordable housing;
13. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

### **1. Housing land supply and delivery position**

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

Also relevant are paragraphs 117 and 118 of the NPPF, which require local planning authorities to give substantial weight to the value of using suitable brownfield (i.e. previously-developed) land within settlements for homes and other identified needs.

As indicated by aforementioned paragraph 11 of the NPPF, if a local planning authority cannot demonstrate five-year supply of housing land, development plan policies which are relevant to housing should be considered out-of-date and planning permission granted for housing development unless the policies of the NPPF indicate otherwise.

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council produced a Strategic Housing Land Availability Assessment (SHLAA) in 2019. The SHLAA identifies sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

The 2018 SHLAA concludes that the Council can demonstrate a supply of available housing land equivalent to 5.6 years (including a 5% under-delivery buffer), which would deliver 745 no. dwellings per year over the CSDP period. The figure of 745 dwellings per annum has been identified by the Objectively Assessed Housing Need within the addendum to the Council's Strategic Housing Market Assessment (SHMA) of April 2018 and is stated as the Council's housing delivery objective for the Plan period by policy SP8 of the draft CSDP. Policy SP8 states that the delivery of 745 dwellings per annum will be achieved by the development of sites within the SHLAA, together with the development of sites allocated in the CSDP and forthcoming Allocations and Designations Plan (A&D Plan), the conversion and change of use of properties, the development of windfall sites and the development of small sites.

Members should also note that the housing requirement of 745 dwellings per annum set out in the Council's Publication Draft CSDP is significantly higher than the figure for the City generated by using the Government's standardised methodology for calculating housing land supply. Were the standardised methodology to be used, it would identify an annual five-year need in the City of just 570 net additional dwellings per annum. Therefore, if the standardised methodology was used as part of the five-year supply calculation, it would demonstrate that the Council is in an even stronger position in relation to the five-year supply of housing land.

It should also be noted at this point that the City has, over the period from 2015/16 - 2017/18, seen an over-delivery of housing, with a total of 2,479 homes delivered (or an average of just over 826 dwellings per year), compared to the aforementioned target of 745 dwellings per year set out in the CSDP. The Government's most recent Housing Delivery Test figures also show that the Council has delivered 186% of the number homes required over this period when using the Government's standardised methodology for calculating housing need in any given area.

The housing land supply assessed by the SHLAA includes the application site, which is considered to be capable of delivering 100 no. dwellings within the next 5 years.

Given the position set out above, the Council would consider that at present, it is able to demonstrate a housing land supply of at least 5 years and so, with regard to the guidance of paragraph 11 of the NPPF, would contend that the relevant policies within its adopted UDP and the publication draft of the CSDP can be given appropriate weight (having regard to their consistency with the NPPF and, in respect of CSDP policies, the advice of aforementioned paragraph 48 of the NPPF).

## **2. Land use considerations, including the principle of developing a sports pitch**

The development site is identified as a 'community facility' (i.e. educational establishment) on the proposals map of the Council's adopted UDP and as such, policies CF1 and NA14 therein are applicable. Policy CF1 states that the City Council will seek to ensure that land and buildings are made available to enable the Council and other bodies to carry out their responsibilities, whilst policy NA14 states that the Redcar Road campus of the city college will be further developed for college-related uses.

Clearly, the proposed residential development of the site conflicts with the objectives of policies CF1 and NA14 of the UDP which seek to protect the site for college-related development. It is also clear, however, that the application site is no longer required for a college given that the facility moved to the Park Lane Campus in the City Centre in 2016, as part of a reorganisation of Sunderland College's sites in the City. The college buildings on the site are now unused and are falling into state of disrepair.

Given the above, it is evident that it is not necessary to continue to safeguard the site for college-related purposes and instead, it is considered appropriate to assess the merits of an alternative use of the land.

As noted previously, the application site also includes a redundant football pitch which, it has been established, has not been used for more than 10 years. Policy L7 of the Council's UDP sets out that land available for open space or outdoor recreation should be retained in its existing use and permission for other uses will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made; or
- (ii) The development is for educational purposes; and
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site;

Access to such areas of open space will also be protected from alternative development.

Meanwhile, policy NE4 of the Council's Publication Draft CSDP states that the Council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified by the Council's Greenspace Audit and Report. To achieve this, the policy states that the Council will refuse development on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value, unless it is clear that the provision is surplus to requirements, will be adequately replaced or that a financial contribution is made to enable the Council to deliver new or improved provision elsewhere.

In terms of national planning policy, paragraph 97 of the NPPF states that local planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision and that such assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

Paragraph 97 continues by advising that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- o an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- o the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- o the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It should be noted that there are some differences between the exception 'tests' set out by policy L7 of the Council's UDP and paragraph 97 of the NPPF. In particular, the NPPF policy advises that the development of open space/playing fields can be acceptable if the site is surplus to requirements. In this situation, and in line with the advice of paragraph 2 of the NPPF, the policy guidance provided by the NPPF should be given precedence.

As set out in the 'Representations' section of this report, Sport England has objected to the development proposal, on the basis that the proposals will lead to the loss of, or would prejudice the use of playing fields, land recently used as a playing field or land allocated for use as a playing

field. Sport England's 'Playing Fields and Policy Guidance' document states that it will oppose the granting of development on such site unless one or more of its exception tests applies. The relevant exception tests to this proposal are:

E1 - it is demonstrated that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted;

E4 - the area of playing field to be lost will be replaced by a new area of playing field of an equivalent or better quality and quantity and in a suitable and accessible location.

Sport England has confirmed, however, that as it has been established that the pitch has not been in use for at least 10 years, its role is not statutory and there would be no requirement for the Council to refer the application to the Secretary of State for direction in the event it was minded to grant planning permission for the development.

To fully assess the value of the application site to playing pitch and greenspace provision in the City, and in line with the requirements of paragraphs 96 and 97 of the NPPF, the City Council has recently undertaken a Greenspace Audit (2017/2018). The Audit identifies the pitch as an 'outdoor sports facility' for the College. The Audit places the application site within the 'Sunderland North' Area Framework level, which is characterised by a below average amenity greenspace quantity and an above average quality of amenity greenspace. In terms of outdoor sports facilities, the Audit notes that the Sunderland Playing Pitch Plan (PPP) separately considers pitch need across the City, taking into account the three sports 'hubs' being developed at Ford Quarry, Northern Area Playing Fields (Washington) and, closest to the application site, the Community North Sports Complex at Downhill.

The PPP of February 2018 is designed to provide a clear, strategic framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities between 2017 and 2022. It analyses playing pitch provision across Sunderland and concludes that whilst there appear to be a sufficient number of grass pitches to meet existing demand in the City, there are issues relating to the quality of the pitches and the facilities on offer. These issues will, however, be addressed by the development of the three sports hubs, which will deliver high-quality artificial grass pitches together with new/improved facilities for players, officials and spectators.

The PPP does not, however, identify the pitch at the college as being in use and nor is it included in its list of lapsed and disused sites. On this basis, it is evident that the PPP does not consider the pitch to have a role to play in the current or future provision of playing pitches in the City.

To support the planning application, the applicant has submitted a Playing Pitch Statement, which highlights that the pitch has not been used for more than 10 years and that the Council has been seeking to dispose of the site since the publication of a development brief in 2017. The Statement also notes that the pitch does not feature in the Council's PPP and therefore concludes that the application site does not form part of either the Council's current or future projected supply of playing pitches across Sunderland. The Statement concludes by suggesting that although Sport England's objection to the planning application is a material consideration in the determination of the application, it should be factored into the 'planning balance' alongside the benefits the development would deliver, including the regeneration of a vacant brownfield site within the urban area and the delivery of over 100 new affordable homes.

It is considered that the applicant's Playing Pitch Statement provides an appropriate assessment of the situation relative to the playing pitch and the Council would concur with its conclusion that the pitch is not envisaged as contributing to the current supply and future provision of playing pitches in the City. Consequently, it is considered that it can reasonably be argued that were the

pitch to be developed for housing, there would be no impact on the Council's strategy for meeting playing pitch needs in the forthcoming plan period.

The Council would also concur with the Statement's assertion that Sport England's objection to the development is one of a number of material considerations relevant to the determination of the planning application and it is clear that the development will bring benefits in terms of the delivery of affordable housing on a part-brownfield site.

To summarise, whilst there remains some conflict with the objectives of aforementioned policy L7 of the UDP, insofar as the proposed development would not deliver an alternative, equivalent playing pitch provision, it is considered that the relevant policy guidance provided by paragraph 97 of the NPPF has been largely addressed on the basis that the pitch appears to be surplus to requirements given its absence from the Council's Playing Pitch Plan. Notwithstanding this conclusion, it is recognised that Sport England consider that the proposals do not address any of its 'exception' tests and so their objection to the development is maintained.

Ultimately, the negative aspect of the development in terms of the loss of the pitch will need to be balanced against the positive aspects of the development, particularly in terms of the delivery of affordable housing on a site which is partly brownfield in nature. To this end, the merits of the proposed residential use of the site are given some consideration below.

### **3. Merits of proposed housing development**

The applicant is proposing a residential development of the site and as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 59 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 117 and 118 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Also relevant is paragraph 64 of the NPPF, which states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership.

On a local level, policy H1 of the Council's UDP generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

Additionally, policy H16 of the UDP states that the Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing. The Council's current approach, as informed by its most recent Strategic Housing Market Assessment (SHMA update of 2017), is that 10% of dwellings within new housing developments of 15 or more units should be affordable. The affordable provision should then be split at a ratio of 80% affordable rent housing to 20% intermediate housing, on the basis that there is an unmet need for affordable rent housing in the City.

The Council's Publication Draft CSDP also contains a policy (SP8) which sets out the Council's housing delivery objective for the Plan period and the site's identification in the Council's most recent SHLAA means that it is envisaged as contributing to the delivery of housing within the City over the next 5 years. It is recognised that the SHLAA identifies the site as being capable of accommodating 100 no. dwellings, whereas the proposal involves 105 no. dwellings - it is

nevertheless considered that this marginally higher quantum of development would not materially undermine the Council's planned housing delivery strategy and would instead represent a minor 'windfall' in terms of housing numbers over the Plan period.

Policy H2 of the Council's Publication Draft CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable. The supporting text to the policy reiterates the recommendation of the 2017 SHMA in terms of the 80:20 split between different tenure types. Policy H2 also states that any affordable units being provided within a development should be retained in an affordable use in perpetuity.

On a broad level, and with regard to the prevailing land uses in the locality, it is considered that the proposed residential use of the site is acceptable given its proximity to existing residential development to the east, west and north. Additionally, it is clear that the proposed development will make a significant contribution to the delivery of new housing in the City and will utilise a site which is identified as being appropriate and available for new housing within the Council's most up-to-date SHLAA. The proposed development will also make use of a partly-brownfield site (i.e. excluding the playing field) which is currently vacant and beginning to fall into a state of disrepair and as per paragraph 118 of the NPPF, significant weight should be given to this benefit.

It is also considered that significant weight should be given to the proposed development being designed to deliver 100% affordable housing, with a mix of affordable rent and Rent to Buy tenures to be available. Furthermore, significant weight should be given to the mix of housing to be provided by the development, with a variety of house types being built to cater for a wide socio-economic range and groups with specific housing needs.

Ultimately, it is considered that the proposed residential development is appropriate relative to the prevailing character of the area and other land uses in evidence and that significant positive weight should be given to the scheme's delivery of a mix of affordable housing on a brownfield site.

#### **4. Implications of development in respect of residential amenity**

Policy B2 of the UDP requires new development proposals to maintain acceptable standards of residential amenity, whilst paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

Meanwhile, policy BH1 of the Council's Publication Draft Core Strategy and Development Plan seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development broadly comprises good-sized dwellings which will generally occupy fairly spacious plots with substantial front and/or rear gardens. The spacing between the new dwellings largely accords with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations); there are some situations where spacing between dwellings is a little below these recommended distances, but overall it is considered that the proposed layout provides an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with a middle- to long-distance outlook.



With regard to noise, policy EN6 of the UDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. Given that the residential dwellings already exist in proximity to the application site, it is anticipated that noise from roads and commercial and business activities on nearby land will not prohibit the proposed residential development on the site. Nevertheless, as set out in the 'Representations' section of this report, the Council's Environmental Health team requested that additional information and clarification be provided in respect of the noise survey carried out by the applicant and the proposed approach to noise mitigation. The applicant has been asked to provide the additional information in respect of noise considerations; at the time of writing this report, the additional information has still to be submitted and it must then be reviewed by the Council's Environmental Health team. It is anticipated that the submission and review of the required additional information will be completed ahead of the Committee meeting and an update of the situation in respect of this matter will be provided to Members prior to the meeting.

In terms of the impact of the development on the amenity of existing dwellings, it is evident that the application site is largely well-separated from other nearby properties, with an area of greenspace retained between the new dwellings and the Aged Miners' Homes to the west. There are no dwellings facing the site to the north, north-east and south. To the east, the application site is faced by four dwellings at the end of Pinewood Road and the submitted plans show a separation distance of at least 20 metres between these properties and the easternmost dwellings within the development site. It is considered that this separation distance is such that their living conditions of the existing dwellings to Pinewood Road will not be unduly harmed and that, more generally, the new development will not result in any nearby dwellings experiencing any significant loss of outlook, privacy or being subjected to overshadowing/loss of light.

With regard to the above comments, it is considered that the development will not give rise to any harm to the amenity of existing dwellings in the vicinity of the application site. The development will, in the main, also afford future occupiers of the dwellings with an acceptable standard of amenity. Consideration is, however, still being given to matters relating to noise; it is anticipated that the additional clarification and information required will have been submitted and assessed prior to the Committee meeting and an update in respect of this matter will be provided to Members ahead of the meeting taking place.

## **5. Implications in relation to design and character and appearance of the area**

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 122 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

- the identified need for different types of housing and the availability of land suitable for accommodating it;
- local market conditions and viability;
- the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change;
- the importance of securing well-designed, attractive and healthy places.

Paragraph 123, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid

homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place;

Paragraph 130 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 150, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Meanwhile, policy B2 of the Council's UDP states that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby dwellings and the locality; large scale schemes creating their own individual character should relate harmoniously to adjoining areas. Policy H4 of the Council's UDP states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy CN17 seeks to protect valuable trees and hedgerows. Policy R1, meanwhile, promotes environmentally sustainable development which meets an appropriate balance between accommodating change and protecting valued and important elements of the natural and built environment.

Also relevant is UDP policy H21, which states that within new residential developments of more than 40 bed spaces, amenity open space/casual play space should be provided at a ratio of 0.4ha per 1000 bed spaces if the site is within 0.5km of a neighbourhood (or larger) open space, or 0.9ha per 1000 bed spaces if it is not.

Aforementioned policy BH1 of the Publication Draft CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;

- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;
- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

Policy BH2, meanwhile requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

With regard to greenspace provision, policy NE4 of the Publication Draft CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

In terms of the visual amenity of the locality, it is considered that in its current condition, the application site does not make a particularly positive contribution to the visual amenity of the area given the increasingly dilapidated condition of the existing college buildings and its grounds. Furthermore, the site is located in an established built-up urban area which is partly characterised by residential development. Given this context, it is considered that a residential development of the site can relate satisfactorily to its surroundings.

On a more detailed level, it is considered that the proposed development will deliver a high-quality housing scheme which relates well to its surroundings and will provide residents with attractive surroundings and living conditions. The development will provide an interesting variety of house types and styles, with the architectural detailing, treatment of external elevations and use of materials taking appropriate cues from the existing housing found in the locality. Additionally, it is considered that the proposed areas of green space and planting within the development will provide the new dwellings with a pleasing landscaped setting, with the 'green corridor' through the spine of the site being an especially attractive feature. The areas of green space to the margins of the development, particularly to the west and south, will serve to ensure the development assimilates successfully into the prevailing built-up area and it will provide the new housing with an especially attractive frontage to North Hylton Road.

In terms of greenspace, as noted above, it is evident that the proposed layout of the housing and associated landscaping is designed to give the development a 'green' character and to provide the development with meaningful areas of public greenspace which can be utilised for recreational purposes. Using the maximum calculation for greenspace set out by policy H21 of the UDP and policy NE4 of the draft CSDP, the development should incorporate approximately 250 sq. metres of greenspace. The proposed layout provides far more than this amount, with the areas to the western edge of the site providing nearly 4,000 sq. metres alone, with further significant areas provided by the green corridor, the landscaped southern edge and the courtyard area to the eastern end of the site. Not only is the proposed greenspace significant in area, it will also be of a high quality and be suitable for recreational purposes, particularly as it is proposed to incorporate facilities for informal play.

Members should note at this point that the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. In this

case, however, it is not considered necessary or appropriate for such a contribution to be requested given that the proposals will deliver play facilities within the development.

With regard to trees, the Arboricultural Impact Assessment submitted with the application has surveyed all existing trees and hedges at the site. None of the surveyed trees are considered to be of 'high' value, with a number of 'moderate' value and the majority of 'low' value. The majority of the existing trees at the site are to be removed to accommodate the new development proposals and the Assessment notes that this will have an initial 'negative' impact at street level. The Assessment does recognise, however, that the landscaping proposals for the site include a significant amount of new tree planting, which will mitigate for the tree losses in the long term and is likely to provide for a positive impact. The Assessment makes recommendations for the use of protective fencing during construction works to ensure the trees being retained at the site are adequately protected whilst building works are ongoing.

The Design and Access Statement submitted with the application also includes a Building for Life 12 assessment. For information, Building for Life 12 is the industry standard for the design of new housing developments and has been produced on behalf of the Building for Life Partnership (Design Council Cobe, the Home Builders Federation and Design for Homes) and it uses a traffic light scoring system against a series of 12 design criteria (e.g. connections, facilities and services, public transport, meeting housing requirements, character areas, creating well defined streets and spaces, public and private spaces etc.). The self-assessment within the Design and Access Statement gives the development 'green lights' against all of the 12 criteria.

With regard to sustainability, the applicant's Sustainability Statement makes it clear that the proposed development has been designed and planned in a manner which gives proper regard to sustainable development principles. The primary sustainable development principles adopted are the reduction and conservation of energy, through a 'fabric first' approach to create robust, air tight and thermally efficient building envelopes to minimise heat loss. The layout of dwellings, the materials used in their construction and the proposed ventilation methods are also designed to maximise their energy efficiency. Demolition waste will also be re-used within the site and recycled off-site where possible.

With the NPPF's objectives regarding design quality in mind, it is concluded that the proposed development will deliver a scheme which affords a good standard of design and that it will relate well to its context and surroundings. The development will also deliver a significant amount of usable, high quality greenspace for the use of residents of the area and the wider public which will also serve to deliver an appropriate level of tree cover to replace those being lost. It is also evident that the scheme has been designed with proper regard to sustainable development principles. The proposed development therefore satisfies the requirements of paragraphs 122, 124, 127, 130 and 150 of the NPPF, policies B2, H4, R1 and CN17 of the Council's UDP, policy BH1, BH2 and NE4 of the Council's Publication Draft CSDP and the Council's 'Residential Design Guide' SPD.

## **6. Impact of the development on highway and pedestrian safety**

Policy T14 of the Council's UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 seeks to ensure development is provided an appropriate level of off-street parking.

Meanwhile, policy ST2 of the Council's Publication Draft CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- they deliver safe and adequate means of access, egress and internal circulation;
- where an existing access is to be used, it is improved as necessary;
- they are assessed and determined against current standards for the category of road;
- they have safe and convenient access for sustainable transport modes;
- they will not create a severe impact on the safe operation of the highway network.

Paragraph 108 of the NPPF states that in considering applications, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be taken up;
- that safe and suitable access to the site can be achieved for all users; and
- that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

- give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- allow for the efficient delivery of goods and access by service and emergency vehicles;
- be designed to enable charging of plug-in and other ultra-low emissions vehicles.

Paragraph 106 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

As set out in the 'Representations' section of this report, the Council's Highways team have raised no objections to the proposed development. The site occupies a sustainable location in terms of the availability of public transport (buses run frequently along North Hylton Road and Redcar Road) and it offers excellent pedestrian access and links into the wider area and nearby services. The impact of the proposals on highway safety and the capacity of the existing local highway network is also considered to be acceptable. The minor technical issues raised within the Highways consultation response in respect of visitor parking and the treatment of the access to Redcar Road have been satisfactorily addressed by the applicant and the scheme is now considered to be acceptable in respect of its impact on highway and pedestrian safety.

For the reasons set out above, it is considered that subject to the securement of the s106 contribution, the proposed development is sustainable in terms of transport considerations and that it will not have an unacceptable impact on highway safety. As such, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 110 of the NPPF, whilst the proposals also comply with the aims and objectives of policies T14 and T22 of the UDP and policy ST2 of the Publication Draft CSDP.

## **7. Implications of development in respect of ecology and biodiversity**

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

On a local level, policy CN19 of the UDP states that Special Areas of Conservation, Special Protection Areas and Ramsar Sites will be conserved and development affecting such sites will only be allowed if it would not adversely affect the nature conservation interest of the site either directly or indirectly or clear overriding public interest for the development exists. Policy CN20, meanwhile, seeks to prevent unacceptable harm being caused to SSSIs, whilst policy CN22 sets out that development proposals must not adversely affect species protected by law. Policy CN23, meanwhile, seeks to conserve and enhance the wildlife corridors identified on the UDP proposals map.

Meanwhile, policy NE2 of the Publication Draft CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

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

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

As set out in the 'Representations' section of this report, the Council's Ecologist has raised no objections to the proposed development in terms of the site itself, which is of limited ecological value. Appropriate on-site mitigation and enhancement measures can be achieved via the delivery of bat and bird roosting opportunities within the development.

The planning application has been accompanied by a Habitats Regulations Assessment (HRA) Report, which is designed to inform an HRA Screening Assessment to be undertaken by the Council. The Report assesses the direct effects of the proposed development on the Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site and the Durham Coast Special Area of Conservation (SAC) and has been informed by the 'North Sunderland Regeneration Sites - Report to Inform Habitats Regulations Assessment' prepared by the Council and BSG Ecology in December 2018. For information, the Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

The submitted Report identifies the following potential impacts arising from the development:

- o habitat loss/fragmentation, due to land-take for development;
- o recreation, i.e. increased recreational pressure including disturbance from recreational activities;
- o urban effects; i.e. increased effects of urbanisation including the introduction of invasive species and predation from domestic animals;
- o coastal squeeze, due to increased requirement for sea defences;
- o water quality and resources;
- o changes in air quality

The Report concludes that such is the distance from the application site to the protected sites, the development will not give rise to effects in respect of habitat loss/fragmentation, urbanising effects, water and air pollution, coastal squeeze and human disturbance during the construction phase. It is considered, however, that the proposed development has the potential to negatively affect both the Durham Coast SAC and Northumbrian Coast SPD and Ramsar through increased recreational pressure, as research indicates that there is a strong likelihood that residents of the new development would visit these coastal sites for recreational purposes. Negative effects would most likely arise from nutrification (from dog fouling), trampling of vegetation and disturbance of birds. The Report suggests that the effects of the proposed development on its own are likely to be insignificant, but in combination with other planned developments in the North Sunderland area identified by the Sunderland City Council/BSG Ecology report, the effects on the integrity of the European sites may be significantly adverse.

In order to mitigate the potential adverse impacts of the development on the European sites, the submitted Report notes that the City Council/BSG report recommends that new developments either deliver Suitable Areas of Natural Greenspace (SANG) to divert recreational activity elsewhere or contribute towards Strategic Access Management and Monitoring (SAMM) measures (e.g. wardening and coastal management and maintenance). The City Council/BSG report concludes that the North Hylton College site is unable to deliver SANG and so mitigation must be achieved by SAMM measures alone. The Report submitted with the application therefore advises that in order to mitigate its potential adverse impacts, the development of the site should be subject to a financial contribution towards SAMM measures.

The Council's Ecologist has confirmed that the submitted Report provides the information necessary to conclude 'no likely significant effects' on the European sites, subject to a contribution of £795 per dwelling towards the SAMM measures. This contribution would be secured via an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and Members should note that the applicant has agreed to make a financial contribution to this value.

The application has also been accompanied by a Preliminary Ecological Appraisal of the application site. This concludes that the site does not offer any priority habitats other than a section of hedgerow; it is recognised that this will have to be removed to accommodate the

development, but it is concluded that the hedgerow's ecological value is low and that its loss can be compensated for by new planting proposals. Additionally, the site only affords limited opportunities for protected species due to its location within an existing, busy urban environment and the limited ecological variety and value of the habitats it affords.

The Appraisal concludes that no further survey work is required in respect of site ecology, provided that the removal of ply boards from windows and wooden fascias is supervised by an ecologist to ensure there is no sign of roosting bats. Vegetation clearance should also take place outside of the bird nesting season and be carried out in such a manner to avoid harm to hedgehogs, whilst the design of garden fences should be hedgehog-friendly. Further compensatory measures (e.g. inclusion of bird boxes, careful selection of new plant species within landscaping) are also recommended.

The Appraisal does recognise, however, that the proposed development is likely to lead to an increase in visitor pressure on the nearby Timber Beach Local Wildlife Site (LWS), Hylton Dene Local Nature Reserve (LNR) and the Fulwell and Carley Hill Quarries Site of Special Scientific Interest (SSSI), LWS and LNR. It is advised that the additional pressure should be mitigated by measures such as the upgrading of access routes, fencing of sensitive areas, provision of improved recreational facilities, improvement of dog management policies, increased wardening, education and signage. These measures would have to be secured via a financial contribution to the Local Authority.

The Council's Ecologist has considered the submitted Appraisal and has no objection to the development proceeding, subject to: the supervised removal of key features of the college buildings during demolition; provision of details of ecological mitigation and enhancement measures recommended by the Appraisal (including integration with landscaping and SuDS) and a mechanism to ensure their sustained maintenance and viability.

In line with the recommendation made in the Appraisal, the Council's Ecologist requires a commitment to a financial contribution towards off-site conservation works to protect and enhance the designated sites at Timber Beach, Hylton Dene and Fulwell/Carley Hill Quarries. A contribution of £652 per dwelling is requested and Members should note that the applicant has agreed to make a financial contribution of this value, to be secured via an agreement under s106 of the Town and Country Planning Act.

The Council's Ecologist also recommends the adoption and delivery of the recommendations summarised in the submitted Arboricultural Impact Assessment where trees are to be retained and incorporated into the new housing development.

With regard to the above comments, there are no objections to the development in respect of its potential impacts on the European-designated sites in proximity to the application site given that the applicant has agreed to the financial contribution requested by the Council's Ecologist. The impacts of the development in respect of other ecology and biodiversity considerations are also considered to be acceptable, subject to the imposition of conditions covering the recommended mitigation and enhancement measures and the financial contribution towards off-site mitigation which, as noted above, will be made by the applicant. Consequently, it is considered that the proposals are compliant with the relevant policies of the UDP, Core Strategy and Development Plan and NPPF as identified above.

## **8. Implications of development in respect of flooding/drainage**

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but



where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.
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Policy EN12 of the UDP seeks to ensure that proposals would 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 (including coastal flooding). Policy WWE2 of the Publication Draft CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development, although it is requested that conditions be imposed requiring that the development is carried out in strict accordance with the submitted drainage scheme. It is also requested that a condition be attached to any planning approval which requires compliance with the proposed drainage scheme, which should ensure that foul and surface water flows discharge to the combined sewer at manhole 3801, with surface water being restricted to 4.8 l/sec.

However, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, have advised that whilst the general approach to drainage design is appropriate, some further detail is required before an approval of the drainage strategy could be given.

The applicant has consequently been asked to provide additional information in support of the proposed approach to the sustainable drainage of the site. At the time of writing this report, the additional information has still to be submitted and it must then be reviewed by the Council's Flood and Coastal team. It is anticipated that the submission and review of the required additional information will be completed ahead of the Committee meeting and an update of the situation in respect of this matter will be provided to Members prior to the meeting.

## **9. Implications of development in respect of land contamination**

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, 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 contamination 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. Policy HS3 of the Publication Draft CSDP sets out a similar approach to dealing with contaminated land to UDP policy EN14.

As noted in the 'Representations' section of this report, having reviewed the relevant reports and assessments submitted by the applicant, the Council's Environmental Health team have not objected to the development of the site and have do not consider that ground conditions or land

contamination will represent a constraint to its residential use. It has been requested, however, that the Phase II Land Contamination report is updated to incorporate recommendations made in respect of the Phase I Desk Top Study, whilst it is recommended that conditions be imposed in relation to providing an updated/clarified Phase II report and remediation strategy, a verification report and encountering unexpected contamination.

The Council's Environmental Health team have also requested that the submitted Demolition Method Statement be updated and expanded to provide some additional information in respect of asbestos removal, dust control, contaminated soils and noise during demolition works, particularly in respect of the adjacent schools.

Whilst it is considered that the additional information and clarification requested by the Council's Environmental Health team could be secured via appropriately-worded conditions, the applicant has already provided some further details for the Council's consideration. The additional information is being considered by the Council's Environmental Health team and it is anticipated that it will have been reviewed ahead of the Committee meeting. An update in respect of this issue will be provided to Members prior to the meeting.

#### **10. Implications of development in relation to archaeology**

With regard to archaeology, paragraph 199 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

On a local level, policy B14 states that where development proposals affect sites of known or potential archaeological importance, the Council will require appropriate investigations to take place before planning permission will be granted. In the CSDP, policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

As set out in the 'Representations' section of this report, the County Archaeologist noted that the application site has not been archaeologically investigated and that it lies within an area where important remains have been found. On this basis, it was requested that the developer commission a desk top study, geophysical survey and trial trenching of the application site to determine whether any archaeological remains may be present. The report of the fieldwork undertaken advises that no significant archaeological resource or artefactual assemblage was identified, and that the development is unlikely to impact on any significant archaeological deposits.

The report has been reviewed by the County Archaeologist, who is satisfied with its methodology and findings and concurs with its conclusion that no further works are necessary.

Given the above, it is considered that the requirements of the NPPF, policy B14 of the UDP and policy BH9 of the CSDP have been addressed and the proposals are acceptable in respect of archaeological considerations.

#### **11. Implications of development in relation to education provision**

With regard to education provision, paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities

- Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy R3 of the Council's UDP states that where the effects of a development would require additional off-site infrastructure or community facilities (including schools), 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.

As set out earlier in this report, the Council's Education officer is of the view that the development should contribute a total of £395,583 towards education provision in the area, with the contribution anticipated to be spent on the replacement of Willow Park Primary School.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 94 of the NPPF and policy R3 of the Council's UDP.

## **12. Affordable housing**

Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 64 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

On a local level, policy H16 of the UDP states that the Council will negotiate with developers, on the basis of an assessment of local needs and site suitability, for elements of affordable housing. The Council's current approach, as informed by its most recent Strategic Housing Market Assessment (SHMA update of 2017), is that 10% of dwellings within new housing developments of 15 or more units should be affordable. The affordable provision should then be split at a ratio of 80% affordable rent housing to 20% intermediate housing, on the basis that there is an unmet need for affordable rent housing in the City.

Policy H2 of the Council's Publication Draft CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable and the supporting text to the policy reiterates the recommendation of the 2017 SHMA in terms of the 80:20 split between different tenure types. Members should note, however, that as this policy

has not yet been adopted by the Council, it is not considered appropriate to enforce its requirements at this juncture.

As stated at the outset of this report, the applicant is proposing that the housing is 100% affordable, with a mix of affordable rent and Rent to Buy tenures available. Clearly, this level of affordable housing is welcomed given the significant contribution it will make to the overall provision, availability and choice of affordable housing in the City.

However, given that both the adopted local and national planning policies only require 10% of housing within a new development to be affordable, the Council cannot reasonably insist that 100% of the housing within the development remains affordable in perpetuity. The applicant has, however, agreed to enter into a legal agreement with the Council to ensure that 10% of the affordable housing will be made available in perpetuity, in accordance with policy requirements. This requirement will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Members should note that normally, the 10% figure would be 'rounded-up' to the nearest whole number where appropriate, so that a development of 105 dwellings would usually require the delivery of 11no. affordable dwellings. In this case, the applicant has proposed that 10no. units be affordable in perpetuity; this shortfall of 1no. affordable unit is considered to be acceptable in the context of a development that will ultimately deliver 105 affordable dwellings.

It is therefore considered the proposed affordable housing provision for the site is acceptable and will satisfy the objectives of paragraph 64 of the NPPF and policy H16 of the Council's UDP in that it will make an appropriate contribution to meeting the affordable housing needs of the City.

### **13. Summary of position in respect of s106 Contributions**

Paragraph 54 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 56 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

On a local level, policy R3 of the Council's UDP states that where the effects of a development would require additional off-site infrastructure or community facilities (including schools), 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.

Policy ID2 of the Publication Draft CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

As set out in the 'Representations' section of this report, the following financial contributions have been requested from the respective consultees and would be secured via a s106 agreement:

- o £395,583 towards education provision;
- o £795 per dwelling towards Strategic Access and Monitoring Measures;
- o £652 per dwelling towards off-site ecological mitigation and management measures;

The s106 agreement would also secure the policy requirement of 10% affordable housing.

The requested financial contributions towards education provision, ecology and the contribution towards affordable housing are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. As such, it is considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

As noted earlier, the applicant has agreed to the financial and affordable housing contributions detailed above and these will be secured via an agreement under s106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the Committee meeting.

## **CONCLUSION**

As set out above, the proposed development does give rise to some minor conflict with the local and national planning policies which seek to protect sports pitches from inappropriate development. Sport England also object to the application, albeit on a non-statutory basis. It is considered, however, that the loss of this pitch, which has not been used for at least 10 years, will not undermine the Council's strategy for playing pitch provision in the City and would not result in the loss of a valued facility.

Additionally, it is considered that the proposed development gives rise to clear benefits in terms of housing delivery, the amount of affordable housing it will provide and the appropriate redevelopment of what is, in part, a brownfield site. In line with the guidance of the NPPF, it is considered that these benefits of the scheme should be given significant weight and that in the 'planning balance', they outweigh the identified conflict with playing pitch policy.

Additionally, and for the reasons set out above, the proposed development is considered to offer a high quality of design, layout and landscaping and is also considered to be acceptable in terms of its impact on the amenity of existing residential dwellings. It will also provide future occupiers of the development a good standard of amenity in terms of outlook, privacy and amenity space. Furthermore, the scheme has been found to be acceptable in relation to highway access and car parking and, subject to the receipt of the required financial contributions, is acceptable in respect of its ecology/biodiversity impacts, including its effects on the nearby European-protected coastal sites. In respect of these matters, the proposals are considered to be compliant with the aims, objectives and detailed policies of the NPPF, the up-to-date policies of the Council's UDP, the policies of the Council's Publication Draft Core Strategy and Development Plan and the Council's adopted 'Residential Design Guide' SPD, as referenced throughout this report.

However, as noted previously, matters relating to the amenity of future occupiers of the proposed development (with specific regard to ensuring noise from road traffic and neighbouring land uses can be satisfactorily mitigated), sustainable drainage, ground conditions/land contamination and demolition works are still being given consideration and additional information is awaited in this regard. It is anticipated that the requested information will have been submitted to the Council and reviewed by the relevant Council officers ahead of the Committee meeting. An update of the situation in respect of these matters will be provided to Members on a supplementary report.

In addition to the above, work is ongoing in order to complete the agreement under s106 of the Town and Country Planning Act 1990, which will secure the required financial contributions towards education provision, ecology mitigation and affordable housing. An update on the progress of this agreement will also be provided to Members on the supplementary report.

The supplementary report will also provide details of a recommendation decision and a final list of recommended conditions.

### **EQUALITY ACT 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** MINDED TO APPROVE, subject to the submission of satisfactory additional information relating to noise, sustainable drainage, ground conditions/land contamination and demolition works, subject to completion of s106 agreement and subject to the following draft conditions and any other conditions required in relation to the outstanding considerations:

**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:

- the site location plan (drawing no. 100-P1);
- the existing site layout plan (drawing no. 006-P1);
- the topographical survey plans (drawing nos. D483-001, 002 and 003);
- the proposed housetype booklet (August 2019);
- the amended proposed site layout plan (drawing no. 001, rev. P4);
- the amended proposed materials plan (drawing no. 002, rev. P2);
- the amended proposed boundary treatment plan (drawing no. 003, rev. P3);
- the amended proposed affordable housing plan (drawing no. 004, rev. P4);
- the amended proposed storey height plan (drawing no. 005, rev. P2);

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

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

4 The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall contain details of:

- practical dust mitigation measures, utilising the tabulated guidance in paragraph 7.26 and table 21 of the submitted Air Quality Assessment;
- include measures to avoid or minimise entrainment of dust from contaminated soils where appropriate, using temporary cover techniques, water, sheeting of vehicles etc;
- storage of loose materials;
- working times, access to the site for deliveries, avoidance of vehicle queuing off-site, no engine idling;
- site compound, materials storage and parking provision;
- provision of water supply and methodology for minimising fugitive dust emissions;
- use of site compressors/generators, and employment of temporary noise barriers;
- use of a mobile crusher (use should be informed by the guidance provided in the Council's Public Health team consultation response dated 26.11.2019);
- use of water feed or other means of control dust from powered masonry cutting equipment, and use of noise screens where appropriate;
- site floodlighting - located, angled and rated to avoid spill or glare impact properties off site;
- details of responsible officers on site and at head office in relation to the developer and contractors;

The approved development shall then be undertaken in accordance with the approved CEMP, in order to ensure the development is carried out in a manner which respects the amenity of the area and to comply with the objectives of the NPPF and policy B2 of the Council's UDP.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows to be retained on the land, and details for their protection during the course of development. For the avoidance of doubt, the submitted landscaping scheme shall be informed by the ecological enhancement and mitigation recommendations made in the submitted Preliminary Ecological Appraisal (Dendra Consulting, 26.11.2018), whilst the tree protection measures shall be informed by those recommended by section 5.0 of the Arboricultural Impact Assessment (Dendra Consulting, 09.10.2019) and the protection measures shall be installed in the locations recommended by the tree protection plan at Appendix 1 of the Assessment prior to any development commencing or any heavy machinery or vehicles being brought onto the site. The tree protection measures shall then remain in situ until development is complete. The approval of the landscaping scheme is required in the interests of visual amenity and to comply with policy B2 of the UDP.

6 All planting, seeding or turfing comprised in the landscaping scheme approved pursuant to condition 5 shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

7 The development hereby approved shall be undertaken in accordance with the recommendations set out at section 6.0 of the 'Preliminary Ecological Appraisal Report' by



Dendra Consulting, dated 26.11.2018, submitted with the application. For the avoidance of doubt, this must include the supervised removal of key features during the demolition of the existing college buildings. The condition is required in order to ensure the implications of the development in relation to ecology and biodiversity are acceptable and to comply with the objectives of the NPPF and policy CN22 of the Council's UDP.

8 The development hereby approved shall not commence until details of a scheme of ecological mitigation and enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the mitigation and enhancement measures recommended by the submitted Preliminary Ecological Appraisal (by Dendra Consulting, dated 26.11.2018) and for the avoidance of doubt, it should demonstrate how the measures integrate with the proposed landscaping and sustainable drainage schemes and propose a mechanism to ensure their sustained maintenance and viability. The approved scheme shall then be implemented in full as part of the development of the site and maintained in accordance with the agreed mechanism, in order to ensure the implications of the development in relation to ecology and biodiversity are acceptable and to comply with the objectives of the NPPF and policy CN22 of the Council's UDP.

9 The areas indicated on the submitted plans for the in-curtilage parking of vehicles shall be laid out in accordance with the approved plans before each respective approved dwelling is occupied and the visitor parking bays laid out in accordance with the approved plans prior to the occupation of the final dwelling. The parking areas shall then be made available for such use at all times thereafter, in the interests of highway safety and to comply with policy T22 of the UDP.

10 The development hereby approved shall not commence until the submitted Phase 2 Ground Investigation Report (Arc Environmental, 27th November 2018) and Revised Remediation Strategy (Arc Environmental, 8th August 2019) have been updated/appended to address the comments set out in the consultation received from the Council's Public Protection and Regulatory Services team (dated 16 October 2019). The updated/appended report and strategy shall then be submitted to the Local Planning Authority for its approval. The development shall then be carried out in accordance with the recommendations of the approved Phase 2 report and remediation strategy, in order to ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

11 Any remediation scheme approved pursuant to condition number 10 must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation), unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by the LPA. The condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and risk assessment must be undertaken and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 13, which is subject to the approval in writing of the LPA. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the LPA in accordance with condition number 14. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the LPA in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.