

## **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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**Reference No.:** 19/01740/FU4 Full Application (Reg 4)

**Proposal:** **Residential development comprising of 37no. homes with associated access and landscaping and the stopping up of existing footpaths to the north of the site. (Amended Description 14/11/19)**

**Location:** Land At Former Southwick Primary School Clarence Street Sunderland SR5 2HD

**Ward:** Southwick

**Applicant:** Anthony Watson Chartered Architect

**Date Valid:** 30 October 2019

**Target Date:** 29 January 2020

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## **PROPOSAL:**

Full planning permission is sought for a new residential development comprising of 37no dwellings with associated access and landscaping, including the stopping up of existing footpaths to the north, on land at and adjacent to, the site of the former Southwick Primary School, Southwick.

The proposed development predominantly affects the site of the former Southwick Primary School but also incorporates an adjoining area of open space to north, covering an overall area of some 1.6 hectares. The site is bound by residential development to the north, partial east and west in the form of traditional Sunderland Cottages on Grosvenor Street, James Street and Trinity Street respectively, and to the south by the two storey terraced properties on Park Terrace. Northern Way lies to the east beyond which sits the Grade II Listed Holy Trinity Church.

The former school buildings were demolished some years ago and the site has since become naturalised, comprising areas of amenity grassland, vegetation and hardstanding. A tree belt lies centrally within the site running east to west, whilst further trees are positioned alongside the western boundary. The application site, whilst broadly level at sections, generally falls quite sharply on a north-east to south west axis with level variances of some 6.9m evident north (high point) to south-west (low point) and 10.2m (high point) to south-west (low point).

The application site is in the ownership of City Council and therefore the developer has served notice on the Council as landowner within the submitted application form.

The application has been submitted by Anthony Watson Architect on behalf of Bernicia Group. Bernicia Group are predominantly a social landlord who manage properties and develop homes across a range of property types and tenures, including single people, couples, families and older people, including offering care and support to those with support requirements.

In respect of this application Bernicia Group is seeking full planning permission for the redevelopment of the site to provide 37 new dwellings. The following schedule of housing types is proposed:

- 4 no. two-bed bungalows;

- 16 no. two-bed houses;
- 13 no. three-bed houses;
- 4 no. four-bed houses;

Members should note that the developer has outlined that 100% of the housing will be affordable. In light of the number of units on site, the developer has outlined that they intend for all units to be affordable rent.

Due to the constraints presented by the site, the layout of the development is to take the form of a cul-de-sac with a single point of access/egress taken at the junction of Grosvenor Street and Clarence Street to the north. The new dwellings will comprise a mixture of bungalows and two storey properties and will be laid out to provide a strong street fronting aspect within the new estate. Plots 36 and 37 will also face into Grosvenor Street to provide continuity of activation within the existing street scene.

All new dwellings within the development will be afforded front and rear gardens, together with 2no parking spaces per dwelling. Visitor parking bays are also to be distributed around the new development.

Boundary treatments will vary throughout the site, with close-boarded timber fencing between rear gardens and lower metal railings positioned at the entrance to the estate. The street fronting areas are to remain open aspect.

In terms of trees, the proposals will involve the removal of a number of specimens located within the central belt, although a band of tree lined open space will still be retained centrally on the eastern side of the estate road whilst some trees will also be retained alongside the western boundary. The scheme does however involve a programme of new tree and shrub planting throughout the development as part of the wider landscaping proposals. A sustainable urban drainage area providing wet grassland around its margins will be provided alongside the southern boundary of the site whilst the loss of the existing open space area to the north is proposed to be mitigated through the creation of a new and improved area of open space to the south-eastern corner of the redlined site (area of the former playing fields).

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

- Design and Access Statement;
- Topographical drawing
- Phase I Desk Top Study report;
- Phase II Ground Investigation report;
- Revised Remediation Strategy;
- Arboricultural Impact Assessment, Method Statement and tree protection plan
- Noise Impact Assessment;
- Report to inform Habitat Regulations Assessment;
- Ecological Appraisal;
- Flood Risk and Drainage Assessment;
- Traffic Management Plan

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

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
Southwick - Ward Councillor Consultation  
DC North Chair And Vice Chair Consultation  
Flood And Coastal Group Engineer  
Network Management  
Environmental Health  
Director Of Childrens Services  
Parks  
Northumbrian Water  
North Gas Networks  
Northern Electric  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Fire Prevention Officer  
Tyne And Wear Archaeology Officer  
Nexus  
Sport England  
Network Management  
Natural England  
Environmental Health  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **04.03.2020**

## **REPRESENTATIONS:**

Public consultation - letters have been sent to 136 no. properties in the vicinity of the site, with site notices also posted and a notice published in the Sunderland Echo. A total of 5No representations have been received in response to this consultation exercise. The issues raised within the representations are;

- Concerns over the tenure/occupancy of the new properties. The potential for rented/buy to let accommodation to result in increased anti-social behaviour.
- Concerns over damage to adjacent properties resulting from heavy machinery and plant used during building work.
- Concerns over dust and environmental problems arising from the development.
- Concern over the proximity of a burial ground (associated with the former and wider burial grounds of Holy Trinity Church).
- Concerns over the loss of Grosvenor Street play park to the north of the site
- Concerns over the use of James Street back lane as a 'rat run' and manoeuvrability issues for larger vehicles.

## **External consultees**

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 0502, with surface water being restricted to 5l/sec.

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

Tyne and Wear County Archaeologist - have commented that the red line boundary incorporates the western extent of a cemetery associated with the Church of Holy Trinity (HER 17807). The proposed works however, do not involve any groundworks within the grounds of the cemetery. The Church of Holy Trinity was constructed in 1842 therefore it is unlikely that the church yard extended further westwards than indicated on historic maps. Human remains are unlikely to be disturbed by the proposed works so long as the boundary wall which is associated with the burial ground is not disturbed or altered during works. The site of the proposed development is located on the periphery of Southwick Medieval village. Southwick Primary School (recently demolished) was constructed in the south western extent of the site. The northern extent of the site appears to have undergone landscaping works to accommodate a play-ground.

In light of the above, the site is regarded as having limited archaeological potential given its previous uses. The construction and subsequent demolition of the school will have had a negative impact on any surviving deposits or features. The proposed development is within the footprint of the existing school and its immediate landscaped areas including a landscaped play-ground. It is not anticipated that much, if any archaeology will survive. The archaeologist does not therefore believe it necessary to attach any archaeological condition to this application, as the existing boundary wall located to the south and west of the cemetery will be retained and no works will be undertaken within the former graveyard as part of this application.

Sport England - advised that as the playing field had not been used for at least five years, consultation with Sport England is not a statutory requirement. Nonetheless, comment has been made to the effect that no objection would be offered given that a compensatory area of playing field has been provided within the new school site which is of greater area than that which has been replaced.

Natural England - Comment is anticipated to be received in advance of the committee meeting

Nexus - no objections to the development as there are good transport links within a 400m walk of the site.

## **Internal**

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 40 new dwellings over the next 5 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 the Core Strategy and Development Plan (CSDP) and the principle of developing 37 dwellings on the site meets the requirements of CSDP policy SP8.

The Policy team's comments also advise that the proposals are acceptable in terms of providing social housing and meeting the affordable homes thresholds set out in CSDP Policy H2.

As an overarching view, the comments also reference CSDP Policy SP4 which sets out the strategic policy for north Sunderland. This indicates that north Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability. In this respect, the site would contribute to the regeneration and renewal of north Sunderland by providing new homes and develop a long-standing vacant site.

In terms of the former playing field observations note that the redeveloped school playing field (at the new Southwick Primary School) is sufficient in meeting the release criteria.

There are consequently no objections to the proposals from a planning policy perspective.

Council's Highways officers - the proposed access arrangements are broadly acceptable, but it has been advised that a change of priority should be made at the junction of Clarence Street and Grosvenor Street to allow vehicles travelling on Clarence Street to have right of way into the development. This would hopefully assist in deterring vehicles from using Grosvenor Street. Suggested on-street improvements include the installation of bollards close to the junction of North Hylton Road and Clarence Street to avoid visibility obstructions and resurfacing works along Clarence Street.

The proposed site layout and parking provision is also considered to be acceptable although it was initially requested that a shared surface arrangement should be provided to the area in front of plots 19-23. This has since been illustrated by the developer and agreed.

The submitted site compound and construction car parking details are considered to be acceptable although the use of rear lanes would not be appropriate for larger vehicles.

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. This has since been provided and, in respect of drainage, a recommendation to approve subject to condition has been advised.

Council's Environmental Health team - initially requested that a Construction Environmental Management Plan should be prepared. This has since been submitted and is considered acceptable. In terms of noise, it has been requested that a condition be placed on any approval given in line with the recommendations of the submitted noise assessment.

With regard to land contamination and ground conditions, it has been advised that further details are required to be provided including updates to the Phase 1 and Phase 2 reports. The development can however proceed subject to the imposition of pre-commencement conditions for the above and in respect of, Remediation, Unexpected Contamination and Verification Reporting.

Council's Ecology team - offered initial advice on the submitted Ecological Appraisal Survey and in doing so requested further details and clarification on a number of matters including the SuDs scheme, landscape schedule and long-term maintenance of grassland and associated habitats which are proposed to mitigate loss of invertebrate habitat on site. Noted that the scheme would likely have an indirect negative impact, through recreational pursuits on Fulwell Quarry SSI and Local Wildlife Sites in north Sunderland, in combination with other residential developments coming forward in the area. To this end mitigation should be sought through offsite access and/or developer contributions.

Noted the intention to provide bat and bird boxes, which are a positive measure and reflect the previous use and recommendations that supported the demolition of the former school buildings. Retained trees may already provide suitable habitat for birds and bats. Details of location and viability of bat and bird boxes should be provided, for example to address possible disturbance factors and adoption into monitoring and maintenance programmes. Incorporation of roost and nest units into buildings may be more sustainable option.

With regard to European sites of nature conservation importance (SPA/Ramsar and SAC) and as detailed in the Sunderland City Council: North Sunderland Sites Report to Inform Habitats Regulations Assessment and referenced in the Ecological Appraisal; a developer contribution of £703 per dwelling should be secured to deliver sustainable Strategic Access Management and Monitoring measures.

**Built Heritage** - The proposed development is positioned close to the Grade II Holy Trinity Church and the associated listed boiler house wall and boundary enclosures. The church is separated from the application site by Northern Way which cuts through what was once the graveyard associated with the church. As a consequence, there are remains within the eastern portion of the application site which the applicant has discovered as part of the preliminary site investigation works. This has resulted in the development being predominantly located to the western edge of the plot, away from the church and views of it from along Northern Way. Whilst the topography of the site means the properties to the north will be on a high level, the surrounding existing development will largely shield the new buildings from view and in light of these factors there are no concerns from a conservation perspective as there is minimal harm to the setting of the listed buildings.

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 6 affordable dwellings on-site.

## **COMMENTS:**

### ISSUES TO CONSIDER

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).
- Conserve and enhance the built environment (section 16)

These core principles of the NPPF feed into the local policies contained within the recently adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, BH8, H1, H2, HS3, NE2, NE3, NE4, ST3, SP4, SP8, WWE2, WWE3 and ID2.

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 former sports pitch and the loss of open space to the north of the site.



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. The viability of the development and the 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 housing land supply assessed by the SHLAA includes the application site, which is considered to be capable of delivering up to 40 no. dwellings within the next 5 years.

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 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 former sports pitch and the loss of open space to the north of the site.

Whilst the Core Strategy is now to be used as the starting point for decision making, a number of Unitary Development Plan policies continue to remain saved until such a time that they are replaced by the emerging Allocations and Designations Plan. In this respect, at this time the site continues to be designated under Policy L7 Unitary Development Plan.

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:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- 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
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It is evident that the development of the site conflicts with the objectives of saved policy L7 insofar that it seeks to protect the site for open space, outdoor recreation and educational purposes. It is also clear, however, that the application site is no longer required for educational purposes given that a replacement school (Southwick Community Primary School), was constructed close by on land at Shakespeare Street following an approval of planning permission in 2006 (Planning ref: 05/03322/LOU). This approval provided a new facility including the provision of new and improved quality playing fields. In this respect, there is now no requirement to continue to safeguard the site for educational purposes and playing field provision and no objection has been offered from Sport England on this basis.

With regard to the loss of the existing area of open space which lies to the north of the site and adjacent to Grosvenor Street, it should be noted that the scheme will bring forward an area of new and improved open space to the south-east of the site. This compensatory site is to be larger in area than the existing site, increasing from 3,276sqm to 3,778sqm and in addition to being publicly accessible, it will also offer opportunity for on-site ecological enhancement (discussed later in the report) and potential for some low-level play apparatus where appropriate. Whilst ideally access to this site would have been achieved through the new development, the significant constraints presented by the levels throughout the site have made this problematic, therefore it is anticipated that access will be achieved from Northern Way. Final details on how this area of open space will be brought forward in terms of access and on-site infrastructure along with a timescale for implementation are proposed to be managed via a condition.

The provision of this area, taking into consideration its increased area, ecological enhancements and public accessibility, is considered to meet the requirements of policy UDP policy L7, CSDP policy NE4 and Para 97 insofar that the loss of the existing area of open space will be replaced by an equivalent or better provision elsewhere.

### 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, CSDP policy H1 advises that residential development should create mixed and sustainable communities by;

- contributing to meeting affordable housing needs, market housing demand and specialist housing needs as identified through the Council's Strategic Housing Market Assessment (SHMA) or other evidence,
- providing a mix of tenures and sizes which is appropriate to its location;
- achieving appropriate density for its location which takes into account the character of the area and level of accessibility;

In addition, and where development is appropriate and justified, policy H1 also seeks to ensure that there is a choice of suitable accommodation for older people and those with special housing needs, including bungalows and extra care housing.

Additionally, policy H2 of the CSDP states that all developments of 10 or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. As a general rule, such affordable housing should be provided on-site in order to help achieve mixed and balanced communities, however, exceptionally, offsite provision or a financial contribution made in lieu, can may be considered acceptable where it can be justified. The housing needs to be retained in affordable use in perpetuity and reflect the latest available evidence with regards to the tenure split and size of dwellings.

As per the supporting text to the policy which reiterates the recommendation of the 2017 SHMA, an 80:20 split between affordable rent and intermediate tenure is generally requested. However, in this respect it is appreciated that the relatively low quantum of development would result in the provision of only 1 intermediate home amongst 36 rented homes. In this respect the Council, as Local Planning Authority do not object to the provision of all homes being affordable rent.

Against this backdrop it is considered that significant weight should be given to the proposed development being designed to deliver 100% affordable housing which will cater for a wide socio-economic range with the bungalows designed to meet specific housing needs as promoted by CSDP policy H1

The 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 40 no. dwellings, whereas the submitted scheme involves 37. This reduction in number is largely down to the fact that the potential developable area of land has been reduced due to site constraints and therefore no longer includes the parcel of hardstanding to the immediate east (adjacent to Northern way).

Within the wider context 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 that the area is characterised by existing homes to the north, partial east, south and west. The majority of the subject land has now been vacant for a considerable period of time and there would be substantial benefits derived from the sustainable regeneration of the site for affordable homes will make a notable contribution to the delivery of new housing in the City.

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 affordable housing within the site.

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

Policy BH1 of the Council's CSDP 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.

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.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development comprises reasonably proportioned dwellings which, in the main, occupy good sized plots with relatively spacious front and/or rear gardens. The spacing between the new dwellings generally accord 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). Due to the gradients and finished levels within the site, there are some areas where the spacing falls a little below the 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 HS2 of the CSDP and paragraph 180 of the NPPF require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The developer has submitted a noise assessment with the application which makes recommendations for certain plots, including the inclusion of acoustic trickle vents and thermal glazing. The Council's Environmental Health team has advised that the developer confirm their intent to implement the recommendations of the noise assessment. This can be achieved by way of condition.

In terms of the impact of the development on the amenity of existing dwellings, as has been noted earlier, the application site is bound by residential properties on most sides. The recommended spacing standards referred to above have been adhered to along the western side of the site with at least 22m provided between main facing windows of the new builds and the rear elevations of the cottages on Trinity Street. At the south-western corner of the site a solitary property (plot 14) is to side on at an oblique angle to existing properties on Fitzroy Terrace. Although the submitted levels plan indicate there would be a difference in ground levels (approximately 1.5m) between the higher lying new property and those on the Fitzroy Terrace, the overall distance coupled with the oblique angle and northern orientation would ensure that there would be no adverse impacts arising.

To the south-east lie plots 15 to 18. These plots would interface with the rear elevations of No's 2 through to 12 Park Terrace with spacing at this juncture rising incrementally from between 22m (between plot 15 and No.12 Park Terrace), to 28m (between plot 18 and No.2 Park Terrace). Again, ground level differences vary between the higher lying host plots and those on Park Terrace with around 1.3m and 1.5m evident. This level of spacing is again considered to be appropriate to ensure no adverse impacts would arise.

Plots 19 to 23 exhibit spacing of around 23m between the rear elevations of No's 37 to 49 James Street which is considered to be acceptable.

In moving north, a separation distance of at 18m is demonstrated between the rear elevation of plot 34 and the property of No.40 James Street which rather unusually exhibits main facing windows within what would generally be considered a gable elevation, whilst a distance of just over 18m is provided between the front elevations of plots 36 and 37 and No's 4 Gladstone Street and 40 Grosvenor Street. These distances are slightly below what would usually be recommended however it is clear that such spacing would not be out of keeping with the established close quarter arrangement of the interfacing properties both on Grosvenor Street and the surrounding streets.

Overall and 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 whilst the development will, in the main, also afford future occupiers of the dwellings with an acceptable standard of amenity.

Comments have been received regarding the potential for disruption to occur during the construction phase, such matters include concerns over resulting damage to adjacent properties resulting from heavy machinery and plant used during building work and in relation to dust and environmental problems arising from the development.

With regard to the above, the developer has submitted a Construction Environmental Management Plan and Traffic Management Plan with the application. The purpose of these reports is to outline how the development will be managed and the impacts mitigated during the construction period. The report provides details of deliveries, movement of materials, management of surface water drainage, dust and general impacts on the surrounding environment. The report confirms that prior to the commencement of works, letters will be delivered to neighbouring properties to inform of the works which will provide contact details of the developer's representative. These method statements have been considered by both the Council's Environmental Health and Highway Sections and are deemed to be acceptable. A condition will be placed on any approval given to ensure that the works outlined within the agreed plans are adhered to during the construction phase.

#### 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.

Aforementioned policy BH1 of the 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 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 overgrown condition of the site. 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.

Overall, it is considered that the proposed development will deliver a good quality housing scheme which will relate well to its surroundings whilst providing residents with a good standard amenity. The development will provide a variety of house types and styles, with the architectural detailing, treatment of external elevations and use of materials providing a level of interest within the designs. Whilst the use of render, weatherboarding, brick and tile have all been illustrated on the drawings, a condition will be required to agree the final materials.

The level of self-contained amenity green space within the development is noted to be somewhat limited although as noted above, provision for an area of new and improved open space is to come forward to the south-east of the site. Notwithstanding, it is not considered that the scheme is of high density and open space will still be provided centrally within the development to the east and to the south in the form of the SuDs feature. In this respect and given the established density of the surrounding area, it is considered that the internal level of amenity space for the development is acceptable with regard to policy NE4 of the CSDP.

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 respect the developer has advised that for viability reasons, such a contribution can not be offered on this occasion. A viability assessment has been submitted which is currently pending consideration. Notwithstanding, and has been touched on above, the creation of the new and improved area of open space to the south-east of the site offers the potential to provide some informal play apparatus on the proviso that it can be suitably integrated without prejudice to the ecological enhancements proposed. The full details of the proposed open space upgrades along with a timeframe for implementation will need to be secured via an appropriately worded condition.

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 identified for removal are considered to be of 'high' value, as all have been classified as being of 'moderate' value or 'low' value. Whilst it is acknowledged that the selective removals of the identified specimens will have an initial 'negative' impact at street level, the proposal will retain and integrate a number of the existing specimens into the development including a high value Oak and a number of moderately classified trees including limes, rowans, a sycamore, an apple and ash. 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.

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 high-quality area of upgraded usable open space. 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 BH1, BH2 and NE4 of the Council's CSDP and the Council's 'Residential Design Guide' SPD.

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

Policy ST2 of the Council's 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 with appropriate access, egress and onsite parking provided. The previously discussed offsite highway improvement will be delivered through section 278 agreement. The site occupies a particularly sustainable location in terms of the availability of public transport (buses run frequently within close proximity to the site) and it offers excellent pedestrian access and links into to the services provided by Southwick local centre. The impact of the proposals on highway safety and the capacity of the existing local highway network is also

considered to be acceptable. A Construction Environmental Management and Traffic Plan has been submitted with the application which considers how contractor traffic will be managed during the development phase. The plan identifies that site operative car parking will be accommodated within an existing area of hardstand which sits at the eastern end of the rear lane serving James Street. This has been considered by the Highway Engineers and is deemed to be acceptable insofar that it should serve as a car contractor car park only. Larger construction vehicles would not however be permitted to use this access/egress point.

With regard to the above, 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 policy ST2 of the 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.

Locally, policy NE2 of the 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.

The planning application has been accompanied by an Ecological Appraisal (E3 Ecology Ltd, February 2020 Final Version). Within Section G.3, the appraisal notes that the site lies within 6km of the Northumbria Coast SPA, Durham Coast SAC and the Northumbria Coast RAMSAR. These

sites are designated for coastal bird species and maritime habitats and there is potential for secondary impacts due to an increase in visitor numbers to the coast post-construction. The appraisal notes that a Habitat Regulations Assessment has been completed by Sunderland City Council covering the Southwick Primary School site along with a number of further sites in North Sunderland and that the report concludes that as long as a per unit financial contribution is made to the LPA to contribute towards the Council's Strategic Access Management and Monitoring (SAMM) scheme which looks to manage recreational activity at the coast, no adverse effect on the Natura 2000 sites would occur.

In this respect and with regards to mitigating the potential effects of the development, a financial contribution has been proposed by the developer of ?703 per dwelling (?26,011) At this time, a formal response is still awaited from Natural England, however, the general principle of this form of mitigation has previously been supported by both the Council's Ecologist and Natural England and on this basis it is anticipated that no objection would be received from Natural England. A formal response from Natural England is anticipated in advance of the committee meeting and should any issues be raised which have not been addressed to date, they shall be reported to members at the meeting.

The appraisal also qualifies that the site lies within a SSSI Impact Risk Zone for Fulwell and Carley Hill Quarries, Claxheugh Rock & Ford Limestone Quarry, Wear River Bank, Hylton Castle Cutting and South Hylton Pasture. Whilst the report concludes that the likely risks do not include urban housing, the Council's Ecologist has nonetheless advised that the development would likely result in indirect negative impacts, through recreational pursuits, on Fullwell Quarry SSSI and Local Wildlife Sites in north Sunderland, (in combination with other residential developments coming forward in the area). To this end it has been advised that mitigation should ideally be provided to offset such impacts through offsite access and site management and/or developer contribution to secure such measures. Notwithstanding the HRA contributions discussed above and as has been touched on in Section 5, the developer has advised that they are hampered in their ability to provide Section 106 contributions due to the level of abnormal costs involved in the site. The outcome as to the appraisal of the submitted viability assessment will be able to inform the Council, as Local Planning Authority, further, however the Council's Ecologist has since advised that the relatively low quantum of development and distance away from the identified sites would suggest that any subsequent impact would generally be low and that the lack of a financial contribution as suggested would be unlikely to be an impediment to the developing the site as proposed.

As set out in the 'Representations' section of this report, the Council's Ecologist raised some queries and sought clarification over aspects of the report and survey work carried out. These have been now been addressed in the February 2020 revision. The inclusion of the Bat and bird boxes are a positive measure which are proposed and reflect previous site use and the recommendations that supported the earlier demolition of the former school buildings. An updated plan illustrating the locations of the bat and bird boxes have been received and have been agreed by the Council's ecologist. In addition, wet grassland is to be provided around the SuDs margins whilst additional enhancements to the area of open space to the south-east of the site are to be provided through the creation of areas of enhanced natural grassland. In this respect the Council's Ecologist has offered no objection to the scheme in this respect subject to the recommendations outlined in the Ecological Appraisal being adopted, delivered in full and incorporated into a sustainable long-term management programme. Consequently, it is considered that in terms of providing on-site mitigation the proposals are sufficient in this instance with due regard to the relevant policies of the 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.

Policy WWE2 of the 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 0502, with surface water being restricted to 5l/sec.

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (Rev3) which confirms that the site lies within Flood Zone 1 and that the residential development of the site can be delivered without being at risk of flooding or increased flooding elsewhere. Permeable paving is proposed to all private driveways serving the individual plots, whilst the Sustainable Urban Drainage System (SuDS) will provide treatment to run off from 1 in 1 year storm events and initial run off from all storm events.

The details (as set out within Rev3 of the report) have been considered by the Council's Lead Local Flood Officer. The response deems the proposal to be acceptable in relation to flood risk and drainage. It has however been recommended that a verification condition is included within the decision to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

Subject to the imposition of the above condition, the implications of drainage and flooding associated with the development are considered to have been satisfactorily addressed in accordance with Para's 155 and 165 of the NPPF and local policies WWE2 and WWE3.

## 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.

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be

demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

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 principle of the development insofar that it is not considered that ground conditions or land contamination will represent a constraint to its residential use. It has been requested, however, that further work and clarifications are required and that updates to the Phase 1 Land Contamination Report, Phase II Land Contamination Report and Remediation and Earthworks Strategy are undertaken. These can be dealt with via way of condition alongside the requirement for a verification/validating report and a condition for encountering unexpected contamination.

#### 10. Implications of development in relation to archaeology and built heritage

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, 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.

The site incorporates an area of land (insofar as it relates to the area of open space to the south-east) which was historically associated with the grounds and cemetery of Holy Trinity Church. Prior to the creation of Northern Way, this included the entire swathe of land to the east of the site running up to the church. As the proposal does not involve any intrusive ground work within this area, the County Archaeologist has confirmed that they are satisfied that no archaeological work is necessary in this instance.

Given the above, it is considered that there is no conflict with the requirements of the NPPF or policy BH9 of the CSDP.

With regard to built heritage, paragraph 193 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 continues that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The above policies are carried through into CSDP policy BH8.

As the proposed development would be sited within the locality of the Grade II listed Holy Trinity Church and associated listed boiler house wall and boundary enclosures, assessment needs to be given as its potential impact on the setting of the existing heritage asset. In line with the Council's Built Heritage Officer's comments outlined within the 'representations' section of the report, the church is acknowledged to be separated from the application site by Northern Way which was constructed through the site of the former graveyard associated with the church. As a consequence, and due to remains lying within the eastern portion of the application site, the

development has been pushed further to the south with an open buffer provided by the area of hardstand to the north and open space to the south. Consequently, and whilst the topography of the site means the properties to the north will be on a high level, the surrounding existing development will largely shield the new buildings from view and in light of these factors no concerns have been raised from a conservation perspective as there is considered to be minimal harm to the setting of the listed buildings.

## 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.

The Council's Education officer is of the view that the development should contribute towards education provision in the area, with the contribution anticipated to be spent on the replacement of Willow Park Primary School. As has been identified earlier in the report, the developer has advised that the particular costs associated with the development of the site dictates that it would not be possible to make the required contribution in this instance. The viability assessment submitted in support of this position is currently being considered in advance of the committee date. Without prejudice to the outcome of the assessment, Members should be aware that there is a likelihood that the outcome of the appraisal will support the developer's stance from a viability perspective. Should this be the position, the Council, as Local Planning Authority, believe that significant weight should be given to the fact that the development would secure the urban regeneration of a vacant site for a scheme consisting of 100% affordable homes and at a quantum of scale which is fairly limited. On this particular occasion, such benefits are, within the planning balance, considered to outweigh the failure to secure education contributions.

## 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 H2 of the Council's 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.

As stated at the outset of this report, the applicant is proposing that the housing is 100% affordable all of which are proposed to be affordable rent tenures. 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 adopted local and national planning policies only require 15% and 10% of housing within a new development to be affordable respectively, 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 15% 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.

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 H2 of the CSDP 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;

Policy ID2 of the 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.

Policy ID2 of the CSDP also states that where there are site specific viability concerns, development must be accompanied by a Viability Assessment. The supporting text to the policy notes that it is recognised that some development proposals may be unable to meet all of the relevant policy and planning obligation requirements whilst remaining economically viable and deliverable and in such circumstances, the Council will consider requests to reduce the level of planning obligations to a level which ensures the scheme remains viable. In these instances, preference will be given to the needs and priorities of an area and the wider benefits of development such as, for example, regeneration and meeting housing need. With regard to the policy framework outlined above, consideration is now given to the merits of each obligation and contribution position:

#### Habitats Regulation Assessment

The developer has confirmed agreement to the figure of £703 per dwelling towards Strategic Access and Monitoring Measures.

#### Ecological mitigation and protection contribution

The Ecology Officer has advised that the relatively low quantum of development and distance away from the identified sites would suggest that any subsequent impact would generally be low and that the lack of a financial contribution as initially requested would not be an impediment to developing the site for the desired purpose.

#### Affordable housing

The s106 agreement would secure the policy requirement of 15% affordable housing.

#### Education contribution

The Council's Education Officer has advised that a contribution towards educational provision can be justified to support education provision, which will be placed under increased pressure as a result of the proposed development. Due to viability issues the developer has advised that it will not be possible to provide a contribution in this respect. On the assumption that the Council's assessment of the viability appraisal confirms the developer's position, the Council, as Local Planning Authority, are satisfied that the overriding sustainable regeneration benefits to be derived from the delivery of a 100% affordable housing, coupled with the relatively limited scale of development within the site, would outweigh the failure to secure education contributions.

In summary, the requested financial contributions toward HRA and obligations in respect of 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.

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 is in the process of being drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the Committee meeting.



## **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 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 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. Consideration has been given to the need to:

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

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

## **CONCLUSION**

The principle of utilising the site for residential development is considered to be acceptable from a land use perspective with replacement educational and playing field provision having been

provided on land at nearby Shakespeare Street and compensatory open space to be provided as part of the scheme.

It is considered that the proposed development gives rise to clear benefits in terms of urban regeneration, housing delivery, the quantum of affordable housing it will provide. In line with the guidance of the NPPF, it is considered that these benefits of the scheme should be given significant weight in the 'planning balance'.

Additionally, and for the reasons set out above, the proposed development is considered to offer a good 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 parking provision, ecology, drainage and ground conditions.

A viability assessment has been submitted by the developer which is currently being considered by an independent third party. On the premise that the appraisal of the assessment corroborates the developer's position, the Council, as Local Planning Authority are satisfied that within the planning balance, securing financial contributions only in respect of mitigating effects on the nearby European-protected coastal sites, should not be an impediment to reaching a positive recommendation on the application. It is anticipated that the review of the viability assessment will be completed prior to the meeting. An update of the situation in respect of viability will be provided to Members at the meeting, together with a final recommendation.

**RECOMMENDATION: MINDED GRANT CONSENT**, under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the Council's review of the viability appraisal, completion of the s106 agreement and draft conditions below.

### **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 elevation plans as amended received 14.11.2019 (Plan ref's: P209 A, P211 A, P217);  
The elevation plans received 23.10.2019 (Plan ref's: P201, P204, P205, P207, P213, P215);  
The floor plans as amended received 14.11.2019 (Plan ref: P216);  
The floor plans and roof plans received 23.10.2019 (Plan ref's P200, P202, P203, P206, P208, P210, P212, P214);  
The proposed site plan as amended received 13.02.2020 (Plan ref: P100 P2);  
The detailed planting/landscaping plan as amended received 21.01.2020 (Plan ref: N840-ONE-ZZ-XX-DR-L-0202 REV PO3);  
The site plan and topographical drawing received 23.10.2019 (Plan ref: P010);  
The finished levels plans, sheets 1 and 2 received 17.01.2020 (Plan ref's: 01 P4 and 02 P5);  
The proposed site sections received 14.11.2019 (Plan ref: P300);  
The boundary details received 23.10.2019 (Plan ref: P101);  
The proposed SuDs Details received 17.01.2020 (Plan ref: 21 P4);

The location plan received 21.10.2019 (Plan ref: P001).

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

3 No development above Damp-Proof-Course level shall take place on any of the dwelling houses hereby approved until details of all external materials and finishes including wall facing materials, roof tiles, door and window frames (including a colour schedule), decorative features and rainwater goods shall be submitted to, and agreed 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 in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

4 No development above Damp-Proof-Course level shall take place on any of the dwelling houses hereby approved until full specifications of all new boundary treatment and any remedial work and finishes proposed to existing boundary treatments, including the retaining walls to the east and south of the site, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed boundary treatment shall be erected and works completed, prior to the occupation of the first dwelling.

Reason: In the interests of residential and visual amenity, highway safety and to comply with policies BH1 and ST3 of the adopted Core Strategy Development Plan.

5 Prior to the occupation of any new dwellings, a scheme for the creation and delivery of the public open space located to the south eastern corner of the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme is to be informed by the measures outlined in Section (H.2 Compensation) of the Ecological Appraisal and must include;

- Details of access and circulation within the site;
- details of any proposed physical play apparatus which should, for the avoidance of doubt, be able to coexist appropriately with the ecological enhancements proposed;
- a management strategy and maintenance programme which incorporates a mechanism of delivery to ensure the sustainable in perpetuity viability of the ecology features within the site;
- a timetable for implementation of the proposed scheme and a methodology for delivery and programme of maintenance for the scheme.

The open space shall be laid out in full accordance with the agreed timetable and thereafter managed and maintained in accordance with the agreed management strategy and maintenance programme.

Reason: In order to ensure the development delivers appropriate ecological enhancement and public open space in accordance with the requirements of saved policy L7 of the UDP and policy NE4 of the adopted Core Strategy Development Plan.

6 The development hereby approved shall be carried out in complete accordance with all recommendations and tree protection measures as set out by the submitted Arboricultural Method Statement prepared by All About Trees (issued 01.10.2019) and the tree protection plans

(Ref's AMS TPP A and AIA TPP A). For the avoidance of doubt, the development shall not commence until all identified tree protection measures have been fully installed. Thereafter the protections measures shall remain in place until the development is complete.

Reason: In order to ensure that no damage is caused to retained trees during construction work and to comply with policy NE3 of the adopted Core Strategy Development Plan

7 The development hereby approved shall be carried out in full accordance with the recommendations and mitigation measures detailed in Section H of the Ecological Appraisal R4, February 2020, prepared by E3 Ecology Ltd and the details of the Amphibian Method Statement submitted by E3 Ecology Ltd, October 2019.

Reason: In order to ensure ecological enhancement and protection within the site and to accord with policy NE2 of the Core Strategy Development Plan.

8 The bat and bird boxes identified within Section H and the accompanying Habitat Creation and Enhancement Map (Ecological Appraisal R4, February 2020, prepared by E3 Ecology Ltd), shall be installed in accordance with the submitted details prior to the occupation of the dwellings and thereafter retained for the lifetime of the development.

Reason: In order to ensure ecological enhancement within the site and to accord with policy NE2 of the Core Strategy Development Plan.

9 The landscaping scheme shall be carried out in full accordance with the Detailed Planting Plan' (drwg N840-ONE-ZZ-XX-DR-L-0202 Rev PO3)' and shall be completed no later than the end of the first planting season following the first occupation of the development. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1 and NE2 of the adopted Core Strategy Development Plan.

10 The development hereby approved, shall be carried out in full accordance with the measure and mitigations outlined within the Construction Environmental Management Plan and Traffic Management Plan (Engie 27.09.2019).

Reason: In order to protect the amenity of the area during the construction phase and to accord with policies BH1, HS1 and ST3 of the Core Strategy Development Plan.

11 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 ST3 of the Core Strategy Development Plan

13 Notwithstanding the submitted plans, the noise mitigation measures for the impacted properties as recommended by Table 1 of the Noise Impact Assessment (Apex Acoustics, 7th October 2019), shall be implemented in full prior to the occupation of the dwelling hereby approved and maintained as such thereafter for the lifetime of the development, in order to ensure the dwelling benefits from acceptable internal living conditions and to comply with the objectives of policy HS2 of the adopted Core Strategy Development Plan.

14 Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority and NW Ltd, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme in order to restrict surface water discharge to 5l/sec. This verification report shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.

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

15 The development hereby approved shall not commence until the submitted Phase 1 and Phase 2 Geo-Environmental Site Assessment (ERGO December 2019 Rev B) and the Remediation and Enabling Works Strategy (ERGO December 2019 REV2) 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 14 February 2020). 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 HS3 of the Core Strategy Development Plan.

16 Any remediation scheme approved pursuant to condition number 15 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 HS3 of the Core Strategy Development Plan.

17 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 15, 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 16. 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.

Reason: The condition is required 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 HS3 of the Core Strategy Development Plan.

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**Reference No.:** 19/01834/FUL Full Application

**Proposal:** **Development of 14no. residential units**

**Location:** Land At Castletown Way/Riverside Road Sunderland

**Ward:** Castle

**Applicant:** Stirling Investment Properties

**Date Valid:** 14 November 2019

**Target Date:** 13 February 2020

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### **PROPOSAL:**

The application under consideration relates to a development site that already benefits from outline and reserved matters approval, please see refs. 14/00292/OUT and 18/00823/REM. These two permissions, which were approved by Development Control (Sub) North Committee at the 30 September 2014 (ref. 14/00292/OUT) and 30 October 2018 (ref. 18/00823/REM) meetings respectively, have culminated in the approval of 118 homes. The application now under consideration seeks full planning consent to amend the central section of this housing site.

The Planning Statement explains that the amendments are being sought because of site-specific constraints that have arisen since the previous approvals. These changes mainly derive from a covenant on land to the south of the club which restricts any development within that area of the site. The scheme has had to be amended to reflect this and in turn the layout of some of the dwellings have changed. These changes have culminated in a reduction in the total number of units at the site so that overall 114 homes will occupy the site, should Members approve, whilst a third access into the site, from the east, has also had to be introduced.

The site has historically been used for the manufacture of furniture and comprised a large former manufacturing and warehouse building and office units which have since been demolished.

The planning submission is accompanied by documents previously submitted to enable the discharge on the wider consent, relating to conditions 6 (Construction Methodology), 8 (Site Characterisation), 15 (Management Plan On-site Greenspace) and 17 (Sales/ Site Office).

### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

### **CONSULTEES:**

Network Management

DC North Chair And Vice Chair Consultation

Northumbrian Water

Environmental Health

Business Investment  
Natural England  
Northern Electric  
Southern Area Command - Police  
Fire Prevention Officer  
Nexus  
Castle - Ward Councillor Consultation  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **05.02.2020**

## **REPRESENTATIONS:**

The application has been advertised, as a departure, by way of site and press notices. Neighbour consultation letters have also been sent out to surrounding residents and premises.

Following this extensive consultation exercise one letter of representation was received. The comments received concerned noise and dust effects from construction activity. The objector highlighted that since construction work has begun they have complained to the Council on three occasions. The objector enquired as to what will be done to reduce noise and protect residents.

In terms of consultees, please note the following:

Northumbrian Water

In making their response Northumbrian Water have assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water confirmed that as the application is in line with the drainage strategy agreed for the wider permissions at the site they have no comments to make.

Nexus

Nexus confirmed that they have no comments to make.

Council Built Heritage

The Council's Conservation Team confirmed they have no comments to make on the application.

Natural Heritage

An initial consultation response was received requesting the Applicant considers indirect impacts on Local Sites, species and habitats, alone and in combination with other residential development coming forward in the north Sunderland area. Additional details were requested in respect of the ecological and enhancement measures both on and off site, whilst further information was requested in respect of Habitat Regulations.

Public Protection and Regulatory Services (PPRS)

PPRS requested further information in respect of land contamination and the imposition of a CEMP condition.



## Lead Local Flood Authority

The LLFA highlighted that the submitted details do not meet current standards regarding implementation of sustainable drainage (SuDS) and restricted Greenfield Run-off Rates. However, it was noted that the application submission is consistent with the discharge of condition 14 from 14/00292/OUT and that detailed modelling has been provided to show no flood risk to a 1 in 100-year return period with climate change allowance.

## COMMENTS:

### Legislation, Planning Policy and Guidance

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

### Planning policy background

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

### National Planning Policy Framework

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and should be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - economic, social and environmental. Planning policies and decisions should play an active role in guiding development toward sustainable locations, but in doing so should take local circumstances into account, reflecting their character, needs and opportunities.

The NPPF has a presumption in favour of sustainable development.

For decision-taking this means approving development that accords with the development, or where there are no relevant development plan policies or where the policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- I. the application of policies in this Framework that protects 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 this Framework taken as a whole.

The presumption in favour of sustainable development 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 usually be granted. Local planning

authorities may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.

## Development Plan

The Council adopted its Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document should be used when considering development proposals. It should also be noted that whilst the CSDP should be used as the starting point, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations Plan. A full schedule of UDP policies which have been saved is contained within Appendix 1 of the CSDP.

## Considerations

The main issues to consider in the determination of this application are:

1. Land use and policy considerations
2. Highway engineering considerations
3. Design considerations
4. Drainage considerations
5. Ground Conditions considerations
6. Amenity considerations
7. Habitat Regulations Assessment
8. Planning Obligations

1. Land use and policy considerations

CSDP policy SP4 identifies that North Sunderland will continue to be the focus for regeneration and renewal, with economic development focused on identified Employment Areas (policies EG1 and EG2).

The application site is allocated as Key Employment Area 8 'North Hylton Road' via policy EG2. However, Section 2 of the policy covers instances where the release of vacant land or premises could be considered acceptable.

Section 2i. states that the release of sites could be considered acceptable where "...it can be demonstrated through alternative evidence to the council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses".

By way of consideration, it is noted that the works arising from planning permissions 14/00292/OUT and 18/00823/REM have commenced on site. The works associated with the extant planning permission have materially altered the nature and condition of the site. It is therefore considered that this is a significant material consideration and that as with the earlier permissions, the departure from the relevant plan is accepted and the principle of development supported.

2. Highway engineering considerations

CSDP policy ST2 states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must demonstrate 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.

Policy ST3 requires that development should provide safe and convenient access for all road users; should not exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users. Development should incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network; and include a level of vehicle parking and cycle storage in accordance with the council's parking standard.

It is noted that the proposed development includes an additional access point from the east but that the main access is to remain as the previously approved point onto Castletown Way. The application's Highways Technical Note highlights that the provision of the additional access point should reduce the number of vehicle movements using Castletown Way, as a proportion would now use the eastern route onto North Hylton Road.

The layout of the development is broadly in-line with the earlier approvals save for the removal of the previously approved middle section of the main east-west road that was to run to the south of the Club. Out-with of this proposed alteration the level of visitor parking and in-curtilage parking complements the already approved development, whilst no objections or observations have been offered by the Council's highway engineers in this regard.

Initial comments from the Council's highway engineers noted that the wider approval at the site discounted vehicle access from North Hylton Road owing to concerns over the creation of a rat run through the estate and the potential for drivers using the proposed estate to avoid the North Hylton Road/ Castletown Way signalised junction.

By way of a response and in consultation with the highway engineers, the Agent submitted an updated site layout that details a build out at the proposed eastern access point as well as ramps and raised tables throughout the proposed development. Following the submission of the updated layout the highway engineers from both transportation and highway adoption have confirmed they are satisfied with the traffic calming measures and that these will suitably deter opportunistic drivers and thus the creation of a rat run.

To conclude, it is considered that the development proposal is acceptable in terms of highway and pedestrian safety and satisfactorily complies with policies ST2 and ST3 of the CSDP.

### 3. Design considerations

The CSDP built and historic environment policies (BH1 and BH3) require development to achieve a high-quality standard of design and ensure that existing and proposed areas of public realm are well designed and accessible.

In terms of layout the proposed development has been designed to align with the wider development already approved at the site with the main change being the deletion of the middle section of the east-west road and the subsequent enlargement of the proposed open space.

Given that the road layout is broadly as previously approved the location of the proposed homes broadly reflect the existing pattern of approved development and as such, separation distances and private amenity spaces reflect those found within the wider development.

In terms of scale and massing the proposed scheme includes a range of house-types already used within the wider site so that the development proposal complements the existing development, these are:

- 5 x T11 4 bed house-type
- 5 x A7 3 bed house-type
- 4 x T10 3 bed house-type

In terms of the proposed materials the submitted Design and Access Statement highlights that they will follow that already approved by the Council via the discharge of the 14/00292/OUT materials (no. 4) condition, please see ref. 19/00995/DIS. The materials being:

- Walls - Cromwells Artificial Walling stone pitched face buff;
- Roof - Calderdale Light Grey;
- Doors - Anthracite Grey;
- Garage Doors - Anthracite Grey;
- Rainwater goods - black.

A Habitat Management Plan has been submitted in view of Condition no. 15 from the outline 14/00292/OUT approval. This condition required the agreement of the management plan for the on-site greenspace. The Habitat Management Plan submitted in support of the application now before Members was also the same document that successfully discharged the condition, please see ref. 19/01279/DIS. Consequently, to ensure a coherent form of development it is considered appropriate to include this document within the in accordance with the approved plans condition, particularly as the document details the maintenance and management plan for the first five years of the development.

Consequently, it is considered that the development is acceptable in terms of its design considerations and satisfactorily complies with policies BH1 and BH3 of the CSDP.

#### 4. Drainage considerations

The CSDP water WWE2 and WWE3 policies seek to reduce flood risk and requires that development considers the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

The proposed development site is a 3.8ha brownfield site that previously consisted of industrial units and associated hardstanding. The submitted Drainage Strategy highlights that there are existing combined 0.525m and 1m sewers crossing the site, with the nearest surface water sewer being located approximately 150m away in Castletown Way.

In terms of the existing drainage the Strategy highlights that the pre-demolition impermeable area equated to a total site run-off rate of 554.4l/s. In accordance with the principles established as part of the previous site planning approvals, the surface water from the development is to discharge to the existing combined sewer in Riverside Road and restricted to 241.5l/s, which provides for a 56.5 percent reduction relative to the existing brownfield runoff. The surface water drainage design is such that there is no external flooding for the 1 in 30-year event with all flows retained on site for up to the 1 in 100 year plus climate change event. The foul flows from the development will also discharge to the existing combined sewer in Riverside Road.

The Strategy also confirms that all the attenuation is to be provided in south-eastern portion of the wider site, which has now been designed and technically approved by Northumbrian Water.

The Lead Local Flood Authority notes that the scheme does not meet current standards with regard to implementation of sustainable drainage and restricted greenfield run-off rates. However, it is also noted that the submitted details are consistent with the surface water drainage approved in 2014 via the outline 14/00292/OUT and the discharge of condition 14 of that permission. Moreover, it is noted that the submitted detailed modelling shows no flood risk to a 1 in 100-year return period with climate change allowance.

It is also noted that both the foul and surface water drainage networks are to be adopted by Northumbrian Water under a Section 104 Agreement, with the long-term maintenance of the foul and surface water drainage systems including attenuation to be the responsibility of Northumbrian Water.

To conclude, as the application proposal is effectively an integral element of an already approved development, and as the now proposed scheme makes no changes to the drainage principles established via the wider approval, it is considered acceptable, and approved subject to the surface water drainage details as detailed on drawing 1030-006A - Proposed Drainage Arrangement, Appendix A of the submitted Drainage Strategy (November 2019).

Consequently, it is considered that the development is acceptable in terms of drainage and in accordance with policies WWE2 and WWE3 of the CSDP.

## 5. Ground conditions considerations

CSDP policy HS3 requires for sensitive uses, such as residential development, that land contamination be considered and appropriately managed.

Environmental Health have responded to the application consultation by highlighting that further information is required in respect of land contamination, particularly, in the first instance, for site characterisation.

It also noteworthy that a Geo-Environmental Assessment (January 2020) has recently been submitted and assessed as part of a proposed discharge of the land contamination 'site characterisation' condition 8, which was attached to the wider outline 14/00292/OUT approval, please see ref. 19/01279/DIS. This follows on from an earlier submission by the Applicant in respect of an earlier site characterisation report, which was considered in September 2019. It should also be noted that as part of the consideration of the January 2020 Geo-Environmental Appraisal, the Environment Agency has confirmed that it is satisfied the condition can be discharged in so far as it relates to controlled waters.

Nevertheless, as there are areas of technical details that require the submission of further information prior to satisfactorily characterising the site, and should Members be so minded, it is considered that the standard suite of land contamination conditions be included on the decision notice.

In conclusion, given that the site forms part of the wider redevelopment of the site, where land contamination is being actively considered, and subject to the imposition of the land contamination conditions, the application is acceptable and in accordance with policy CSDP policy HS3.

## 6. Amenity considerations

CSDP policy HS1 seeks to protect the amenity and quality of life of residents.

In terms of noise considerations Environmental Health note that a noise assessment has previously been submitted and assessed in relation to a successful discharge of condition 13 from 14/00292/OUT, please see ref. 19/01279/DIS. It is considered that the agreed measures brought about this discharge of condition, which remains unaffected by the application proposal, will provide for an adequate noise environment.

It is noted that the Environmental Health have suggested that a Construction Management plan condition be imposed, whilst the comments from the representation of the nearby resident are noted.

However, as highlighted by the Applicant, the planning submission has been supported by various documents that were also submitted in support of the successful discharge of condition 6 'Construction Method Statement' from 14/00292/OUT, please see ref. 19/01279/DIS. The Applicant has drawn attention to page 45 of the submitted Construction Phase Health & Safety Plan, as it specifically outlines protection measures the Site Team will look to when mitigating noise and dust effects on neighbouring residents and the public.

The Applicant has also highlighted that when working close to an existing building, temporary dust screens will be erected as required to ensure that dust contamination is kept to an absolute minimum. Should particularly dry and windy conditions be encountered the measures will be implemented to suppress/ contain dust. This will usually comprise the use of a water absorbent 'tarpaulin' which will be placed over the spoil heap and secured at the foot on all sides. The tarpaulin will then be gently hosed with emphasis on the sides of the spoil heap where the prevalent wind direction is hitting the spoil heap. Dust mitigation measures will be monitored by the site manager and modified if required. Dust suppression bowsers will be used on roads where dust is being blown up in dry and windy conditions. Page 29 of the Construction Phase Health & Safety Plan outlines measures that Site Managers will take prior to the commencement of different construction processes.

The Applicant has also highlighted the fact that much of the excavation work (which is the noisiest phase of the construction works) to break out the existing concrete slab from the former use of the site has now been completed.

Considering the above measures and given that application proposal before Members forms part of an already approved development where work has recently commenced, it is considered that an adherence condition be imposed beholding the construction of the development to same documentation, as agreed via ref. 19/01279/DIS.

It is also noted that a hours of construction condition is attached to the wider site and as such, in the interests of clarity it is considered prudent to impose the same working hours on the application proposal before Members, these are:

- Monday to Friday 07.00 - 19.00;
- Saturdays 07.30 - 14.00 and at no time on Sundays or Bank Holidays.

In conclusion, given that the site forms part of the wider development at the site, where noise and construction impacts have been considered it is recommended that the application be approved.

## 7. Habitat Regulations Assessment and ecological considerations

CSDP policy NE2 requires, where appropriate, that development must demonstrate how it will provide net gains in biodiversity, avoid or minimise adverse impacts on biodiversity and sensitive sites, including European, SSSI and Local Wildlife Sites.

The submitted Preliminary Ecological Appraisal Update October 2019 report (PEA) confirms that the site and its surroundings is characterised by hardstanding, whilst there is no potential for protected or notable species on-site.

Section 6 of the report recommends measures to enhance biodiversity of the site, which includes lighting designs to avoid up-lighting and light spill beyond the site boundaries, as well appropriate working practices to avoid inadvertent damage to any retained habitat on and surrounding the site. Enhancement measures are also identified in the form of landscaping, as well providing access and egress for hedgehogs in the fencing within the development.

Initial comments were received from the Council's Ecologist which highlighted that the PEA's recommendations, as stated above, should be adopted and delivered in full and as such, should Members be minded approve, this could be the subject of an adherence condition.

Additional clarification was also requested in respect of the potential for indirect negative impacts from the development proposal on Local Sites, species and habitats, both alone and in combination with other residential development coming forward in the north Sunderland area. Issues cited centre around increased recreational use, disturbance and dog fouling.

By way of a response and following further consultation between the Applicant's and Council's Ecologist, it was established that a financial obligation of ?8,204 be sought to contribute to a programme of access and habitat management mitigation at Hylton Dene Local Nature Reserve (LNR) and Timber Beach Local Wildlife Site (LWS). The financial obligation to contribute to the following measures:

- Habitat conservation - grassland, woodland, wetland and saltmarsh;
- Access improvements and waste bins;
- Signage and information packs;
- Woodland thinning and planting;
- Management and monitoring.

Regarding Habitat Regulations and the considerations arising from indirect impacts at the European sites along the coast, and following a review of the submission's Screening Assessment, further clarification was sought in respect of how the application proposal was to consider its impact in terms of recreational pressures. As with the above on-site ecology considerations, it was established that a Strategic Access Mitigation and Monitoring obligation of ?569 per dwelling be sought i.e. a total of ?7,966, which is commensurate with the adopted interim approach to Appropriate Assessment for the wider Sunderland area.

In conclusion, subject to the proposed planning obligations and proposed condition, as detailed above, the application proposal is considered acceptable in terms of biodiversity and in accordance with policy NE2 of the CSDP.

## 8. Planning Obligations

CSDP policy ID2 highlights that where it's not possible to address any unacceptable impacts of development through planning conditions, the use of planning obligations will be considered to mitigate and/ or compensate these impacts.

Planning obligations must be:

- 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.

The planning submission highlights the fact that in 2014 outline planning consent was granted at the site for the erection of 140 dwellings (ref. 14/00292/OUT). As part of this approval a Unilateral Undertaking (UU) was executed that set out the various contributions and affordable housing requirements at the site.

The application now seeks consent for 14 units, which would give an overall site total of 114, which is less than the 140 and 118 units agreed via the outline and Reserved Matters. The Applicant highlights therefore that the current scheme will lead to an actual reduction in the overall number of units at the site, but the Council and local community will benefit from the same contributions.

For Member information the following obligations are confirmed via the UU:

- Education contribution of £225,891 to be paid to the Council on occupation of the first dwelling;
- Play facility contribution of £98,140 for new children's play facilities or the upgrade of existing facilities within the area to be paid to the Council on occupation of the first dwelling.

Furthermore, as discussed in the 'Habitat Regulations Assessment and ecological considerations' section of this report, the following application specific obligations will be required:

1. Preliminary Ecological Appraisal/Non-HRA Ecological Elements  
£8,204
2. Appropriate Assessment/HRA  
£7,966 (£569 x 14 units)

As with the education and play contributions these will be required prior to occupation of the first dwelling.

It is considered that the above contributions are necessary and directly related given that they mitigate for the application proposal's impact and are fair and reasonable in scale and kind as they are part of a wider package of works for the PEA elements and based on the based on the interim approach to Appropriate Assessment adopted City-wide.

To conclude, given the above it is considered that the existing and proposed planning obligations are fair and reasonable within the site-specific context and that application is acceptable and in accordance with policy ID2.



## **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 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 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. Consideration has been given to the need to:

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

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

## **CONCLUSION**

For the reasons given above and subject to the draft conditions listed below the proposal is considered acceptable in terms of design, scale, massing and layout and impact on surrounding residents. It is considered that the proposal accords with all relevant local planning policies.

## **RECOMMENDATION:**

Members are recommended to Approve the application subject to the completion of the Section 106 Agreement, as detailed above, and subject to the draft conditions, as detailed below:

### **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:

- Location Plan, BDV.212.LP, October 2019, received 29 October 2019;
- T11 House Type Opposite, T11.02, Nov 2018, received 29 October 2019;
- T11 House Type, T11.01, Nov 2018, received 29 October 2019;
- T10b House Type Opposite, T10b.02, Nov 2018, received 29 October 2019;
- A7-T10b House Type Opposite, A7-T10b.02, Nov 2018, received 29 October 2019;
- A7 House Type, A7.01, Nov 2018, received 29 October 2019
- Full Application No. 2, P18:5172:99 Revision B, August 2019, received 21 February 2020;
- Section 7. Materials of submitted Application Form, received 29 October 2019;
- Concept External Works, SHHET 1, 1030 - 010, received 14 November 2019;
- Concept External Works, SHHET 2, 1030 - 011, 14 November 2019;
- Drawing 1030-006A - Proposed Drainage Arrangement, Appendix A of the submitted Drainage Strategy (November 2019);
- Habitat Management Plan, Delta Simons Project No. 13-0609.03, January 2019.

### **Reason:**

To ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the CSDP.

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

- Email correspondence entitled 'Castletown Way, Sunderland - Concerns regarding Noise and Dust', received 21 February 2020;
- Compound Layout, BDV.21.500, June 2019, received 29 October 2019;
- Method Statement Breaking out and processing concrete bases, James Phillip, received 29 October 2019;
- Temple Safety Ltd Construction Phase Health & Safety Plan, received 29 October 2019.

Reason:

To ensure that the completed development accords with the scheme approved and to comply with policy HS1 of the CSDP.

4 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason:

To protect the amenities of the area and to comply with policy HS1 of the CSDP.

5 The development hereby approved granted planning permission shall be carried out in full accordance with Section 6.2 Construction and Operational Phase Protection/Enhancement Measures, as detailed in the Preliminary Ecological Appraisal Update, Delta-Simons Project No. 19-1432.01, issued October 2019.

Reason:

To minimise impacts on biodiversity and to comply with policy NE2 of the CSDP.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include levels or contours, boundary enclosures and hard surfacing materials. The soft landscape works shall include schedules of trees and plants, noting species, tree and plant sizes and proposed numbers/ densities where appropriate.

Reason:

In the interests of visual amenity and biodiversity and to comply with policies BH1 and NE2 of the CSDP.

7 No dwelling shall be occupied until the estate road which serves that dwelling is surfaced to base course.

Reason:

To minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies ST2 and ST3 of the CSDP.

8 No development shall commence until a Phase II: Site Investigation report which ascertains whether the land is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report shall be based upon the findings of the approved Phase I report and any additional comments provided by the Local Planning Authority, shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
  - a. human health

- b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
  - c. adjoining land
  - d. groundwaters and surface waters
  - e. ecological systems
  - f. archaeological sites and ancient monuments
- iii) a site-specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

9 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no development shall commence until a detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

10 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, the use shall not commence until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

11 If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation

strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

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 HS3 of the CSDP.

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**Reference No.:** 19/02044/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of new school building, together with new hard and soft landscaping, sustainable drainage features, car parking, access arrangements and boundary treatments.**

**Location:** Former Maplewood School Redcar Road Sunderland

**Ward:** Southwick  
**Applicant:** Sunderland City Council  
**Date Valid:** 6 December 2019  
**Target Date:** 6 March 2020

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### **PROPOSAL:**

Full planning permission is sought for the erection of a new school building, together with new hard and soft landscaping, sustainable drainage features, car parking, access arrangements and boundary treatments at the former Maplewood School, Redcar Road, Sunderland.

The proposals affect the site of the former Maplewood Special Educational Needs School, which was demolished in early 2019. The school occupied a large (approximately 2 hectares), 'L'-shaped plot at the junction of Redcar Road and Ramsgate Road in the Red House housing estate. The former school buildings stood at the south-western corner of the site, with areas to its north and east providing a grass pitch and an all-weather pitch respectively. The site currently consists of hardstanding and unmaintained playing fields, with the former artificial pitch now covered in long grass and self-seeded scrub and trees.

The site is bordered by Redcar Road to the south, on the opposite side of which are the grounds of English Martyrs' RC Primary School and the former North Hylton College (recently subject to a planning application for the development of 105 new dwellings, see planning application ref. 19/01427/FU4). To the west, it is bordered by dwellings fronting Ramsgate Road and to the north and east by allotment gardens and the grounds of Southwick Cemetery. The south-eastern corner of the site is also bordered by dwellings fronting Redcar Road/Maplewood Avenue.

The current application seeks planning permission to erect a new school at the site, with an associated hardstanding playground, sports pitch and wetland area, together with car parking, new access arrangements, boundary treatments, sustainable drainage features and other hard and soft landscaping measures.

The new school will be a relocation of the current Willow Fields Primary School, which currently stands on a site at Winslow Close in Witherwack. The Planning Statement submitted with the current application advises that the existing Willow Fields school is in a poor condition and does not have sufficient capacity to meet an increased need for places resulting from additional housing being built in north Sunderland. The proposed school will have a capacity of up to 315 no. pupils, although the initial admission will be 210 no. pupils.

In terms of the site layout, the school building will occupy the eastern portion of the site, previously occupied by the all-weather pitch, and will be of an 'L'-shape, with the main wing on a west-east orientation and a short wing projecting southward towards Redcar Road. Utilising this area of the site reduces the need to unnecessarily replace existing green and wooded areas. A car park,

circulation and drop-off/pick-up area will be located immediately adjacent to the building and will be accessed directly from Redcar Road. A separate pedestrian access will be located to the west of the vehicular access.

To the west of the school building and car park area will be the wetland area, which comprises ponds and landscaping, a network of footpaths and a grass amphitheatre to provide an area of both ecological and educational value. To the north of this will be a multi-use games area and beyond, behind the houses fronting Ramsgate Road, will be a grass sports pitch. Additional hard and soft landscaped external play areas will be provided around the northern and eastern sides of the new school building, which will incorporate new tree planting to replace trees being lost and supplement trees being retained. Some existing trees are also to be removed and relocated as part of the landscaping proposals. New trees and shrubs will generally be native and insect-friendly in the interests of ecology and biodiversity. The ponds within the wetland area will also function as detention basins for the Sustainable Drainage Scheme (SuDS) for the site; the SuDS will also include a pond, swales around the northern and eastern edges of the site.

In terms of the design and appearance of the new school building, it will predominantly be single-storey in scale, with only the main hall being higher as it is a double-height space. The design will provide a modern building which uses a variety of modern materials, including robust and reliable grey-blue brick and cladding. Roofs will predominantly be flat but with areas featuring shallow pitches to provide visual interest and external elevations will be punctuated with dark-grey powder-coated aluminium windows. The windows to be used will provide natural ventilation and are to be positioned to enable flexibility in partitioning the space within the building. The 'public' faces of the building are those to its southern and western sides and these will be brick-faced with cladding above. The outer facade has the same treatment, save for an overhang to provide a covered play area adjacent to the classrooms. The main/visitor's entrance will also feature an extended canopy and area to accommodate building signage.

In considering future needs of the school, consideration has been given to how the school could be extended. To this end, the submitted site plan identifies an area for future possible extension, from the glazed end of the new school's western elevation.

Where practicable, existing boundary fencing around the site will be retained and repainted, with new 1.8 metres high railings and mesh fencing used where replacement is required.

The application has been accompanied by a range of supporting information and technical surveys and reports, including the following:

- Planning Statement;
- Design and Access Statement (including a Sustainability Statement);
- Statement of Community Involvement;
- Transport Statement;
- Preliminary Ecological Appraisal;
- Arboricultural Impact Assessment;
- Preliminary and Detailed Unexploded Ordnance (UXO) Risk Assessments;
- Preliminary Site Investigation (Phase 1) report;
- Geoenvironmental Appraisal (Phase 2) report;
- Flood Risk Assessment and Drainage Strategy

Members should note that the application has been submitted by the City Council's Capital Projects team and that the application site is owned by the Council.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

DC North Chair And Vice Chair Consultation  
Flood And Coastal Group Engineer  
Northumbrian Water  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Sport England  
Northern Electric  
North Gas Networks  
Nexus  
Director Of Childrens Services  
Fire Prevention Officer  
Environment Agency  
Network Management  
Environmental Health  
Southwick - Ward Councillor Consultation

Final Date for Receipt of Representations: **08.01.2020**

## **REPRESENTATIONS:**

Public consultation - the application has been publicised via letters sent to 71 no. addresses close to the application site, the posting of site notices in the area and the publishing of a notice in the Sunderland Echo newspaper. No representations have been received.

The Statement of Community Involvement (SCI) submitted with the application advises that a public consultation event was held at the existing school and a survey made available on the Council's website. The survey asked questions about the principle of expanding and relocating the existing school. The SCI advises that 35 surveys were completed, with 88% of respondents fully supportive of the proposal to use the Maplewood School site to provide an expanded replacement of the Willow Fields school.

Sport England - have considered the proposals against paragraph 97 of the NPPF and Sport England's Playing Fields Policy, which generally seek to prevent development which would result in the loss of playing fields. Sport England's comments note that the proposed development will prejudice the use, or lead to the loss of use, of land being used as a playing field or which has been used as a playing field in the last five years. In this case, it is observed that the new school will be erected on a former redgra pitch, which is technically defined as a playing field for planning purposes.

It is recognised, however, that bringing redgra pitches back into use requires engineering operations that are unrealistically expensive for a primary school site. Additionally, aerial photographs dating back to 2001 show that the redgra pitch has been abandoned and unused for



sport for at least 20 years. As such, on this particular occasion, Sport England accepts its loss to sport.

The grass playing field at the site will, however, be retained as part of the development and this aspect of the development meets exception E4 of Sport England's Playing Fields Policy (which states that development may be accepted where suitable replacement playing fields are provided).

Nexus (Tyne and Wear Passenger Transport Authority) - no objections as existing bus stops on Redcar Road are not affected.

Northumbrian Water - no issues to raise with the application, provided the application is approved and carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy, which sets out that surface water will discharge to the combined sewer at manhole 2904 at a restricted rate of 3.5l/sec. It is therefore requested that in the event the application is approved, a condition is imposed requiring the development to be implemented in line with the submitted drainage strategy.

Tyne and Wear Fire and Rescue Service - no objections to the proposed development.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority) - considers that the application can be approved, subject to a verification condition to ensure the sustainable drainage scheme is constructed as approved.

Council's Environmental Health team - considers that the development is acceptable in principle, having assessed matters relating to land contamination, noise, odour and construction environmental management.

It is considered that land contamination does not represent an impediment to granting planning permission for the development of the site; however, it is requested that if the application is approved, conditions be imposed requiring the submission of further information relating to soil conditions, groundwater testing, ground gas risk and combustible materials and the submission and approval of a suitable remediation strategy for the site.

With regard to noise, it is observed that the multi-use games area will not be lit and should be subject to continuous supervision to ensure noise from the use of the pitch will not affect nearby residential properties.

With regard to odour, it is requested that a condition be imposed requiring the submission and approval of details of the extraction and ventilation equipment to be used in the school kitchen.

A condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) is also requested.

Council's Ecology team - no objections to the proposal, subject to conditions requiring:

- the adoption, delivery and maintenance of the mitigation, compensation and enhancement measures set out in the submitted Ecological Appraisal, Arboricultural Impact Assessment and the accompanying plans;
- submission of details of species mixes and the schedule and the means for their long-term maintenance;
- the submission of landscape proposals to include wildlife habitat improvements and maintenance to the area of land at the northern end of the sports pitch.

Council's Built Heritage officer - no objections.

Council's Highways team - initially identified some deficiencies in the Transport Statement (TS) submitted with the application, with the following matters highlighted:

- TS does not adequately address potential increases in traffic on Redcar Road will be managed;
- Contrary to the suggestion in the TS, it is unlikely that staff will use the Tyne and Wear Metro to reach the site given the distance to the nearest station, although it is recognised that bus services along Redcar Road are frequent;
- Greater analysis of parking availability for staff and the drop-off/pick-up of pupils;
- Confirmation required that traffic flow data is for Redcar Road and is contemporary;
- Analysis of road accident data is required;
- Clarification of nursery provision;
- Further details of planned traffic calming features to Redcar Road are required;
- Analysis of trip generations is not informed by the maximum capacity of the school (i.e. 315 pupils);
- A Traffic Regulation Order (TRO) is required to prevent stopping on Redcar Road;
- Confirmation of anticipated staff numbers is required to ensure that parking provision is sufficient;
- Confirmation that the proposed drop-off/pick-up area is of sufficient capacity;
- Full details of servicing/delivery arrangements are required;
- A School Travel Plan should be prepared and submitted for consideration, to encourage the use of sustainable modes of transport by both teachers/staff and pupils;

Additional information was submitted by the applicant in order to address the concerns above, in the form of: a revised Transport Statement; a revised site plan showing the provision of a cycle shelter; a swept path analysis for delivery vehicles; and information on planned transport improvements (which will involve double yellow line markings, a priority/give way build out, triple speed cushion, school keep-clear markings and a raised table zebra crossing to Redcar Road and new warning signage to Redcar Road, Ramsgate Road and Beechwood Crescent).

It has also been confirmed that the nursery provision is for 26 pupils and that the existing number of staff is 19 full-time equivalent (FTE), which will increase to 26 FTE when the school is at full capacity. In terms of parking, 34 no. spaces will be available, 2 no. of which are accessible. It is anticipated that not all staff will travel by car, as many staff will live locally.

The submitted information has been reviewed by the Council's Highways team, who have made the following revised comments:

- The revised TS acknowledges that roads in the vicinity of the site are heavily parked on weekdays, particularly during peak hours (8am-9am and 3pm-4pm), due to the presence of the English Martyrs' School opposite the site;
- The TS recognises that adding another primary school in close proximity to English Martyrs would significantly increase traffic on Redcar Road and other surrounding residential streets. This could cause congestion throughout the area, which could be detrimental to other road users and residents;
- It is therefore advised that the start/finish times of the proposed school should be staggered with English Martyrs' to ensure that congestion is minimised;
- The TS states that road traffic calming measures are to be included along Redcar Road and other neighbouring streets. The submitted proposals are considered acceptable and the works should be implemented prior to the school's opening;

- The submitted trip generation exercise is considered acceptable;
- The proposed access junction off Redcar Road is considered acceptable;
- A Traffic Regulation Order (TRO) to restrict on-street parking should be in place before the school opens;
- The proposed parking and drop off/pick up arrangements are considered acceptable;
- The submitted details for servicing and refuse collection are considered acceptable;
- If approved, a planning condition should be imposed requiring the submission of a School Travel Plan, to encourage travel to the school by sustainable modes for both teachers and pupils;

In summary, the Council's Highways team now have no objections to the scheme, subject to conditions to the following effect being imposed:

- Staggering of start/finish times to reduce conflict with English Martyrs' school;
- Proposed highways improvements and TRO implemented prior to occupation of the school;
- A School Travel Plan to be submitted and approved prior to commencement of works.

## **POLICIES:**

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

CF\_5\_Provision for primary and secondary schools

CF\_8\_Encouraging the wider community use of land and buildings used for education

L\_7\_Protection of recreational and amenity land

## **COMMENTS:**

### ISSUES TO CONSIDER

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.

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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:

- 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);
- Conserve and enhance the natural environment (section 15); and

Members should be aware that the Council has adopted a new Core Strategy and Development Plan (CSDP), which becomes the strategic development plan for the City for the period up to 2033. Policies SP1, SP7, HS1, HS3, BH1, BH2, VC5, NE2, NE3, NE4, WWE2, WWE3, WWE5, ST2 and ST3 of the CSDP are considered to be pertinent to the determination of this application.

The new CSDP policies serve to replace the majority of policies within the Council's Unitary Development Plan (1998), but some, mainly non-strategic, policies have not been superseded and can continue to be given weight where appropriate. In this case, policies CF5 and CF8 and the designations part of policy L7 of the UDP have been retained and remain applicable to the determination of this 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. Land use considerations;
2. The implications of the development in respect of residential amenity;
3. Visual amenity and design considerations;
4. The impact of the development on highway and pedestrian safety;

5. The impact of the development in respect of ecology, biodiversity and trees;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions and land contamination;

## 1. Land use considerations

The Council's new Core Strategy and Development Plan (CSDP) is primarily concerned with strategic land use allocations in the City and has not served to designate the application site for a specific land use. The Proposals Map of the UDP designates much of the site as a playing field and as noted above, the designations part of policy L7 of the UDP remains applicable.

Policy L7 states that land allocated for open space will be retained in its existing use, with alternative uses only acceptable if certain circumstances apply. To this end, policy NE4 of the CSDP makes it clear that the Council will refuse development on greenspaces (including school playing fields) which would have an adverse effect on its amenity, recreational or nature conservation value, unless it can be demonstrated that:

- i. The application demonstrates that the provision is clearly surplus to requirements;
- ii. An acceptable replacement facility is provided;
- iii. Where replacement by the developer is not practicable, securing a financial contribution to enable the Council to deliver new greenspace or sports provision or improvements to existing provision at an appropriate off-site location.

Policy NE4's requirements essentially mirror those of paragraph 97 of the NPPF, which also seeks to protect existing open space and playing fields from development unless circumstances similar to those set out by policy NE4 are applicable.

In this case, the new school building will be erected on the site of the former redgra pitch, however as confirmed by Sport England, this pitch has not been used for sport for over 20 years and should be considered as abandoned. The development will maintain the provision of a grass pitch at the site and will also include a multi-use games area (MUGA). On this basis, and as confirmed by Sport England, it is considered that the development will not give rise to the loss of outdoor sports facilities and will not have an adverse effect on the quality or provision of sports pitches, in accordance with Sport England's policy objectives and those of policy L7 of the UDP, policy NE4 of the CSDP and paragraph 97 of the NPPF.

Also relevant to the consideration of this application is policy VC5 of the CSDP, which states that community facilities (such as educational facilities) will be protected and enhanced by, amongst other measures, supporting development of new and extended community facilities, which should be located in accessible neighbourhoods and centre locations.

Additionally, policy CF5 of the UDP, which has been retained following the adoption of the CSDP, states that primary and secondary education will primarily be accommodated on existing sites, those identified in the UDP or on other sites provided that their impact on the amenity of the neighbourhood is acceptable and the traffic generated can be safely accommodated. UDP policy CF8, meanwhile, states that in all educational developments, the Council will encourage the provision of facilities to enable wider community use of both land and buildings.

Meanwhile, 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. Authorities should give great weight to the need to create, expand or alter schools through decisions on applications.

As outlined earlier in this report, the proposed development involves the provision of a new school to increase educational capacity in the area in response to the increasing population of north Sunderland and to replace a school which is no longer considered to be fit-for-purpose. The development will also utilise a site which has previously accommodated a school. In terms of community access, it is understood that the school intends to make its facilities available to other schools and the wider community and will host parent and toddler groups, bingo events etc. If necessary, segregation of the school building and its grounds could be undertaken to enable community use to take place even whilst other parts of the school are in use. In respect of these matters, the proposals are considered to comply with the requirements of CSDP policy VC5, UDP policy CF5 and paragraph 94 of the NPPF.

For the reasons set out above, the principle of the proposed development is considered to be acceptable and there is not considered to be any conflict with the relevant land use policies. Additionally, and in accordance with paragraph 94 of the NPPF, great weight should be given to the benefits of delivering a new educational establishment at the site. Notwithstanding this conclusion, in order to determine the acceptability of the proposed development, consideration must be given to all other relevant material considerations; this exercise is undertaken below.

## 2. Residential amenity considerations

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 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 of existing residential properties, it is evident that at the closest point, there will be a distance of approximately 27 metres between the eastern side of the new school and the garage of 87 Redcar Road, a distance which is considered sufficient to ensure this dwelling will not experience any unacceptable loss of outlook, privacy or overshadowing, particularly given the single-storey scale of the school building. To the west, there is approximately 85 metres between the west elevation of the school and the dwellings fronting Ramsgate Road.

It is recognised that the use of the site as a school can give rise to some noise and disturbance via, for example, the outdoor play of children and the comings and goings of pupils, staff and visitors both on foot and in vehicles. Although some 'after-hours' use of school facilities may take place, activity at the school would primarily occur during daytime hours and during the working week and would, therefore, be unlikely to give rise to any significant harm to the amenity of the locality. It should also be recognised that the site has historically accommodated a school and that such a use of the site is therefore long-established.

In terms of the quality of the facilities offered to future pupils of the school, it is evident that the development will provide a modern learning environment and will be a significant upgrade on the existing Willow Fields School. The new school will benefit from high-quality areas of outdoor play

space, with the wetland environment being an especially unusual educational and recreational facility.

Given the above, it is considered that the impact of the development on the amenity of existing properties in the area is acceptable, whilst the school will also provide future pupils with a high-quality learning environment, in accordance with the requirements of policy BH1 of the CSDP and paragraph 127 of the NPPF.

### 3. Design and visual amenity implications

Policy BH1 of the Council's CSDP 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 the locality and by creating visually attractive and legible environments through provision of distinctive, high quality architecture, detailing and building materials.

Paragraph 127 of the NPPF, meanwhile, states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that 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.

The proposed school building is of a contemporary design and appearance, which will be reinforced by the materials proposed to be used in its construction. It is recognised that the modern design and materials of the school will contrast with the typical character of the area, which is primarily informed by traditional post-war local authority housing and other community buildings; however, given the 'stand-alone' nature of the school and its separation and distinction from other buildings, it is considered that this approach is appropriate. Moreover, given that the school is primarily single-storey in scale and is largely set back from Redcar Road, it will not appear as especially dominant within the prevailing streetscene and will relate satisfactorily to the primarily domestic scale of its surroundings.

The amount and quality of the landscaping and tree planting around the school, including to the Redcar Road boundary, will also be of benefit to its setting and assist in ensuring the development makes a positive contribution to the visual amenity of the area.

In terms of sustainability, paragraph 150 of the NPPF 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. Allied to this, policy BH2 of the CSDP 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.

The 'Sustainability' section of the submitted Design and Access Statement sets out that the following measures have been incorporated into the design of the new school to maximise its sustainability:

- Maximisation of insulation within the external envelope by increasing thermal mass and aiming for a very high air tightness rating to reduce heat loss;

- Designing the building so that additional renewable technologies/measures can easily be incorporated in the future;
- Minimising emissions from pollutants by fitting boilers with low nitrogen oxide-emitting burners, using efficient lighting, using CFC- and HCFC-free materials and avoiding the use of polluting paints, solvents, particle boards and aerosols;
- Using timber from managed forests;
- Using recycled materials and incorporating good water economy and energy management systems;
- Sustainable treatment of surface water

It is considered that the Design and Access Statement submitted with the application demonstrates that the development has been informed by a sustainable approach to construction practices, building design and the use of materials and internal fixtures and fittings.

Given the above, it is considered that the design of the new school and its grounds is acceptable and that the development will have a positive effect on the visual amenity of the locality and that the school has been developed in accordance with sound sustainability principles. The proposals therefore accord with the requirements of the NPPF and the Council's adopted CSDP in respect of these matters.

#### 4. Impact of the development on highway and pedestrian safety

Policy ST2 of the Council's adopted 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.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

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.



As set out in the 'Representations' section of this report, the Council's Highways team initially requested that further information was required in order to properly assess the impacts of the development on the local road network and to ensure that the proposed parking and access arrangements are acceptable. The submitted Transport Statement has been updated by the applicant and further information on trip generation, staff numbers, parking arrangements and proposed transport improvements to existing roads has been provided.

This in turn has been reviewed by the Highways team, who now have no objections to the proposed development on highways grounds, subject to conditions requiring the staggering of the school's opening/closing times with the English Martyrs' School; the implementation of proposed transport improvements prior to the occupation of the school; and the submission and approval of a School Travel Plan.

Providing conditions to this effect are imposed, it is considered that the implications of the proposed development in respect of access, parking, highway and pedestrian safety and sustainable travel initiatives are acceptable. Consequently, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

## 5. Implications of development in respect of ecology, biodiversity and trees

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.

Locally, policy NE2 of the Council's adopted 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. Policy NE3, meanwhile, supports the retention and protection of valuable trees within development proposals.

As set out in the 'Representations' section of this report, the Council's Ecology team have no objections to the development, subject to conditions requiring:

- the adoption, delivery and maintenance of the mitigation, compensation and enhancement measures set out in the submitted Ecological Appraisal, Arboricultural Impact Assessment and the accompanying plans;
- submission of details of species mixes and the schedule and the means for their long-term maintenance;
- the submission of landscape proposals to include wildlife habitat improvements and maintenance to the area of land at the northern end of the sports pitch.

In terms of trees at the site, the Arboricultural Survey submitted with the application has surveyed existing tree coverage and concludes that the majority are of 'low' quality, with only one group of 'moderate' value. Whilst a number of trees are to be lost as a result of the development proposals,

the survey considers that the tree planting proposed as part of the application will acceptably mitigate any negative impact this would otherwise cause and that a 'neutral' impact on the amenity of the locality is likely. Existing trees will also be replanted as part of the new landscaping proposals where appropriate. It is recommended, however, that a condition be imposed which requires the implementation of tree protection measures during construction works, in order to ensure retained trees are adequately protected for the duration of such works.

Provided conditions relating to ecology and tree protection are imposed, it is considered that the development will not give rise to any unacceptable harm to ecology and biodiversity and retained trees at the site and that the proposals will provide appropriate opportunity for habitat enhancements and ecological improvements. The scheme will therefore satisfactorily address the objectives of paragraph 175 of the NPPF and policies NE2 and NE3 of the CSDP.

## 6. 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.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the 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. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which, broadly speaking, confirms that the risk from flooding at the site is low (site is within Flood Zone 1, with low risk of surface water and groundwater flooding) and sets out

an appropriate strategy for ensuring that the development will not increase the risk of flooding within and outside of the application site. The strategy proposes appropriate and sustainable measures, in the form of swales, attenuation ponds and soft landscaping within the site, which will bring multiple benefits in terms of wetland habitat creation, educational interest and an attractive landscaped setting for the school, as well as satisfactorily addressing the practicalities of minimising flood risk.

There are no objections to the development from either the Lead Local Flood Authority or Northumbrian Water, provided that a condition which ensures that the submitted drainage strategy is implemented as planned and is effective is imposed. Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## 7. Implications of development in respect of land contamination

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 of the NPPF then 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 HS3 of the CSDP 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.

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Contaminated Land Risk Assessment which have been reviewed by the Council's Environmental Health team. There are no objections to the proposals and it is considered that ground conditions/land contamination does not represent an impediment to the development of the site. It is requested, however, that further information is provided in respect of: risk assessments for soils; groundwater samples; ground gas risk assessments and monitoring; and testing of potential combustible materials. Subsequent to this, an updated conceptual site model should be provided and a remediation strategy for the site prepared and submitted for the Council's approval. It is advised, however, that these outstanding matters can be satisfactorily dealt with via appropriately-worded conditions.

The application has also been accompanied by a Detailed Unexploded Ordinance (UXO) Risk Assessment, which considers the risk posed by bombs and other explosive devices utilised during World War II. There is no evidence to suggest that the application site was specifically targeted or subject to any bombing, but as records are incomplete, a risk from unexploded ordnance does remain. The Assessment sets out a series of risk mitigation measures, in the form of a UXO Risk Management Plan, awareness briefings to personnel conducting intrusive works, specialist on-site support (where required) and an intrusive magnetometer survey of all boreholes and pile locations/clusters down to maximum bomb-penetration depth.

Subject to the conditions recommended by the Council's Environmental Health team and a condition requiring the adoption of the Risk Management Plan within the UXO Risk Assessment, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed, and so the proposals will satisfy the objectives of the NPPF and policies HS3 and WWE4 of the CSDP.

### **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 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 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. Consideration has been given to the need to:

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

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

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed educational establishment will utilise a former school site and will result in a scheme which will deliver a good standard of development which will have an acceptable impact on the amenity of the locality.

The implications of the development relative to highways matters have been considered carefully by the Council's Highways team; following the submission of additional information and subject to the recommended conditions, it is considered that the proposals are acceptable relative to highway and pedestrian safety. Subject to the conditions recommended throughout this report, the proposals are also considered to be acceptable in respect of ecology, flood risk and sustainable drainage, trees and ground conditions/land contamination.

The proposals are consequently considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 94 of the NPPF, great weight should be given to the positive benefits of delivering a new educational establishment at this sustainable location.

The proposed development is therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the Council's Core Strategy and Development Plan and remaining policies of the UDP. It is consequently recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

**RECOMMENDATION: GRANT CONSENT** under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below:

### **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:

- location plan, drawing no. 0518019/ARCH/100 P1;
- existing site plan, drawing no. 0518019/ARCH/118 P1;
- site plan as proposed, drawing no. 0518019/ARCH/128 P3;
- proposed TRO layout, drawing no. WFPS-SCC-HGN-ZO-DR-CH-1200-S0 P01;
- external surfacing general arrangement (swept path analysis plan), drawing no. WFPS-SCC-HGN-ZO-DR-CH-0104-S0 T01;
- proposed floor plan, drawing no. 0518019/ARCH/200 P1;
- proposed elevation, drawing no. 0518019/ARCH/300 P1;

- proposed roof plan, drawing no. 0518019/ARCH/201 P1;
- proposed sections, drawing no. 0518019/ARCH/400 P1;
- 3D visuals plan, drawing no. 0518019/ARCH/800 P1;
- proposed landscaping plan, drawing no. LS100152 0001 T05;
- proposed boundaries plan, drawing no. LS100152 0002 T02;

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

3 The external materials to be used in the development hereby approved shall be those specified by the submitted plans and supporting documents (including the materials listed in respect of Q7 of the submitted planning application form), unless the Local Planning Authority first agreed any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority (in consultation with the Lead Local Flood Authority and Northumbrian Water), to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme to achieve a surface water discharge rate to the combined sewer of 3.5l/s. This verification report shall include:

- \* As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- \* Construction details (component drawings, materials, vegetation);
- \* Health and Safety file;
- \* Details of ownership organisation, adoption & maintenance.

#### REASON

To ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS and to comply with the requirements of the NPPF and Core Strategy policies WWE2 and WWE3.

5 The new school building shall not be occupied until details of the odour control and extraction system to be installed in the proposed school kitchen have been submitted to and approved in writing by the Local Planning Authority. The system shall then be installed in accordance with the approved details and maintained as such thereafter, in the interests of ensuring the amenity of the locality is not adversely affected by odour and to comply with the objectives of the NPPF and policy HS1 of the Core Strategy and Development Plan.

6 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the Plan shall set out details of measures to mitigate the impacts of construction activities on neighbouring site occupiers. The development shall then be carried out in accordance with the approved Plan at all times, in the interests of

protecting the amenity of the locality during construction works and to comply with the requirements of the NPPF and policy HS1 of the Core Strategy and Development Plan.

7 The development hereby approved shall not commence until the submitted Geoenvironmental Appraisal Report (Dunelm, October 2019) has been updated/appended to address the comments set out in the consultation response received from the Council's Public Protection and Regulatory Services team (dated 19 December 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 updated report, 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 HS3 of the Core Strategy and Development Plan.

8 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following components:

i. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

iii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

9 Any remediation scheme approved pursuant to condition number 8 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 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 HS3 of the Core Strategy and Development Plan.

10 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 and submitted to the LPA for its approval. 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 8. 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 HS3 of the Core Strategy and Development Plan.

11 The development hereby approved shall, at all times, be undertaken in accordance with the recommendations of the Unexploded Ordnance Risk Management Plan within the submitted 'Detailed Unexploded Ordnance Risk Assessment' (1st Line Defence, November 2019), in order to minimise risks from unexploded ordnance and to comply with the requirements of the NPPF and policy HS3 of the Core Strategy and Development Plan.

12 The ecological mitigation and enhancement measures set out at section 6.0 of the ecological appraisal (Dendra Consulting, August 2019), within the submitted Arboricultural Impact Assessment and as detailed in the submitted plans and drawings shall be adopted in full prior to the occupation of the new school building, in order to ensure the ecological implications of the development are acceptable and to comply with the objectives of the NPPF and policy

13 The development hereby approved shall not commence prior to the submission of details of species mixes to be used in the proposed landscaping scheme and the schedule and the means for their long-term maintenance have been submitted for the approval of the Local Planning Authority. The development shall then be carried out in full accordance with the agreed details, in the interests of ensuring the ecological implications of the development are acceptable and to comply with the requirements of the NPPF and policy NE2 of the Core Strategy and Development Plan.

14 The development hereby approved shall not commence prior to the submission of landscape proposals to include wildlife habitat improvements and maintenance to the area of land at the northern end of the sports pitch have been submitted for the approval of the Local Planning Authority. The proposals shall also include a proposed programme for their implementation. The approved landscaping shall then be undertaken in accordance with the agreed programme, in order to ensure the ecological implications of the development are acceptable and to accord with the objectives of the NPPF and policy NE2 of the Core Strategy and Development Plan.

15 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree



Work", in the interests of visual amenity and to comply with policy NE3 of the Core Strategy and Development Plan.

16 Prior to the commencement of development, the tree protection measures set out in section 5.0 of the submitted Arboricultural Impact Assessment (Dendra, December 2019) shall be put in place at the locations recommended in the Tree Protection Plan (appendix 1 of the Assessment) and shall be maintained for the duration of all construction works, in order to ensure retained trees at the site are properly protected during construction works and to comply with the objectives of the NPPF and policy NE3 of the Core Strategy and Development Plan.

17 The school hereby approved shall not be occupied until the school's opening and closing times have been agreed in writing with the Council as Local Planning Authority. For the avoidance of doubt, the opening and closing times should be designed to be staggered with those of English Martyrs' RC Primary School, in order to minimise potential traffic disruption during school drop off/pick up times and meet the objectives of the NPPF and policy ST2 of the Core Strategy and Development Plan.

18 The school hereby approved shall not be occupied until the transport improvements to the highway network adjacent to the school shown on drawing no. WFPS-SCC-HGN-ZO-DR-CH-1200-S0 P01 have been implemented in full and the associated Traffic Regulation Order completed, in the interests of highway and pedestrian safety and to comply with the objectives of the NPPF and policy ST2 of the Core Strategy and Development Plan.

19 The school hereby approved shall not be occupied until a School Travel Plan has been submitted to and approved in writing by the Council as Local Planning Authority. The Travel Plan shall include initiatives to reduce and limit the number of car journeys to and from the site and encourage the use of modes of sustainable transport by staff and pupils. The initiatives set out in the approved Travel Plan shall then be implemented in full upon occupation of the new school building, in order to minimise traffic disruption and encourage sustainable travel to and from the site and to accord with the objectives of the NPPF and policies ST2 and ST3 of the Council's UDP.