

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

1.

Houghton

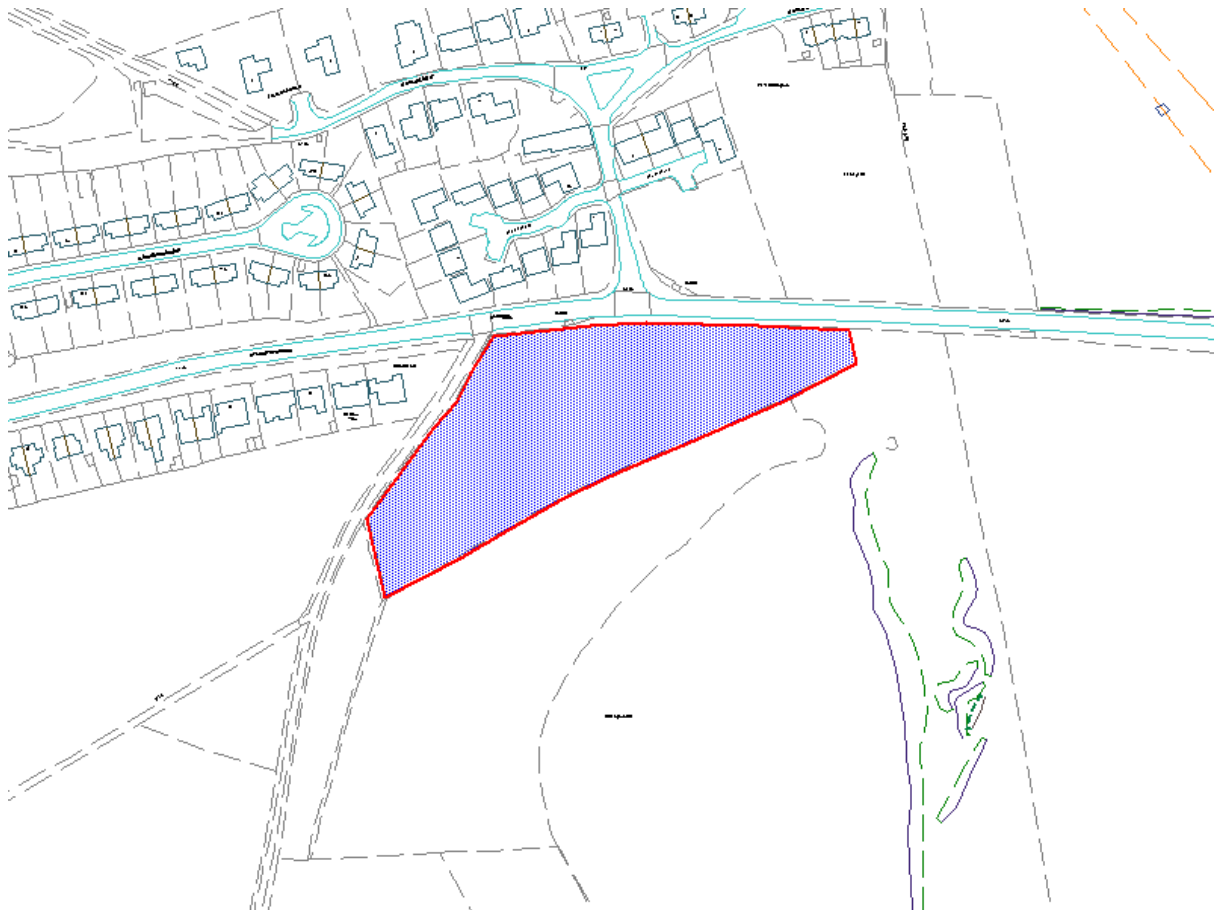
Reference No.: 14/01948/SUB Resubmission

Proposal: **Outline Application to provide 10 no. executive dwellings (Resubmission)**

Location: Land Off Herrington Road / Opposite The Stables West  
Herrington Houghton-le-Spring

Ward: Copt Hill  
Applicant: Mr Mark Green  
Date Valid: 20 August 2014  
Target Date: 19 November 2014

### Location Plan



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### PROPOSAL:

The re-submitted proposal is for outline planning permission to provide 10 executive dwellings on land off Herrington Road / opposite The Stables, West Herrington.

A previous planning application reference 13/00297/OUT was withdrawn prior to determination to enable ecological and archaeological survey work to be undertaken.

The site is a wedged shape piece of greenfield land in open countryside, that is bound to the north by public highway, Herrington Road (B1286), to the west by an unadopted track that forms part of a public right of way Houghton Footpath 50 and to the south and east by open countryside and Herrington Hill Site of Special Scientific Interest (SSSI).

The proposal is seeking a development in principle decision with all matters reserved.

The application is accompanied with the following documents:-

- Design and Access Statement.
- Flood Risk Assessment.
- Heritage Assessment.
- Ecological Appraisal Report.

The proposal is a departure from the approved development plan and has been advertised as such.

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

Press Notice Advertised  
Neighbour Notifications

#### **CONSULTEES:**

Network Management  
Copt Hill - Ward Councillor Consultation  
Northumbrian Water  
Environmental Health  
Environment Agency  
Nexus  
Force Planning And Police Architectural Liaison Officer  
Shiney Row - Ward Councillors Consultation  
Tyne And Wear Archaeology Officer  
Natural England

Final Date for Receipt of Representations: **23.12.2014**

#### **REPRESENTATIONS:**

##### **Neighbours**

Nine letters of representation have been received to the proposed development, seven negative, two positive, the concerns identified are listed below:-

1. No building on Green Belt land.

2. House type demand, not demonstrated nor proven.
3. Loss of valuable green space.
4. Creates a flood risk.
5. House type shortage.
6. Ecology issues.
7. Topography issues.
8. Inadequate Flood Risk Assessment.
9. Inadequate Design and Access Statement.
10. Highway concerns.
11. Lack of effective consultation.

In addition to the above a petition signed by 31 households was submitted seeking to highlight the land as an allocated piece of Green Belt as opposed to a housing site.

In respect of the above points, each of the points have been addressed in the main report with the exception of points 2, 5 and 11 which refers to the house type sought, namely executive housing and the amount of effective consultation undertaken. Whilst it is acknowledged that little in the way of supporting documentation has been provided with the application, the proposal seeks the acceptability of residential development in principle, the house type is not considered to effect the outcome in this instance as new residential developments in the Green Belt are considered inappropriate unless in very special circumstances. Demonstrating very special circumstances is not considered to have been established in this particular proposal.

With regards the amount of consultation and public engagement, although it is in the developers interest to undertake a statement of community involvement with the local community, this is not a pre-requisite and in this instance has not taken place.

In terms of the Local Planning Authority's obligations to consult, site and press notices have both been issued along with a wide net of consultation letters.

### **Consultee Responses:-**

Nexus - The development is in a good location with regards to public transport. Bus services on both sides of Herrington Road provide access to local facilities.

Environment Agency - No objections to the development as submitted however the following advice is noted.

All drainage to be agreed with NWL.

Environment Agency records show that there could be water vole in the area. These are protected under the Wildlife and Countryside Act 1981.

Nothumbrian Water - Comments are consistent with previous planning application. No issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "flood risk assessment." In this document it states the applicant intends to attenuate surface water on site and discharge into the public sewer at 5 Litres per second into manhole 7002.

We would therefore request that the flood risk assessment form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

County Archaeologist - If permission was to be granted for this application then a programme of archaeological work would be required as buried archaeological remains may survive. These works should include:

- Archaeological Excavation and Recording Fieldwork Report.
- Archaeological Post Excavation Report.
- Archaeological Publication Report.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_12\_Conflicts between new development and flood risk / water resources  
CN\_2\_Purpose of the Green Belt in Sunderland  
CN\_3\_Control of development within the Green Belt  
CN\_5\_Safeguarding the visual amenity of the Green Belt  
CN\_20\_Developments affecting designated/proposed SSSI's  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_23\_Measures to conserve/ improve wildlife corridors  
HA\_17\_Maintenance of a Green Belt  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The key issues which need to be considered are:-

- 1) Proposed land use
- 2) Flooding
- 3) Highways
- 4) Archaeology
- 5) Ecology
- 6) Other Considerations

### **1. Proposed Land Use**

The application site is greenfield land in open countryside, the vast majority of which sits within the boundaries of the Tyne and Wear Green Belt and as such is governed by National planning guidance regarding development within the Green Belt, whilst the remainder of the site is white land and hence governed by policy EN10 of the saved adopted Unitary Development Plan (UDP).

Policy EN10 of the UDP states that:

"all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood."

With the site, being partially located within the Green Belt and providing a paddock area, then the proposed use for residential purposes would be at odds with Green Belt policy and as such would not be compatible with the principal use of the neighbourhood.

The main issues in assessing the acceptability of the land use are whether the scheme constitutes inappropriate development in the Green Belt; the effect on the openness of the Green Belt as well as the character and appearance of the countryside; and if the scheme is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 79 of the National Planning Policy Framework (NPPF) "attaches great significance to Green Belts" reiterating that their fundamental aim is to prevent urban sprawl by keeping land permanently open, and that their essential characteristics are their openness and permanence.

Paragraph 80 of the NPPF retains the 5 purposes of Green Belts (as outlined in the saved adopted Unitary Development Plan (UDP) CN2) all of which are considered to be relevant to this proposal, including checking unrestricted sprawl, preventing towns merging and the encroachment into the countryside.

Furthermore, paragraphs 87-89 states that:

"As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

"Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt.

The National Planning Practice (NPPG updated 06.10.14) states;

"Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying this inappropriate development on a site within the Green Belt."

The provision of "executive" housing, sustainable development and the alleged "negligible" impact upon the green belt are not considered to be very special circumstances that would justify inappropriate development on a site within the Green Belt.

In addition to the above, and in terms of relevant UDP policy, Green Belt policies CN2, CN3, CN5 and HA17 are of particular relevance.

In summary, the proposal is contrary to the fundamental purposes of the Green Belt, particularly with regards checking unrestricted sprawl of the urban area, which is clearly defined at West Herrington, the proposal does not safeguard the city's countryside from further encroachment and does not preserve the setting special character of the historic village. Furthermore, the application does not demonstrate "very special circumstances" to outweigh any harm in terms of inappropriateness and fails to retain the openness and permanence of the site.

## **2. Flooding**

The site is identified by the Environment Agency's flood map as being within Flood Zone 1 with a low risk of flooding. As the site exceeds 1 hectare in size and in accordance with requirements of paragraph 103 of the NPPF a site-specific flood risk assessment (FRA) has been submitted.

The FRA has identified that the proposed development will result in the current site being covered by impermeable materials up to an area of 0.358 hectare. In light of the above, the assessment recommends a series of mitigation measures including the incorporation of a sustainable drainage system (SUD) to manage the sites surface water run-off.

Should Members be minded to approve the proposal, a condition shall be imposed requiring full details of the proposed surface water run off scheme/attenuation to be submitted to the Local Planning Authority.

Subject to the imposition and successful discharge of the above condition, the proposed development is considered to have addressed issues pertaining to flooding and is considered to be in general accordance with policy EN12 of the UDP.

## **3. Highway Issues.**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles, pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Following consultations with the Executive Director of City Services (Network Management) it is noted that the works will require the introduction of a new access to the site from Herrington Road. However visibility to the right is obscured by a stone bus shelter, with only approximately 38 metres visibility which is considered sub-standard. To improve visibility it is suggested that the existing bus shelter is replaced with a cantilever style shelter.

Should members be minded to approve the proposal it is recommended that a Transport Statement be submitted with the reserved matters in order to fully consider the intensification of Herrington Road and the interaction with existing junctions.

It is also noted that minimum requirements for road widths, footways and street lighting etc. should all be imposed to bring the development up to adoptable standard.

In summary, whilst access is reserved for further consideration, the indicative layout has identified elements of the proposal that will need to be further addressed in order to provide a form of development that is compliant with policy T14 of the UDP.

#### **4. Archaeology**

The site lies adjacent to West Herrington medieval village and provides faint evidence of ridge and furrow, from historic ploughing in the field. There is a grade II listed pillbox just south of the site, whilst the southern boundary of the site is a former waggonway. To the east of the site there was an old quarry on the eastern boundary of the site.

Policy B14 of the UDP applies to sites of potential archaeological importance, which indicates that planning permission will not be granted for the development of such sites without an adequate assessment of the remains present and the degree to which they would be affected by the proposal.

The proposal is supported by a Heritage Assessment which recommends that a geophysical survey should be undertaken to ascertain if archaeological features exist within the site. In light of the above and following the consultation response received from the County Archaeologist it is considered that should Members be minded to approve the development, the proposal can be adequately conditioned to ensure that any potential remains on site can be preserved wherever possible and recorded in accordance with paragraphs 128 and 141 of the NPPF and policies B11, B13 and B14 of the UDP.

#### **5. Ecology**

The site is located within the immediate vicinity of Herrington Hill Site of Specific Scientific Interest and also forms part of a wildlife and strategic green infrastructure corridor and as such is subject to guidance provided both nationally within paragraph 118 of the NPPF and locally by policies CN20, CN22 and CN23 of the UDP.

Paragraph 118 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;



- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The above national guidance is reiterated within Policies CN20, CN22 and CN23 both of which seek to protect habitats and species.

With regards the current proposal, the proposal has been supported by an Ecological Appraisal Report, however the scope of the field survey works undertaken have been constrained due to the time of the year, and subsequently it is acknowledged that some floral and fauna species are likely to have been missed. Given, it is recognised that water voles etc. may be present in the area, then the Local Planning Authority cannot say with any degree of certainty that the proposal will not be contrary to the above national and local policy and as such the development is not considered to be acceptable with regards impact upon ecology.

## **6. Other Considerations - Ground Conditions.**

NPPF paragraph 121 addresses matters pertaining to ground conditions and states that decisions should ensure that:

"the site is suitable for its new use taking account of ground conditions and land instability."

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

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

- Unstable or potentially unstable;
- Contaminated or potentially at risk from migrating contamination;
- Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has not been supported by a Phase 1 Contamination Report, however it is understood that a Desk Study and Site Investigation have been previously undertaken on the site and that remediation has been carried out. With this mind and should Members be minded to approve the proposal a suitable condition requiring the submission of a Validation Report shall be imposed in the interest of ensuring the condition of the land.

## **Noise.**

The NPPF provides a set of core planning principles, one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 109 states that:

"The planning system should contribute to and enhance the natural and local environment by : preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

Additionally paragraph 123 deals specifically in part with noise and requires that planning policies and decisions should aim to:

" - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments;  
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions."

Further guidance on how to manage potential noise impacts in new developments was published in the National Planning Practice Guidance on noise dated 06.03.2014.

Policy EN6 of the UDP is relevant to the assessment of the application, it states in part that:

"Where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the council will require the applicant to carry out a noise assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development."

The proposal has not been supported by a Noise Assessment and as such should Members be minded to approve the proposal a condition requiring the submission of a noise impact assessment with associated noise attenuation should be imposed in order to ensure adequate levels of amenity to potential residents.

## **CONCLUSION**

The application represents a departure from the adopted Unitary Development Plan and for reasons relating to the proposal: providing an inappropriate form of development within the Green Belt; resulting in a reduction in the openness of the Green Belt; and providing ten executive dwellings which are considered visually detrimental to the character and appearance of the countryside.

Furthermore the proposal fails to address matters relating to the effect of the development upon the ecology of the area. Accordingly, Members are recommended to refuse to grant outline planning permission for reasons relating to:-

- The inappropriate use in the Green Belt.
- The harm to the openness of the Green Belt.
- The harm to the visual amenities of Green Belt.
- The impact upon the ecology of the site and SSSI.

**RECOMMENDATION: Refuse**

**Reasons:**

- 1 The proposal represents an inappropriate form of development within the Green Belt and in the absence of any special circumstances would by its inappropriateness have a detrimental impact on the openness, character and appearance of the countryside. As such the proposed development is contrary to the advice provided in paragraph 79 and 89 of the National Planning Policy Framework (NPPF) and policies CN2, CN3, CN5 and B2 of the UDP.
- 2 The effect of the proposal on protected species cannot be satisfactorily assessed given the absence of an ecological survey. The proposal therefore cannot be said to comply with policy CN22 of the saved adopted Unitary Development Plan.

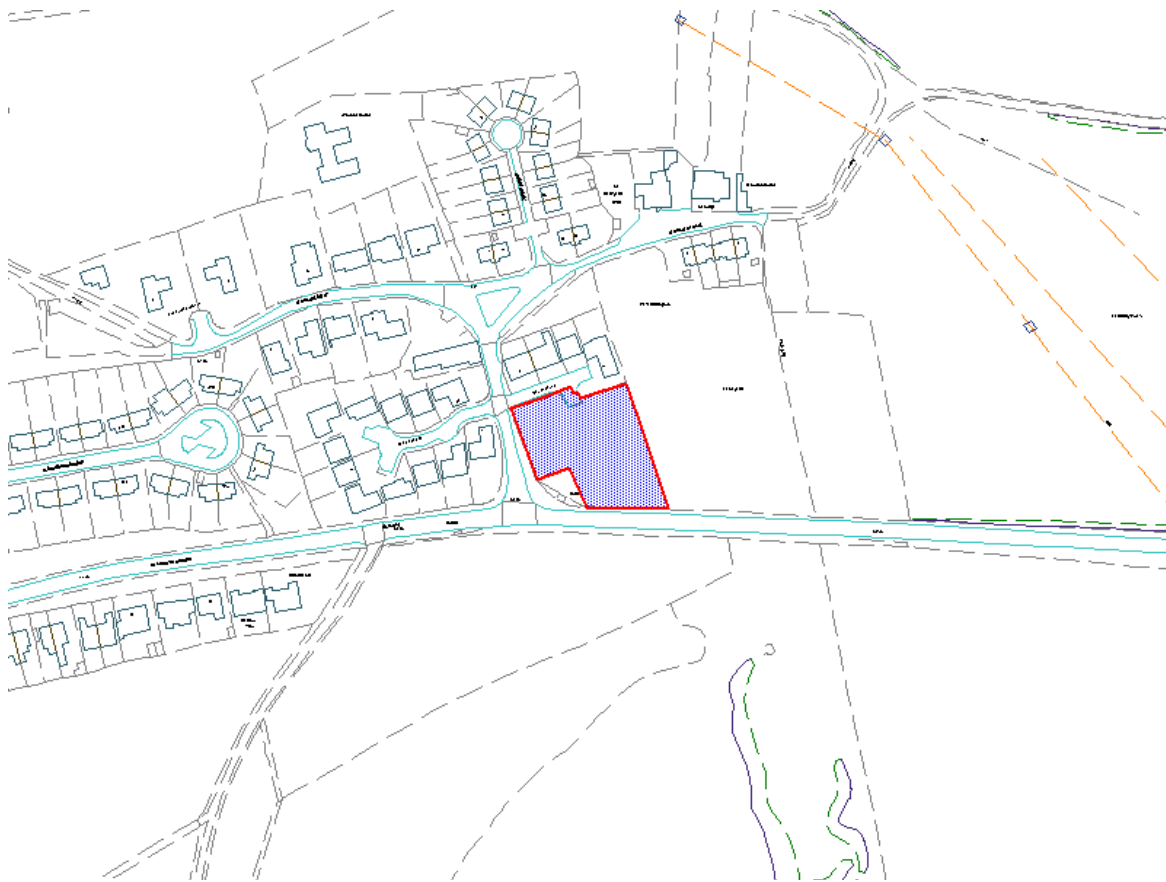
**Reference No.:** 14/02527/FUL Full Application

**Proposal:** **Provision of an 18 bay car park with associated hard and soft landscaping.**

**Location:** Land South Of The Paddock And East Of The Stables West Herrington Houghton Le Spring

**Ward:** Shiney Row  
**Applicant:** Green Property Developments  
**Date Valid:** 6 November 2014  
**Target Date:** 1 January 2015

### Location Plan



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### PROPOSAL:

Planning permission is sought for the provision of a car park on a parcel of enclosed land that currently provides an area of open space located south of the Paddock and east of The Stables, West Herrington.

The site is bounded to the north by the access drive to the four properties located within The Paddock, to the south by Herrington Road, to the west by the access road leading to residential properties on McClaren Way and The Stables and to the east by West Herrington graveyard and is enclosed behind a 1 metres high

wall that runs parallel with the western and southern boundaries and a wood fence of similar height surrounds the remainder of the site. An access to the site is currently available from the west on to the access road to McClaren Way which in turn serves approximately 40 residential properties and 2 No. licensed premises.

A small triangular section of land at the junction of Herrington Road and the access to McClaren way is not in the ownership of the applicant and as such does not form part of the application.

The topography of the land is relatively flat and the proposal does not seek to alter any ground levels.

The site and surrounding land is designated in the Unitary Development Plan (UDP) as Tyne and Wear Green Belt and also partly lies within the boundary of the historic medieval village of West Herrington. It lies within a Critical Drainage Area and also forms part of a wildlife corridor.

The application proposes to create an 18 space car park for the general public use and enhancements to the existing amenity of the area with improved planting, seating and footways through the site. A new vehicular access is proposed to the west of the site by breaking through the existing 1 metre high stone wall approximately 25 metres to the north of Herrington Road.

It is proposed that the car park is to be constructed using self-draining tarmac whilst the seating areas and footpaths are to be constructed using block paving.

The proposal represents a departure from the adopted plan and has been advertised accordingly.

In assessing the proposal the following Unitary Development Plan (UDP) policies are relevant;

CN2, CN3, CN5, CN20, CN23, EN11, HA17, B2, T14.

Draft Core Strategy Policies CS7.5, DM7.15

The National Planning Policy Framework (NPPF), which was published in March 2012, of which Chapter 9 is of particular relevance to this application.

The relevant policies of the adopted UDP have been "saved" under a direction from the Secretary of State. The Sunderland Local Plan Core Strategy and Development Management Policies Draft revised Preferred Options August 2013 has limited weight, although it is relevant that no objection were received to the pertinent policies in response to the consultation process.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Copt Hill - Ward Councillor Consultation  
Network Management  
Environmental Health  
Tyne and Wear Archaeology Officer  
Shiney Row - Ward Councillors Consultation

Final Date for Receipt of Representations: **26.12.2014**

## **REPRESENTATIONS:**

Neighbours - Eight letters of objection have been received along with a petition with signatures from thirty three households, six representations in favour of the development have also been received as a result of the consultation and publicity process. In summary concerns were raised over:

1. Development on Green Belt land - inappropriate use.
2. Exacerbate traffic problems and increase highway safety concerns.
3. Lead to unauthorised parking and potential park and ride location.
4. No maintenance and management plan.
5. Impact upon existing wildlife.
6. Increase in noise, disturbance associated with motor vehicles ie. headlights, radios, engines etc. increase in litter potential venue for youths to gather.
7. Overdevelopment of the site.
8. Impact upon visual amenity of area (loss of open space).
9. Impact upon residential amenity of area (loss of privacy).
10. Not Council operated and maintained.
11. Health Concerns.

Whilst those in favour of the development see the introduction of the care park alleviating the existing parking problems within the immediate surrounding area.

### **Network Management:-**

The proposal should be resisted for the following reasons:

Access - The proposed car park is to be located along a stretch of busy road in close proximity to the B1286 and a mini roundabout. In the interest of vehicle and pedestrian safety it is recommended that no further vehicular accesses are permitted.

Surveillance - The car park would be isolated, with no natural surveillance.

Maintenance - No reference is made to how the car park would be maintained and managed.

### **Environmental Health:-**

The proposed site has previously accommodated an industrial activity that may have resulted in contamination of the land and as such further information is required to determine the condition of the land. This further information would require the submission of a comprehensive desk top study and site investigation should Members be minded to approve the proposal.

In addition to the above and should Members be minded to approve the application conditions should be imposed that controlled the hours of operation, and associated construction works.

### **County Archaeologist:-**

The site lies within or just on the edge of West Herrington medieval village. The manor of Herrington dates back to 1171. There was a Chapel of the Blessed Mary in the manor, possibly near the present church of St. Cuthbert, West Herrington village is first mentioned in the 14th Century.

There is a possibility that buried archaeological remains could exist on the site. The supporting Design and Access Statement that as the site is level, existing ground levels will not be altered and drains will not be required as self-draining tarmac will be used.

With the above in mind, it is noted that so long as the existing turf is not disturbed, then archaeological remains will not be affected. However, should the site need to be lowered then archaeological work will be required.

### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
EN\_11\_Restrictions upon new development or intensified use of land liable to flooding  
CN\_2\_Purpose of the Green Belt in Sunderland  
CN\_3\_Control of development within the Green Belt  
CN\_5\_Safeguarding the visual amenity of the Green Belt  
CN\_20\_Developments affecting designated/proposed SSSI's  
CN\_23\_Measures to conserve/ improve wildlife corridors  
HA\_17\_Maintenance of a Green Belt  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments

## **COMMENTS:**

The main issues to consider in the determination of the proposal are:

1. The principle of the use of the land for car parking.
2. The impact of the development upon the character and visual amenities of the area.
3. The impact on residential amenity.
4. Highway safety.
5. Flooding.
6. Archaeology.
7. Ecology.

### **1 The principle of the use of the land for car parking.**

The site, subject to this planning application is located entirely within land designated as Tyne and Wear Green Belt. The main issues in assessing the acceptability of the land use are whether the scheme constitutes inappropriate development in the Green Belt ; the effect on the openness of the Green Belt as well as the character and appearance of the countryside; and if inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 79 of the National Planning Policy Framework (NPPF) "attaches great significance to Green Belts," reiterating that their fundamental aim is to prevent urban sprawl by keeping land permanently open, and that their essential characteristics are their openness and permanence.

Paragraph 80 of the NPPF retains the five purposes of the Green Belts (as outlined in the saved adopted UDP CN2) all of which are considered to be relevant to this proposal, including checking unrestricted sprawl, preventing towns merging and the encroachment into the countryside.

Furthermore, paragraphs 87 - 89 states that:

"As with previous Green Belt policy, inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

"Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Paragraphs 89 and 90 of the NPPF go on to specify certain forms of development that are not inappropriate in Green Belt. The list has been found by case law to be comprehensive and exclusive, but includes engineering operations, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The type of development proposed is not considered to fall within these lists. It could be argued that the provision of car parking could include engineering operations; nevertheless, given that the works will not preserve the openness of the Green Belt and will conflict with the purposes of including land in it, it has to be concluded that the provision of a car park with associated hard and soft



landscaping amounts to inappropriate development, which is by definition harmful to the Green Belt and, in the absence of very special circumstances, should not be allowed.

This is regardless of the impact upon openness, character and appearance of the area and Green Belt purposes. The provision of off street car parking is not considered to be very special circumstances that would justify this inappropriate development with the Green Belt.

In summary, the proposal is contrary to the fundamental purposes of the Green Belt, particularly with regards checking unrestricted sprawl of the urban area, which is clearly defined at West Herrington. Furthermore, the application fails to demonstrate "very special circumstances" to outweigh any harm in terms of inappropriateness and fails to retain the openness and permanence of the site.

1. The impact of the development upon the character and visual amenity of the area.

There are no buildings proposed with this development and subsequently it is acknowledged that the use for parking vehicles would have a more limited impact on the openness of the Green Belt. However the introduction of self draining tarmac will provide the base for vehicles to park which provided with the hardstanding would inevitably be visible from surrounding land and public areas. Given the land is currently open space, it is considered that the visual amenities of the Green Belt would be injured by the introduction of a car park, which is contrary to policies CN1, CN3, CN5 and B2 of the UDP.

## **2. The impact on residential amenity.**

In terms of the impact of the proposal on residential amenity policy B2 of the UDP is particularly relevant. Policy B2 states in part that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy"

It is considered that the introduction of a car park on land directly opposite residential properties at The Paddock and The Stables may potentially lead to an increase in noise and disturbance particularly late at night to the detriment of the surrounding residents. The proposed car park provides no management or maintenance programmes and is intended to be self-regulated by visitors. With the above in mind, it is noted that as there are no proposed controls over useage, then levels of residential amenity cannot be afforded levels of protection from, car headlights, radios, engine/exhaust noise etc., and as such it is not considered that the proposal complies with Policy B2 of the UDP.

## **3. Highway safety.**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles, pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Following consultations with the Executive Director of City Services (Network Management) it is noted that no further vehicular accesses should be permitted along the busy through road in the interest of vehicle and pedestrian safety. Furthermore in the absence of any natural surveillance, or maintenance and management plan the long term use of the site cannot be considered to remove potential on-street parking.

For the reason given above, it is recommended that the proposal is refused on the grounds of highway safety.

#### **4. Flooding.**

The site is identified by the Environment Agency's flood map as being within Flood Zone 1 which has critical drainage problems. The proposal has not been supported by a Flood Risk Assessment and although it is noted that any hardstanding will be finished in self-draining tarmac, it is not considered that the information provided to date establishes that the development will not lead to increased flooding.

The proposal is therefore not considered to accord with the requirements of Policy EN11 of the UDP which states in part that:

"In areas subject to flooding, new development or the intensification of existing development will not normally be permitted."

#### **5. Archaeology.**

Policy B14 of the UDP is applicable to sites of potential archaeological importance and indicates that planning permission will not be granted for the development of such sites without an adequate assessment of the remains present and the degree to which they could be affected by the proposal.

Following consultations with the County Archaeologist it is considered that should the proposal proceed, then any alterations to the level of the existing ground will require additional archaeological work, however were levels to remain constant then no further work would be required.

The current proposal states within the accompanying Design and Access Statement that existing ground levels will not be required, subsequently the proposal accords with UDP policies B11, B13 and B14.

#### **6. Ecology.**

The site forms part of a wildlife and Strategic Green Infrastructure Corridor from the River Wear southwards to County Durham and as such is subject to guidance provided both nationally within paragraph 118 of the NPPF and locally by policies CN22 and CN23.

Paragraph 118 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and states in part that:

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;

The above national guidance is re-iterated within Policies CN22 and CN23 both of which seek to protect habitats and species.

With regards the current proposal, there was no survey work submitted in support of the application and as such given that the proposal will inevitably reduce the existing levels of green open space within the site, the Local Planning Authority cannot say with any degree of certainty that the proposal will not be contrary to the above national and local policy and as such the development is not considered to be acceptable with regards impact upon ecology.

## **CONCLUSION**

The application represents a departure from the UDP and is contrary to the fundamental purposes of the Green Belt, particularly in that the application:

- does not check unrestricted sprawl of the urban area,
- does not safeguard the city's countryside from further encroachment
- does not preserve the setting and special character of the historic village of West Herrington
- does not support the regeneration of urban areas of the City.

Furthermore, the application:

- does not demonstrate "very special circumstances" to warrant approval, and is considered to be inappropriate development in the Green Belt.

In addition to the above, the proposal fails to adequately address matters relating to the ecology of the site and existing critical drainage concerns of the area. Accordingly, Members are recommended to refuse to grant planning permission for reasons relating to:-

- The inappropriate use in the Green Belt.
- The harm to the openness and visual amenities of the Green Belt.
- Impact upon residential amenity.
- Impact upon the ecology of the site.
- Impact upon flooding in the area.
- Pedestrian / Highway safety.

## **RECOMMENDATION: Refuse**

### **Reasons:**

- 1 The proposal represents an inappropriate form of development within the Green Belt and in the absence of any special circumstances would by its inappropriateness have a detrimental impact on the openness, character and appearance of the countryside. As such the proposed development is

contrary to the advice provided in paragraph 79 and 89 of the National Planning Policy Framework (NPPF) and policies CN2, CN3, CN5 and B2 of the UDP.

- 2 The proposed use would have a detrimental effect on the amenities of nearby residents by reason of noise and light pollution originating from vehicles accessing and egressing the site with particular disturbance late at night and as such is contrary to policy B2 of the UDP.
- 3 The effect of the proposal on protected species cannot be satisfactorily assessed given the absence of an ecological survey. The proposal therefore cannot be said to comply with policy CN22 of the saved adopted Unitary Development Plan.
- 4 The effect of the proposal on the existing critical drainage of the area cannot be satisfactorily assessed given the absence of a Flood Risk Assessment and Drainage Strategy. The proposal therefore cannot be said to comply with policy EN11 of the saved adopted Unitary Development Plan.
- 5 The proposal would involve the introduction of a new vehicular access point crossing pedestrian routes along the existing busy through road, to the detriment of pedestrian and highway safety and as such is contrary to policy T14 of the UDP.

3.

Hetton

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**Reference No.:** 14/02719/LP4 LP4 (Regulation 4) 3rd Party Developer

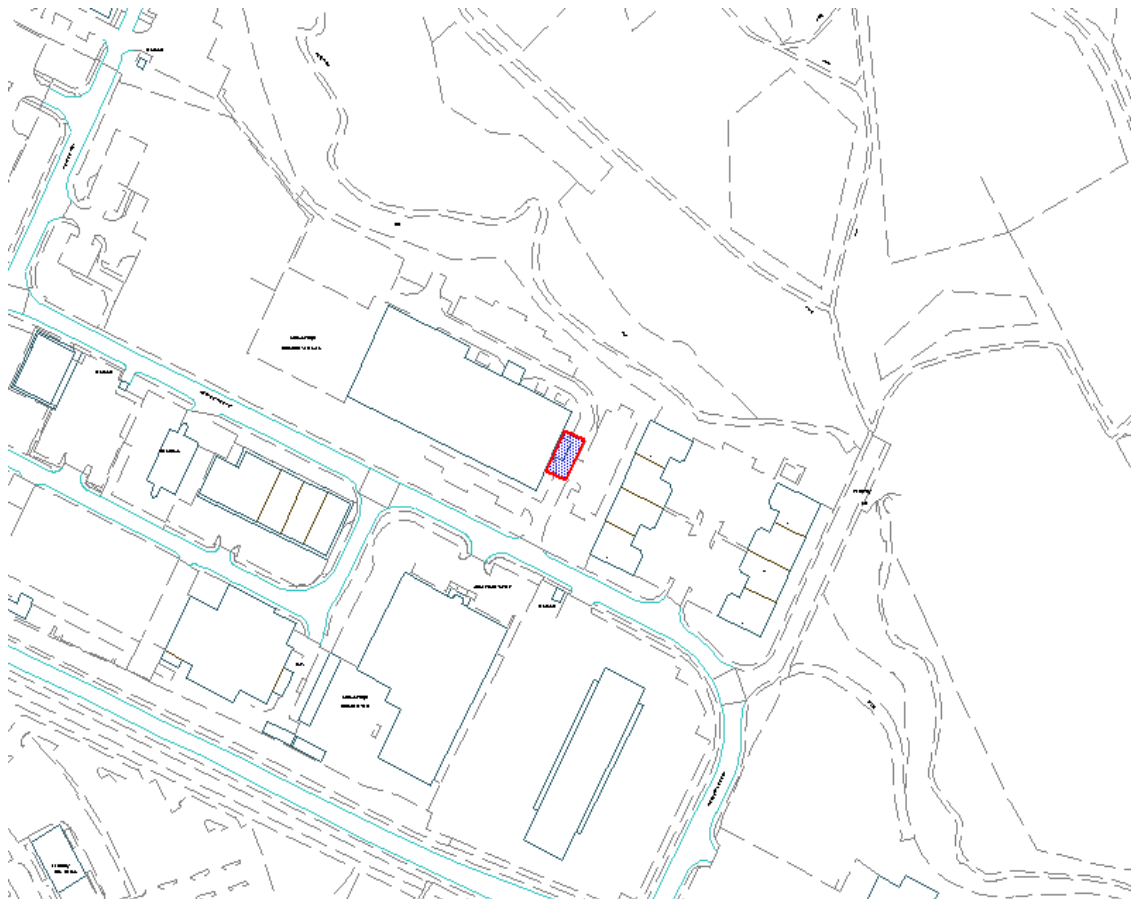
**Proposal:** **Installation of 2 no filter units with cap roof structure and installation of louvre with integral double doors.**

**Location:** TRW Transportation Electronics Ltd Mercantile Road  
Rainton Bridge Industrial Estate Houghton-le-Spring DH4  
5PH

**Ward:** Hetton  
**Applicant:** Key Property Solutions Ltd.  
**Date Valid:** 12 January 2015  
**Target Date:** 9 March 2015

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### Location Plan



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### PROPOSAL:

The site to which the application relates is that of TRW Systems, Unit 9 Mercantile Road, Rainton Bridge Industrial Estate.

This planning application is seeking permission for the installation of two filter units with cap roof structure and the installation of a louvre with integral double doors. The works are proposed to the east elevation of the building.

The two filter units are proposed to serve the company's wet room production and would comprise stainless steel castings with integral legs and base plates to facilitate fixing to a reinforced concrete slab. The cap roof would be formed in powder coated profiled sheeting supported on columns. The new louvre would be installed in place of an existing roller shutter within the existing opening and would incorporate integral double doors.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Hetton - Ward Councillor Consultation  
Network Management  
Hetton Town Council  
Environmental Health

Final Date for Receipt of Representations: **23.02.2015**

#### **REPRESENTATIONS:**

##### **Neighbours**

To date, no representations have been received.

The deadline for receipt of comments is 23 February 2015, which is after the deadline for the preparation of this report. Should any representations be received, these will be reported to the Sub-Committee by way of a Supplement Report or a Report for Circulation.

##### **Consultees**

##### **Network Management**

No observations or recommendations offered.

#### **POLICIES:**

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

EC\_4\_Retention and improvement of existing business and industrial land  
HA\_1\_Retention and improvement of established industrial / business areas  
B\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Access and highway issues

### **Principle of the development**

Policies EC4 and HA1.5 of the adopted Unitary Development Plan (UDP) identify the area in which the application site is located as an established industrial estate, in this case Rainton Bridge North which extends to 19.73 Hectares. The UDP identifies the primary allocated uses of the estate as being for offices, research & development, light and general industry, warehouses and storage (Uses falling within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order) which should be retained and improved.

As the proposal is for new equipment in association with the existing building to facilitate the continued operation of the existing business on the site, the use of which falls within Use Class B2 (General Industry) of the Use Classes Order and as such, the proposed development is considered to be acceptable as it falls within the primary acceptable uses as allocated for Rainton Bridge North Industrial Estate.

In light of the above, the proposal is considered appropriate in terms of land use, as it represents additional equipment of the site of existing industrial premises, which are and would continue to be used for one of the primary uses allocated for the industrial estate. The proposal therefore accords with UDP policies EC4 and HA1.5 as detailed.

### **Design and amenity issues**

Policy B2 of the Unitary Development Plan which dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

The proposed installations are of functional design befitting their industrial surroundings. Whilst the equipment would be visible from Mercantile Road, it would be viewed in the context of the existing and adjacent industrial premises and is considered to be appropriate to this setting. The closest dwellings are approximately 260 metres away to the north in Dunelm Drive and this distance is considered to be sufficient in order to ensure that the proposed installation does not compromise the amenities of occupiers of these properties.

The proposed development is considered to be acceptable in respect of design and amenity issues and the proposal is considered to accord satisfactorily with UDP policy B2.

## **Access and highway issues**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The proposed equipment stands within the curtilage of the existing factory and would not impact upon the on-site road or parking facilities and is therefore considered to accord with UDP policy T14.

## **Conclusion**

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent subject to Regulation 4.

This recommendation is made on the basis that no representations are received in advance of the expiration of the consultation period on 23 February 2015. Should any representations be received in advance of this date, the contents and implications will be reported to Members by way of a supplementary report and the recommendation re-appraised if necessary.

**Recommendation:** Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.

## **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - The Site as Existing - Drawing Number AL(0)299, Revision 1, received 15 December 2014;
  - The Plan-Setting Out 01\_S0 - Drawing Number AL(0)320, Revision 1, received 4 December 2014;
  - The Elevations as Existing\_S0 - Drawing Number AL(0)321, Revision 1, received 4 December 2014;
  - The Elevations as Propsed\_S0 - Drawing Number AL(0)322, Revision 1, received 4 December 2014;
  - The Location Plan - Drawing Number AL(0)LP05, Revision 1, received 4 December 2014.



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

- 3 The external materials to be used in the carrying out of the development hereby approved shall be those specified in answer to question 9 on the completed planning application form, received 4 December 2014, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 14/02837/SUB Resubmission

**Proposal:** Residential development comprising 43no. dwellings and associated access, infrastructure and landscaping. (Resubmission)

**Location:** Land South East Of Pattinson Road Pattinson Industrial Estate Washington

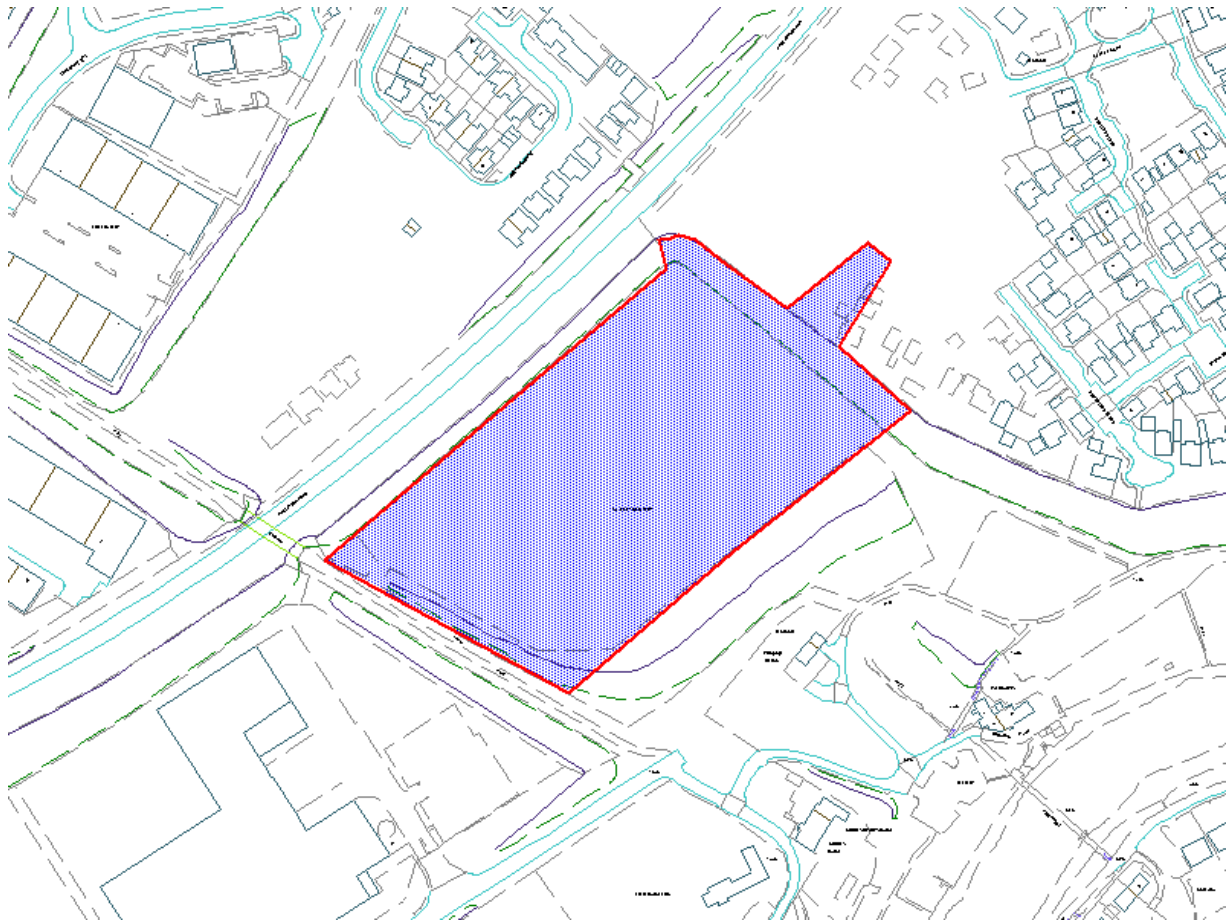
**Ward:** Washington East

**Applicant:** Hellens Investments (Washington) LLP

**Date Valid:** 8 January 2015

**Target Date:** 9 April 2015

### Location Plan



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### PROPOSAL:

Full planning permission is sought for a residential development comprising 43. units and associated access, infrastructure and landscaping works on an area of land on the southeast side of Pattinson Road which would be known as Phase 3 of Teal Farm Village.

This application constitutes a resubmission of planning application ref. 13/04444/FUL which, Members may recall, was presented to the Sub-Committee at the meeting of 16 July 2014 wherein it was resolved to grant planning permission, subject to referral to the Secretary of State who subsequently confirmed that he did not wish to call in the application.

The layout of the proposed development is broadly similar to that which was previously approved and the number of units remains unchanged. This application has been submitted given that, whilst the applicant (Hellens Investments (Washington) LLP) has not changed, the previous application was submitted based on the intention of Barratt David Wilson Homes would develop the site whereas it is now the intention that Bellway Homes would develop the site.

The site has an area of 2 hectares and forms part of the defined Tyne and Wear Green Belt. The density of the proposed development equates to approximately 21.5 dwellings per hectare.

Site access would remain the same as previously approved, from the ongoing adjacent residential development known as Teal Farm Village via a roundabout from Pattinson Road to the northeast, so the proposal would effectively form an extension of this development. The proposed estate road would run approximately parallel with Pattinson Road centrally through the site to form a continuation of the road to run through approved Phase 2. Some properties would front directly onto this road whilst others would be laid out in a series of culs-de-sac. A pedestrian link is to be provided to the southwest.

The majority of the properties would be detached, although 4no. of the units would be semi-detached and 3no. would be terraced (compared to 6no. semis as previously approved), and the plot sizes vary considerably. Of the proposed dwellings, 6no. would be 5-bedroom, 30no. would be 4-bedroom and 7no. would be 3-bedroom (11no. 5-bedroom, 23no. 4-bedroom, 8no. 3-bedroom and 1no. 1-bedroom were previously approved). Each unit would have either two or two-and-a-half (i.e. with dormers providing habitable roof space) storeys with eaves heights ranging from 5.2m and 6.2m and ridge heights between 7.4m and 10.3m (previously 5m to 5.6m eaves and 7.1m 9.9m ridge heights).

Common features to be incorporated in the proposed dwellings including gabled roofs, flat- and pitched-roofed dormers / dormer features, entrance canopies of vary in form, forward-projecting features and, in some instances such as the 5-bed Cedar house type, large prominent glazing panels. A series of detached single- and double-garage blocks would be provided throughout with a mix of gabled and hipped roofs. The site would be surrounded by landscaping on all sides, including the retention of the tree belt along Pattinson Road, and a 3653sq.m area of amenity open space would be provided on site which would accommodate an equipped children's play area. As per the previously approved application, the applicant is willing to provide a financial contribution for education and no on-site affordable housing would be provided for viability reasons, although 6no. off-site affordable dwellings would be provided on the opposite side of Pattinson Road within an on-going development by Barratt Homes which are subject to a separate application for planning permission (ref. 15/00053/FUL) which is currently pending consideration.

The application has been accompanied by the following supporting documentation:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Archaeological Desk-based Assessment
- Preliminary Geotechnical and Ground Contamination Desk Top Review
- Ecological Assessment
- Flood Risk Assessment
- Landscape Appraisal
- Noise Impact Assessment
- Low or Zero Carbon Technology Feasibility Study
- Transport Assessment
- Planning Summary Statement
- Ground Investigation Interpretive Report
- e-mail from Mike Taylor of The Shadbolt Group dated 11 December 2014 in response to the LPA's comments sent by e-mail on 08 December 2014
- Detailed Remediation Strategy
- Dust / Asbestos Management Plan
- Combined Method and Risk Assessment for Driven Piling
- Combined Method and Risk Assessment for Construction of Smartfoot Foundation System - General Risk Assessment

Given that the application site is allocated as Green Belt Land by the adopted Unitary Development Plan (the 'UDP'), the proposal constitutes a departure from the adopted plan. The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This includes 'development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- (a) the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.

The proposal is considered to meet both of these criteria (the floorspace to be created equates to 6510 square metres) and, as such, as set out by the Direction, unless Members are minded to refuse planning permission, the application must be referred to the Secretary of State.

### **Site Description and History**

The application site is situated approximately 2km to the southeast of Washington centre, immediately to the southeast of Pattinson Road on an area of land identified by policy WA19.2 of the UDP as forming part of the Tyne and Wear Green Belt. The site exists as an area of open space and surrounded on all sides by a dense tree belt and is bound to the northwest with Pattinson Road and the northeast with Phases 1 and 2 of Teal Farm Village, predominantly residential developments which also include a Sainsbury's and other shops and

local services adjacent to the entrance to the site off the roundabout. There is a deeper area of woodland to the southeast with part of the C2C cycle route and the River Wear beyond. To the southwest is an industrial unit operated by Faurecia Engineering, beyond which on the opposite side of Staithes Road is an ASDA distribution centre which operates 24 hours each day.

Members may recall that the adjacent land to the northeast which is currently under development was originally subject to planning approval 10/03726/HYB for a mixed use development comprising business and industry units falling into Use Classes B1, B2 and B8 of the Town and Country (Use Classes) Order 1995 (as amended), commercial units falling into Classes A1, A2 and A5 of the Order and 95 dwellinghouses.

Subsequently, consents to substitute house types in connection with this planning approval 10/03726/HYB have been granted, as has an application to vary condition 5 of that permission to, essentially, remove the requirement for the units falling into the 'B' Use Classes to be built on the site, instead requiring them to be constructed nearby.

The area of land which would have been used for the Class 'B' units, immediately adjacent to the current site, was subsequently subject to planning application 12/03113/FUL comprising 39no. dwellings, which was approved in May 2013 and is now known as Phase 2 of Teal Farm Village.

There are also new residential developments immediately opposite Pattinson Road by Bellway Homes, known as Teal Farm Gardens, and the ongoing Teal Park Farm development by Barratt David Wilson Homes beyond to the north and east of which, in part, was formerly occupied by the CAPE Insulation Factory and the former Pattinson Township.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Washington East - Ward Councillor Consultation  
Environment Agency  
Nexus  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Force Planning And Police Architectural Liaison Officer  
Northumbrian Water  
Natural England  
Durham Wildlife Trust  
The Woodland Trust  
English Heritage  
Tyne and Wear Archaeology Officer  
The Highways Agency  
Environmental Health  
Director Of Children's Services  
Network Management

Final Date for Receipt of Representations: **17.02.2015**

## **REPRESENTATIONS:**

### Neighbours

Further to the publication of the application by way of letters to neighbouring properties and site and press notices, one representation has been received from a nearby occupant wherein concerns are raised over the level of development which has taken place in the area in recent times and that more green space would be lost, an existing problem of lack of local school spaces would be exacerbated and the proposed dwellings could overlook their property, no. 1 Staithe House.

In response to these concerns, Members are advised that it is not considered that the potential for additional development should, in itself, prejudice the planning merits of the proposal in lieu of any identified harm. The other of these points are addressed subsequently in this report.

### External Consultees

The County Archaeologist inspected the submitted archaeological desk-based assessment and confirmed that no further archaeological work is required.

English Heritage confirmed that it does not wish to offer any comments in this instance.

The Environment Agency (EA) has advised that it has no objections to the proposals but made reference to a number (6no.) of nearby waste facilities, advising that consideration be given to the impact of these on the proposal and that the provision of additional housing may lead to an increase in the number of complaints to the EA brought about by such uses near to residential areas, which has already occurred as a result of the housing which has been provided in this area. This, in turn, may lead to the waste facilities reducing their operations or relocating. It is also recommended that Northumbrian Water (NWL) be consulted in respect of drainage, in particular the proposed discharge to public sewers, and confirmed that no substantive comments are offered in respect of flood risk (on the basis that surface water would be discharged to the NWL sewer network) or contaminated land in respect of any impact on controlled waters given that they are considered to be of low environmental sensitivity at this particular site.

The Highways Agency confirmed that it has no objections in this instance.

Natural England confirmed that it has no objections on the basis that the proposal is unlikely to affect any statutorily protected sites or landscapes, made reference to its standing advice on protected species, noted that the site includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities Act 2006 (the "NERC Act"), and provided general guidance in respect of the ecological impact of proposed developments and biodiversity and landscaping enhancements.

Nexus offered no objections, stating that it welcomes the bus infrastructure adopted in previous phases of the wider Teal Farm housing scheme and cycling

and pedestrian connections to the south and west of the site, but noted that the nearest northeast-bound bus stop exceeds Nexus' recommended 400 metre walking distance from the application site by around 100 metres.

Northumbrian Water noted that, given the close proximity of the site to its Washington Sewerage Treatment Works, the proposed dwellings would be subjected to unpleasant odours dispelled by this facility which, whilst treated, cannot be completely eliminated.

#### Internal Consultees

Network Management advised that the development be built to an adoptable standard and that double width or length drives, 14no. visitor parking spaces, shared surfaces of 4.8m in width, with an additional 1.5m wide service strip, and traffic calming be provided and that private accesses serve no more than 3no. dwellings. Network Management also recommend works to the link to the southwest be constructed for shared pedestrian/cycle use and an alternative route for the adjacent section of the C2C route, although these fall outwith the application site, and that a pedestrian link be provided to Pattinson Road to improve connectivity to bus stops and accommodate emergency access and the footway along the adjacent section of Pattinson Road be extended.

No responses have been provided from any other consultees within the Council, however the LPA is satisfied to rely upon their comments on the original application pertaining to this site (ref. 13/04444/FUL) and subsequent comments to discharge of conditions, where appropriate, given that the currently proposed form of development raises no additional concern in respect of the scope of each respective consultee.

Children's Services previously requested a financial contribution of £71,334 to provide additional primary school places to accommodate the additional demand which would be generated by the proposed development, given that all schools in this area are currently fully subscribed and projected to remain so.

Environmental Health has provided substantive comments in response to submissions to discharge conditions 7 (site characterisation) and 8 (scheme of remediation) of the original planning permission and confirmed its satisfaction that both of these conditions can be discharged. Environmental Health also previously recommended that conditions be imposed in respect of the hours of operation of the site, the method of working including the suppression/amelioration of noise, dust and vibration from works and /or machinery on the site as well as general dust suppression measures; details of such have since been provided as part of discharge of conditions submissions and were considered to be acceptable.

Planning Policy previously advised that the proposal is acceptable in principle, the reasons for which are elaborated upon subsequently in this report.

Natural Environment previously confirmed that the proposal is acceptable in terms of its ecological impact.

Sport and Leisure previously advised that a financial contribution of £30,143 is required in this instance, which would be spent at either the new development

site or Teal Farm, Barmston, Princess Ann or Glebe play areas to support the ongoing maintenance of the play park.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_24\_Appropriate provision for utility services in building development  
CN\_2\_Purpose of the Green Belt in Sunderland  
CN\_3\_Control of development within the Green Belt  
CN\_15\_Creation of the Great North Forest  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_23\_Measures to conserve/ improve wildlife corridors  
EN\_1\_Improvement of the environment  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_7\_Proposals for residential development in the vicinity of railway tracks  
EN\_9\_Conflicts between proposed sensitive developments and existing non compatible uses  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_1\_Provision for new housing  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
R\_1\_Working towards environmentally sustainable development  
R\_3\_Infrastructure provision, etc. in association with developments  
R\_4\_Incorporation of energy saving measures  
T\_8\_The needs of pedestrians will be given a high priority throughout the city.  
T\_9\_Specific provision will be made for cyclists on existing/new roads and off road  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
WA\_19\_Maintenance of a Green Belt

## **COMMENTS:**

The main issues to consider in the assessment of this application are whether the proposal constitutes inappropriate development in the Green Belt and, if so, whether any harm by reason of inappropriateness together with any other harm would be clearly outweighed by other considerations so as to amount to very special circumstances. In making such an assessment this report is set out as follows:

- Appropriateness of Green Belt Development
- Openness of Green Belt



- Very Special Circumstances (where applicable)
- Highway Access, Car Parking and Sustainability
- Education
- Play Space
- Affordable Housing
- Design, Scale, Massing, Layout and Appearance, including Landscaping
- Impact upon Residential Amenity
- Ground Contamination
- Exposure to Noise and vibration
- Odour
- Ecology and Wildlife
- Flood Risk

### **Appropriateness of Green Belt Development**

Paragraphs 2, 11, 12, 13 and 196 of the National Planning Policy Framework (the "NPPF") emphasise that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions. Thus, the statutory starting point is the development plan and development that accords with an up to date Local Plan should be permitted without delay, unless material considerations indicate otherwise.

Consequently, when the Local Planning Authority (the "LPA") considers development proposals it must take into account the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004), which provides that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Nevertheless, it is also important to recognise that, as of the 27 March 2013, an LPA which does not have an up to date development plan will be subject to the full effect of the NPPF, especially in those instances where there is conflict between the Development Plan and the NPPF.

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether any conflict is considered to exist between the Council's adopted Unitary Development Plan (the "UDP") and the NPPF. In this regard, it is considered that the UDP policies relating to Green Belt development are partially compliant with the relevant sections of the NPPF, although given that there is some conflict the LPA shall rely primarily on the NPPF to this regard.

Section 9 of the NPPF is concerned with the protection of Green Belt land. Within this section, paragraph 79 sets out that 'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 of the NPPF sets out five purposes of including land within Green Belts, namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy CS7.5 of the emerging Core Strategy and Development Management Policies DPD reflects this, indicating that the broad extent of the Green Belt will be maintained to:

- a) check the unrestricted sprawl and encourage the regeneration of the built-up area;
- b) assist in safeguarding the City's countryside from further encroachment;
- c) preserve the setting and special character of historic settlements; and
- d) prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham and the merging of Shiney Row and Houghton-le-Spring with Washington, Chester-le-Street and Burnmoor.

In order to safeguard the Green Belt, paragraph 87 of the NPPF considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in 'Very Special Circumstances'. Paragraph 88 goes on to state that, 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Within this context paragraph 89 of the NPPF indicates that the construction of new buildings inside the Green Belt is inappropriate unless it is for one of the following purposes:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The current proposal clearly does not fall within any of these criteria and, as such, is considered to constitute inappropriate development in the Green Belt.

#### Impact on Openness of Green Belt

It is noted that 'openness' is separate from landscape/visual impacts and their distinction is important in properly assessing this proposal.

As set out above, the NPPF (paragraph 79) sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. As established by case law (Heath and Hampsted Society v London Borough of Camden 2007 and Timmins/Lymn v Gedling BC 2013), 'openness' relates strictly to the absence of buildings or development. The extent to which a site is visible from public vantage points and the extent to which a proposed development would be visually intrusive are separate from openness and shall be addressed subsequently in this report. Applying this approach, the majority of development within the Green Belt is likely to have some impact on its openness.

In this instance, the application site exists as undeveloped (i.e. greenfield) land which is, albeit, largely screened from Pattinson Road by trees and associated planting and the proposal comprises the provision of 43no. units providing 6510 square metres of residential floor space. The proposal therefore represents the introduction of substantial man-made development of open Green Belt land and would therefore have a significant impact on its openness.

#### **Very Special Circumstances**

As set out above, the proposal is considered to constitute inappropriate development in the Green Belt and, as such, 'very special circumstances' must be demonstrated, the onus for which lies with the applicant. To reiterate paragraph 88 of the NPPF, 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

The submitted Planning Update Statement (June 2014 revision) has detailed how the character of the immediate vicinity of the site has changed since the adoption of the Green Belt boundary through the UDP and that the area has become increasingly 'urbanised' over recent years. This Statement details that there would be little or no harm to the openness of the Green Belt and the purposes of including the site within it as a result of the proposal and that the proposed development carries sustainability and economic benefits whilst meeting a particular housing need in an area of limited housing land availability.

In addition, UDP policy H1 sets out that sufficient new housing be provided which will maximise locational choice, caters for reduced out migration and increasing

household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land whilst policy H2 advises that high priority will be given to the conservation, maintenance and improvement of the existing housing stock, and where necessary to the improvement of its environment. Housing which cannot be improved to provide satisfactory living conditions (at a reasonable cost) could be cleared". Measures aimed at improving the existing housing stock and environmental improvements will be given high priority. The proposed development would assist in the regeneration and renewal of the area and would improve the availability of housing stock whilst providing environmental improvement to the area and community as a whole.

Upon consultation with the LPA's Planning Policy section, it is considered that, in this case, these matters constitute 'very special circumstances' which relate uniquely to this site and are sufficient to outweigh the harm to the Green Belt by inappropriateness, together with any other harm (namely the impact on the openness of the Green Belt), without setting a precedent for future similar development of Green Belt sites. Other potential sources of harm are identified subsequently in this report however, for the reasons set out below, it is considered that each of these can be adequately mitigated, where necessary, to result in at least a negligible residual impact.

## **Highway Access, Car Parking and Sustainability**

### **Access and Car Parking**

Paragraph 75 of the NPPF 75 states that, 'planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

UDP policies T8, T9 and T10 promote the facilitation of mobility for pedestrians and cyclists whilst upgrading and identifying new paths and multi-user routes. Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met whilst policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

The site is to be accessed from an existing roundabout on Pattinson Road through Phases 1 and 2 of Teal Farm Village. The scheme demonstrates a range of parking solutions throughout the development, achieving an acceptable number of spaces required for occupants and visitors. The overall concept and layout of the roads and footpaths throughout the development is generally considered to be acceptable.

In response to the comments provided by Network Management, as set out above, the applicant has confirmed that the development shall be built to an adoptable standard and that double width or length drives and 14no. visitor parking spaces will be provided. The applicant also confirmed that shared surfaces would be 4.8m wide, incorporating an additional 1.5m wide hard paved service strip, traffic calming would be provided and that private access would be used for a maximum of 3no. plots (Plots 2-4) , in accordance with the recommendations of Network Management.

The comments provided by Network Management also recommend works to the link to the southwest be constructed for shared pedestrian/cycle use, an alternative route for the adjacent section of the C2C route and the footway along the adjacent section of Pattinson Road be extended. Whilst these fall outwith the application site, the applicant has confirmed that such works shall be carried out through agreements under the Highways Act 1980.

Network Management also recommended that a pedestrian link be provided directly to Pattinson Road to improve connectivity to bus stops and accommodate emergency access. Whilst this is desirable, given the gradient of the land adjacent to Pattinson Road abutting the application site such an access is not considered to be realistically feasible.

Therefore, having regard to the above and considering the proposal against the abovementioned policies it is not considered that the proposal would be detrimental to highway safety or the free passage of traffic.

### **Sustainability**

Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

Reflective of this policy R2 of the UDP states that, in considering proposals for new development, the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure, minimises the need for travel and makes use of vacant and derelict land.

The site is not particularly sustainable in terms of access to key facilities such as schools, chemists and doctors surgeries, all of which are over 1 kilometre away from the site.

However, 2no. new bus stops have been provided on Pattinson Road, as required by Condition 7 of planning permission ref. 10/03726/HYB for the adjacent mixed-use development, which have improved the sustainability of the site and, as set out previously in this report, are welcomed by Nexus. It is also noted that Nexus raised concerns over the walking distance to the southwest-bound of these stops from the application site and, whilst the possibility of reducing this distance has been considered by the provision of a direct footway link to Pattinson Road, given the constraints of the site, in particular site level differences, such a provision was not considered feasible and, in any event, the walking distance to these bus stops is not significantly greater (i.e. 100 metres plus) than the minimum recommended by Nexus. In addition, should sufficient demand from residents be forthcoming, it is likely that a bus provider will expand its service in the future to better serve the estate.

In addition, a number of retail units and services, including a Sainsbury's shop, hot food takeaway and salon have been provided adjacent to the roundabout at the entrance of the Teal Farm Village estate which are within walking distance from the application site and a multi-use games area and pub/restaurant are also to be provided as part of the adjacent mixed-use development.

## **Education**

Paragraph 72 of the NPPF states that, 'the Government attaches great importance to ensuring 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. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted'.

In addition, UDP policy R3 states that, where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made.

It is evident that there is already real pressure on school places in this part of the Washington area and any new residential development will therefore pose further strain on the availability of school places in the area. Based on the number of dwellings proposed, the Council's Children's Services section has set out the requirement for a financial contribution of £71,334 to accommodate the additional primary school places which are estimated to be generated by the proposed development, using the Department for Children Schools and Families basic need cost multipliers.

The above will be secured by way of a financial contribution made under S106 of the Town and Country Planning Act.

## **Play Space**

Paragraph 73 of the NPPF indicates that 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.

Policy H21 of the UDP reflects this, setting out the Council's requirements for open space provision within new developments. As the scheme proposes over 40 bed spaces, the applicant is required to provide formal (equipped) children's play space at a ratio of at least 0.2 hectares per 1000 bed spaces, which equates to 0.0356 hectares in this instance, or provide a financial contribution to facilitate the provision or enhancement of existing facilities.

The Council's Sport and Leisure section has advised that a financial contribution of £30,143 is required in this instance, which would be spent at either the new development site or Teal Farm, Barmston, Princess Anne or Glebe play areas to support the ongoing maintenance of the play park. However, the applicant has sought to address this matter within the development, the detail of which will be agreed by way of planning condition to ensure that the play provision provided on site is commensurate with the scale of the development proposed. The principle of this approach has been agreed by Council's Sport and Leisure section for this particular development and, as such, it is considered that no financial contribution is required in this regard.

## **Affordable Housing**

Policy H16 of the UDP states that the Council will negotiate with developers, on the basis of local needs and site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. However, more recently paragraph 159 of the NPPF requires Local Planning Authorities (LPAs) to understand the housing needs of their area, including affordable housing, by undertaking and preparing a Strategic Housing Market Assessment (SHMA).

The Council's SHMA, and recent Economic Viability of Affordable Housing Requirement Study, identify a need for 10% affordable dwellings on schemes of 15 dwellings or more, of which 75% should be social rented and 25% intermediate, which is reflected by policy CS4.3 of the emerging Sunderland Local Plan. Table 6.4 of the SHMA identifies a need for a greater proportion of 3-4 bed affordable properties and a need for properties for older people. Affordable housing will be required on-site, unless the applicant has robust justification for why this is not feasible, only then will off-site or contributions in lieu be considered.

Due primarily to the cost of remediating the site, the applicant asserts that the developer would not be in a position to make any affordable housing provision in this instance. A Viability Statement (VA), using the completed Homes and Communities Agency Economic Appraisal Tool, has been provided as justification, the details of which cannot be disclosed due to its commercially sensitive nature. Upon consultation with the Council's Strategic Asset Manager (Property Services), the VA demonstrates that the financial viability of development would be significantly at risk if the provision of affordable housing or any significant additional financial contributions were to be made by the developer.

However, it is noted that the applicant is currently unable to fully substantiate the estimated site remediation costs, given that these would not be known until a certain level remediation works have been carried out. In order to facilitate a more accurate estimate, the cost of remediating the site can be re-appraised through an agreement under Section 106 of the Town and Country Planning Act 1990 once the actual remediation costs are known, an approach the applicant has agreed to in principle.

Should it be conclusively demonstrated that the development would be made unviable should the developer be required to provide affordable housing, the applicant has indicated that a grant will be provided by the Homes and Communities Agency to allow for the provision of six off-site affordable units, which is more than the 10% required by policy CS4.3 of the emerging Sunderland Local Plan, the Council's Strategic Housing Market Assessment and Economic Viability of Affordable Housing Requirement Study. The Homes and Communities Agency has confirmed this.

No on-site affordable housing would be provided in this instance and, whilst reference is made to the provision of 6no. affordable units on an adjacent site, the applicant contends that an agreement under Section 106 of the Town and Country Planning Act 1990 (the usual means the Council adopts for securing affordable housing) may prejudice a funding agreement with the Homes and Communities Agency. Therefore, in this regard the LPA consider it reasonable on

this occasion to impose a suitably worded planning condition which will secure the provision of at least 4no. affordable units off site.

#### Design, Scale, Massing, Layout and Appearance, including Landscaping

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state 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 and the way it functions'.

UDP policy B2 reflects the above, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Guidance (SPG) and Residential Design Guide Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

Section 10C of the Residential Design Guide SPD recommends a minimum distance of 21m be provided between main facing windows and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in the above standard may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above matters are achieved. The proposal largely adheres to the above minimum requirements and it is not considered that any property would be afforded an unsatisfactory level of amenity.

In design terms, for this particular scheme it is considered imperative that the current proposal provides a comprehensive form of development reflective of the adjacent ongoing housing development. The proposal is considered to be appropriate in terms of density and scale relative to the local context which creates a robust, logical and meaningful design solution in response to the constraints of the site. The massing of development is considered appropriate within the context of the site and the use of a range of house types of varying designs, footprints and height adds interest and quality to the overall scheme and is typical of such an approach throughout the wider Teal Farm estate.

In terms of landscaping, policy H21 of the UDP requires amenity open space / playspace at a ratio of 0.4 hectares per 1000 bed spaces in this instance, which equates to 0.071 hectares in this instance.

The submitted Design and Access Statement specifies that 0.075 hectares of open space would be provided in total, which would include a central open space feature to include children's play equipment. Overall, it is considered that a suitable and comprehensive scheme of landscaping is proposed which would



contribute to creating a high quality and well connected public realm. However, the final details of landscape planting, species mix and layout must still be agreed and it is therefore suggested that, should Members be minded to approve the application, a suitably worded conditions should be imposed on the permission.

### **Impact upon Residential Amenity**

Having regard to UDP policy B2 as detailed above, the nearest dwellings to the application site would be those of the approved adjacent residential development to the east by David Wilson Homes which are not currently occupied. A distance of at least 23m would be afforded between the dwellings of these and the currently proposed scheme, which accords with the spacing standards set out by the Residential Design Guide SPD. In addition, a landscaped buffer would be retained between these developments. Accordingly, it is not considered that the proposal would compromise the amenity afforded to adjacent units as existing or prospective.

### **Ground Contamination**

Policy EN1 of the UDP seeks improvements to the environment by minimising all forms of pollution whilst policy EN12 states that the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that proposals would:

- (i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- (ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

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

The original planning permission pertaining to this site (13/04444/FUL) included a suite of conditions in respect of ground conditions. Following the approval of this application, the applicant has discharged conditions 7 (site characterisation) and 8 (scheme of remediation) of this planning permission through the submission of various documentation, including a Ground Investigation Interpretive Report and Detailed Remediation Strategy, all of which was deemed satisfactory by the Council's Environmental Health section. Such documentation has been included with the current application, so it is not considered necessary to impose a condition requiring any additional information to be submitted in respect of site characterisation and a scheme of remediation, although it is considered that conditions are imposed requiring the submission of a verification report and to address any unexpected contaminants which may be encountered during works on site.

## **Exposure to Noise and Vibration**

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Policy EN6 of the UDP states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development, if necessary. Where such measures are not practical, permission will normally be refused.

In respect of this matter the application and accompanying information has been reviewed by Environmental Health Officers and the following advice is offered. The development shall be afforded suitable and sufficient noise mitigation measures to ensure that future residents are afforded a commensurate level of protection conducive to good sleeping or resting conditions. The supporting information suggests that the above is achievable, a view which is not disputed by the LPA, and as such it is recommended that conditions be imposed on any grant of consent that requires the specific of the sound attenuation scheme to be adhered to.

In respect of potential disturbance during construction, a Dust / Asbestos Management Plan, Combined Method and Risk Assessment for Driven Piling, Combined Method and Risk Assessment for Construction of Smartfoot Foundation System and a General Risk Assessment have been provided and, upon consultation with the Council's Environmental Health section, are considered to provide suitable details to ensure that any potential disturbance is minimised and the site developed in a safe manner.

## **Odour**

In keeping with the core principle of the NPPF cited in the previous section of this report, wherein a good standard of amenity for existing and future occupants of buildings is promoted, policy EN9 dictates that the relationship between proposed residential development and existing nearby uses giving rise to air pollution, dust or smell will be a material consideration.

As raised in the main report to the Sub-Committee, Northumbrian Water (NWL) has raised concerns that the proposed dwellings would be subjected to unpleasant odours dispelled by the Washington Sewerage Treatment Works, situated on the opposite side of Pattinson Road to the east of the site, which could give rise to complaints. Such concerns are echoed by the Environment Agency, who advise that consideration be given to the proximity of the proposed dwellings to existing waste facilities.

The Council's Environmental Health section has been consulted on this issue and concludes that, historically, it has received complaints from existing residents within the area surrounding the application site with regards to odours from the treatment works. A breakdown of the number of complaints received year on year is detailed as follows:

Year	No. of complaints
2005	1
2006	6
2007	3
2008	0
2009	1
2010	1
2011	2

The majority of these complaints were received as a result of equipment failure or breakdown as opposed to an odour associated with the day to day operation of the site and, in this regard, a notice under Section 80 of the Environmental Protection Act 1990, relating to statutory nuisances, has never been served. As such, on the basis of the evidence available it is not considered, on balance, that this issue is sufficient to warrant refusal of planning permission.

### **Ecology and Wildlife**

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

An Ecology Report (September 2012) which forms an addendum to a Penn Associates report of 2010 has been provided which concludes that the ecological status of the site has not changed significantly and recommends a series of mitigation measures. A further site inspection was carried out in March 2014, the details of which are provided in a Site Inspection Form by Penn Associates, to substantiate the aforementioned conclusions and recommendations. These are considered to be acceptable given the relatively low ecological value of the site and, upon completion of the specified mitigation works detailed in this Report, it is considered that the proposal satisfies UDP policies CN18 and CN22 and chapter 11 of the NPPF.

### **Flood Risk**

In respect of flood risk, policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water. It is noted that the site lies within Flood Zone 1 so is of low sensitivity in respect of potential flooding. A Flood Risk Assessment has been provided which indicates that surface water would be discharged to the public sewer. Accordingly, Northumbrian Water has been consulted and raised no concerns in respect of drainage. However, in order to ensure that an appropriate means of drainage be provided and to allow for the submission of a more detailed drainage strategy, it

is recommended that a condition be imposed requiring the submission of such details should Members be minded to approve this application.

## Conclusion

For the reasons set out above, whilst the proposal is considered to constitute inappropriate development in the Green Belt and would have a significant impact on its openness, it is considered that other considerations, as detailed above, clearly outweigh such harm whilst any other potential harm could be reasonably mitigated by way of condition.

**RECOMMENDATION:** Members be minded to approve the application subject to the draft conditions outlined below and to the completion of a Section 106 Agreement and that the application be referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09).

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing no. 14-045/P00 rev. J: Planning Layout received 09.02.2015
  - Drawing no. A-ACA STD/00: Acacia House Type (excluding Plot 2) received 19.12.2014
  - Drawing no. A-ACA TFW/00: Acacia House Type (Plot 2 only) received 09.02.2015
  - Drawing no. A-ALD STD/00: Alder House Type received 19.12.2014
  - Drawing no. A-BAY STD/00: Bay House Type received 19.12.2014
  - Drawing no. A-CED STD/00: Cedar House Type Drawing 1 received 09.02.2015
  - Drawing no. A-CED STD/00: Cedar House Type Drawing 2 received 09.02.2015
  - Drawing no. A-ELD STD/00: Elder House Type Drawing 1 received 09.02.2015
  - Drawing no. A-ELD STD/00: Elder House Type Drawing 2 received 09.02.2015
  - Drawing no. A-LAR STD/00: Larch House Type received 09.02.2015
  - Drawing no. A-PIN STD/00: Pine House Type received 09.02.2015
  - Drawing no. A-PLA STD/00: Plane House Type received 09.02.2015
  - Drawing no. A-WHI STD/00: Whitebeam House Type received 09.02.2015
  - Drawing no. L6314: Standard Divided Double Garages received 09.02.2015

- Drawing no. L6840: Standard Single Garage received 09.02.2015
- Drawing no. L6841 Standard Detached Double Garages Type A and B received 09.02.2015

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

- 3 No works shall take place on site outside the hours of 08:00 to 18:00 on Mondays to Thursday inclusive (excluding Bank Holidays) and 08:00 to 13:00 on Saturdays and no work would take place on Sundays or Bank Holidays. All works and practices on site shall be implemented in accordance with the details provided by the submitted documents entitled 'Combined Method and Risk Assessment for Driven Piling', 'Combined Method and Risk Assessment for Construction of Smartfoot Foundation System', 'Dust / Asbestos Management Plan' and 'General Risk Assessment 40' throughout the construction period unless otherwise agreed, in writing, by the Local Planning Authority, in the interests of the amenity of the area and nearby occupants and highway safety and to comply with policies B2, EN5 and T14 of the adopted Unitary Development Plan.
- 4 No development shall commence, other than that required to carry out remediation works, until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 5 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development (other than that required to carry out remediation works) is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until condition number 7 has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 8 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.

7 The remediation scheme comprising the following documentation:

- Detailed Remediation Strategy prepared by The Shadbolt Group dated September 2014
- e-mail from Mike Taylor of The Shadbolt Group dated 11 December 2014 in response to the LPA's comments sent by e-mail on 08 December 2014
- Dust / Asbestos Management Plan dated January 2015

must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority, an investigation and risk assessment must be undertaken and, when remediation is necessary, a remediation scheme must be prepared, both of which are subject to the written approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 9 (Implementation of Approved Remediation Scheme).

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

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

9 Notwithstanding the submitted information the following sound attenuation scheme must be implemented:

- For habitable rooms fronting onto Pattinson Road enhanced double glazing comprising of a generic 6mm glass / (6-20mm air cavity) / 4mm glass construction should be used.
- The above glazing specification shall also be provided to habitable rooms within properties with a direct line of sight Faurecia.
- For habitable rooms shielded from both Pattinson Road and Faurecia, a standard double glazed unit consisting of 4mm glass / (6-20mm air cavity) / 4mm should be used.
- Acoustically treated window vents shall be used to provide background ventilation to all habitable rooms fronting onto Pattinson Road and those with a direct view of Faurecia to the south west should have a vent open (4000mm<sup>2</sup>) Dn,e,w of at least 37dB.
- For all other habitable rooms standard trickle ventilation is appropriate.

Reason: In the interests of residential amenity and in accordance with policy EN5 of the adopted Unitary Development Plan.

10 No development shall take place, other than that required to carry out remediation works, until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

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

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

13 No dwelling hereby approved shall be occupied until details of the precise location of footways and cycleways within and affected by the development and full details of provisions for public transport (including bus lay bys and shelters) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, such measures shall be fully

implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority, in the interests of highway safety and to increase the sustainability of the site, in accordance with policy T14 of the adopted Unitary Development Plan.

- 14 The development hereby approved shall be carried out in complete accordance with the mitigation/enhancement measures detailed in the Ecology Reports dated September 2012 prepared by Penn Associates. For the avoidance of doubt and in addition, no development shall commence until precise details, illustrated by appropriate plans/drawings and an associated schedule, of the specification, locations and management of bat and bird roost and nest features, lighting and landscaping together with a long-term management plan has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter, unless first agreed, in writing, by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 15 No development shall take place, other than that required to carry out remediation works, until full details of all play equipment to be provided, its layout and future maintenance have been submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt and in order to inform the location and type of equipment to be provided, consultation shall be carried out with ward Members, local schools, resident groups and community groups and the relevant sections of the Local Authority, including Landscape and Reclamation, Sport and Leisure and Street Scene, and an appropriate timescale for such consultation shall be agreed, in writing, by the Local Planning Authority prior to it being carried out. All such equipment shall be provided in accordance with the agreed details prior to the occupation of the 30th dwelling hereby approved unless otherwise agreed, in writing, by the Local Planning Authority and all equipment shall be maintained thereafter or suitably replaced to the satisfaction of the Local Authority, in accordance with policy H21 of the adopted Unitary Development Plan.
- 16 The development shall not begin, other than that required to carry out remediation works, until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i. the numbers, type, tenure and location of the affordable housing provision to be made which shall consist of not less than 4no. housing units;
  - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Social Landlord shall be involved);
  - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and



- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 17 No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies B2, T14 and T22 of the adopted Unitary Development Plan.
- 18 No development shall take place, other than that required to carry out remediation works, until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policy B24 of the adopted Unitary Development Plan.