

## PLANNING AND HIGHWAYS COMMITTEE

### AGENDA

**Meeting to be held in the COUNCIL CHAMBER, CITY HALL on Monday 30<sup>th</sup> October 2023 at 5.30 p.m.**

#### Membership

Cllrs Ali (Vice Chair), Dixon, Foster, Haswell, Herron, Morrissey, Peacock, Scott, Thornton (Chair) and Warne.

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Elaine Waugh,  
Assistant Director of Law and Governance,  
City Hall  
SUNDERLAND

20<sup>th</sup> October, 2023



# Item 3

**At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 18<sup>th</sup> SEPTEMBER 2023 at 5.30 p.m.**

## **Present:-**

Councillor Thornton in the Chair.

Councillors Ali, Dixon, Foster, Haswell, Herron, Morrissey, Peacock, Scott and Warne

## **Declarations of Interest**

**14/01371/OUT – Coal Bank Farm, Hetton-le-Hole, Houghton-le-Spring, DH5 0DX**

Councillor Dixon declared that he had taken a phone call from Ms Gibson regarding her request to speak at the Committee and referred her to the planning officer.

## **Apologies for Absence**

All Members being present there were no apologies for absence.

## **Minutes of the last meeting of the Planning and Highways Committee held on 31<sup>st</sup> July 2023**

Councillor Dixon referred to page 9 of the minutes and advised that the reference to Almond Street should refer to Ormonde Street.

1. RESOLVED that the minutes of the last meeting of the Planning and Highways Committee held on 31<sup>st</sup> July 2023 be confirmed and signed as a correct record subject to the inclusion of the above amendment.

**Planning Application 14/-1371/OUT – Outline application for erection of 82 dwellings (all matters reserved) (additional ecology, tree, drainage and landscaping info received)  
Coal Bank Farm, Hetton-le-Hole, Houghton-le-Spring, DH5 0DX**

The Executive Director of City Development submitted a report and supplemental report (copies circulated) in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy reports – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Dixon referred to the fact that a number of the representations were dated 2014 and asked whether they were still considered to be valid. The representative of the Executive Director of City Development advised that the application had been submitted in 2014 and consultation had been undertaken on a number of occasions since then; all of the responses received as part of these consultation exercises had been reported within the Committee report. The properties which had generated representations had been contacted again during the subsequent consultations and had not asked for previous representations to be withdrawn or amended.

Councillor Dixon then referred to the list of pros and cons for the development set out in the table on page 55 and asked whether the encroachment into the designated open countryside could set a precedent for future applications. The representative of the Executive Director of City Development advised that the site was shown as available for housing and that there was only a small corner of the site was within the designated open countryside; it was previously developed land and the encroachment was a minor conflict which was outweighed by the overall benefits of the development of the site. It would not set a precedent for any future developments.

Councillor Dixon then stated that he had carried out a visit to the site and he was concerned by the access being from narrow residential streets; especially given the Gentoo development of the neighbouring site. The Highways Engineer advised that the network was considered to be suitable to accommodate the increased traffic generated by the developments so there had been no reason to object on highways grounds. The impacts of both developments in conjunction with each other had been considered. The representative of the Executive Director of City Development advised that the Highways advice had been taken into account and given that there would still need to be a reserved matters application it was likely that there would be a delay between now and the development of this site starting so it was unlikely that the construction of this site would take place at the same time as the works on the adjacent Gentoo site.

Councillor Scott queried how much of the site was designated open countryside. The representative of the Executive Director of City Development advised that it was an area of around 15-25metres depth by 45metres width.

Councillor Dixon referred to the suggestion that additional access be taken from Swaledale Close, as referred to on page 27 of the report. The Highways

Engineer advised that this was a private street which abutted the red line boundary of the site; it did not constitute access to the site with the only access proposed being from Ennerdale Street.

The Chairman then welcomed to the meeting Ms Lynsey Gibson, a local resident, who wished to speak in objection to the application and advised that she would have a maximum of 5 minutes to address the Committee.

Ms Gibson stated that although it had been reported that residents had been consulted again this was not the case; she had spoken to residents and asked if they had received the letters. She was concerned about the viability of the scheme, especially in light of the collapse of Tolent, given the applicant had stated that they were unable to afford to make the originally proposed payments under Section 106. She was concerned that this development could see the same issues as the Gentoo site with the developer going into administration. She felt that suitable infrastructure was not in place for the development as there would be a total of 200 extra houses in the vicinity.

Ms Gibson stated that she lived in the area and experienced the traffic problems already faced in the area; HGVs were being forced to reverse along the length of her street to be able to access the Gentoo development.

She had been informed that the Council had already met the targets for new housing set out in the policy. There were ecology concerns as there were bats and barn owls living on the site. She felt that the application should be suspended due to its age and also the viability concerns.

Members were then given the opportunity to ask questions of clarification of Ms Gibson. No questions were asked by Members

The Chairman then welcomed to the meeting Mr David Marjoram, the agent for the applicant, who was in attendance to speak in support of the application and advised that he would have a maximum of 5 minutes to address the Committee.

Mr Marjoram stated that this was an outline application with all matters reserved; the proposed access was the logical access point to the site and the number of dwellings proposed was achievable and allowed for the retention of the trees and hedges in addition to allowing greenspace to be retained within the site. The site was currently occupied by low quality buildings and machinery; houses would be a better neighbour than the current use of the land. Most of the site was previously developed and was currently in an unsightly condition. This was not high value agricultural land.

The site was shown as being available for housing within the Council's policies and housing land supply was becoming marginal.

There had been no objections received from any of the Council's internal consultees.

A viability assessment had been undertaken in conjunction with Bradley Hall and it had been established that the development would not be viable if there was to be the Section 106 agreement in place however this could be reviewed as part of the reserved matters and if market conditions had changed by that time then it was possible that Section 106 funding could be required at that point.

The access to the site was considered to be acceptable and a traffic assessment had predicted that there would be 42 vehicle movements within peak hours which was considered to be acceptable; there were options for sustainable transport with local facilities being within a 20 minute walk.

Members were then given the opportunity to ask questions of Mr Marjoram. No questions were asked by Members.

Members then discussed the matter.

Councillor Dixon, in light of the concerns raised over highways, asked what flexibility there was in the access arrangements should the application be granted. The representative of the Executive Director of City Development advised that this was an outline application and that the access was a reserved matter; the proposed access shown as part of this application was to demonstrate that the site could be accessed and could be changed at reserved matters. The proposed access to the site was considered to be acceptable and it was anticipated that the currently proposed access would be brought forward at the reserved matters stage.

The Chairman commented that she felt that developments of this size should be required to make a Section 106 contribution and that the local residents of the area should benefit from the funds such as them being used to improve play parks in the local area.

Councillor Morrissey stated that he felt that a condition requiring the retesting of the viability at the time of the reserved matters application was needed to ensure that Section 106 money was provided if viable.

Councillor Dixon questioned whether it was usual for a development of this size not to provide any affordable housing. The representative of the Executive Director of City Development advised that he could not think of any recent examples of this; generally developments would either include affordable housing or a Section 106 agreement to fund off site affordable housing would be in place. It was important to note that the Gentoo development at the adjacent Cragdale Gardens site was providing 86 affordable houses.

Councillor Herron commented that he did not feel that another developer providing affordable housing should remove the obligations of this developer to provide affordable housing.

Councillor Scott commented that it was good to see that the Section 106 would be revisited at the reserved matters stage. He then moved that the determination of the application be deferred in order to allow a site visit to be undertaken so that how the site fitted in with Ennerdale Street and Cragdale Gardens. Councillor Foster seconded this motion.

The Chair then put this motion to the Committee and with all Members being in agreement it was:-

2. RESOLVED that determination of the matter be deferred in order to allow a site visit to be undertaken.

**Planning Application 23/00153/FUL – Conversion of building to 14no. self contained apartments, including commercial unit to ground floor (use class E), creation of mezzanine floor and external alterations to existing rear extension.  
110-112 High Street West, Sunderland, SR1 1TX**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their presentation and invited questions of clarification from Members.

Councillor Dixon commented that this was an attractive building and asked for reassurance that there would not be harm caused by external alterations to the building. The representative of the Executive Director of City Development advised that there was very little external alteration proposed; the development would see mainly internal changes to the building and these internal changes would be mostly reversible changes such as the installation of stud walls.

Councillor Dixon then asked what the commercial use would be and the representative of the Executive Director of City Development advised that this had not been disclosed by the applicant but that use class E was typical town centre uses.

Councillor Herron commented that developments in locations such as this were important as they allowed the different areas of the city centre to be connected to each other; Councillor Scott agreed and added that this would help to promote the further regeneration of Sunnyside.

Councillor Peacock expressed concerns based on the experience of the redevelopment of Joplings; it had been stated that it would revitalise the building and area but had not resulted in that; he questioned what controls were in place to ensure that the development under consideration today would remain as an asset to the city. The representative of the Executive Director of City Development advised that development needed to be carried out in accordance with the planning permission, including the approved plans, and that there were enforcement powers for if there were breaches. This was a smaller development than the Joplings development and included ground floor commercial space.

There being no further questions or comments, it was:-

3. RESOLVED that the application be Approved subject to the completion of a section 106 agreement and subject to the draft conditions set out within the report.

**Planning Application 23/00677/FUL – Erection of canopy to provide protection for timber stored on site and the replacement of a section of boundary wall adjacent to Colliery Lane with 2.4m high palisade fencing. (Partially retrospective in respect of the palisade fencing)  
Land at James Jones Pallets and Packaging, Hetton Lyons Industrial Estate, Hetton-le-Hole, Houghton-le-Spring**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application.

The Chairman thanked the Officer for their report invited questions from Members.

Councillor Peacock questioned whether, given the heritage comments received, the wall had been protected. The representative of the Executive Director of City Development advised that there was no statutory protection of it, it had not been listed and was not in a conservation area. The wall had been in poor structural condition and the demolition of it did not require planning permission. The wall was visually nicer than the replacement fence however the fence matched the remainder of the boundary of the site and was inkeeping with the nature of the area.

Councillor Morrissey asked for confirmation that it was not possible to force the wall to be rebuilt and the representative of the Executive Director of City Development advised that this was the case and the replacement fence needed to be looked at on its own merits.



The Chairman commented that she had noticed that the wall had been removed and that this was a tidy and well-maintained site within an industrial area.

There being no further questions or comments, the Chairman put the Officer recommendation to the Committee and it was:-

4. RESOLVED that the application be Approved subject to the draft conditions contained within the report.

**Planning Application 23/01121/SUB – Change of use from C3 (residential) to C4 (5 bedroom HMO)  
265 Chester Road, Sunderland, SR4 7RH**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their report and invited questions or comments from Members.

Councillor Dixon stated that he had attended the site visit and noted that the access to the garage appeared to need widening to allow two vehicles to access the garage. He also queried the parking in the area as there were signs in the back lane relating to the Community Parking Management Scheme. The representative of the Executive Director of City Development advised that it did look like there was a need for the garage door to be widened slightly. The Highways Engineer advised that Ewesley Road was part of the Community Parking Management Scheme and it was believed that the occupiers would be able to purchase parking permits.

Councillor Dixon then referred to the parking area outside of Ewesley Road Church and asked who owned this and who could park there. The Highways Engineer advised that it was part of the highway and he was unaware of there being any parking restrictions on that parking area.

Councillor Haswell referred to the controls on HMOs in the ward and asked whether they created any restrictions other than the number of bedrooms. The representative of the Executive Director of City Development advised that normally 6 residents could occupy an HMO before planning permission was required however in this, and some other wards in the city, these rights had been removed requiring any HMO to go through the planning permission process. The usual policies were applied to these applications. The parking

had been considered as part of the application and the two spaces provided was considered to be acceptable for an HMO of this size.

Councillor Haswell then commented that this HMO was a significant change for the area which was made up of mostly single family dwellings. The representative of the Executive Director of City Development advised that this property fronted onto the main road of Chester Road and was separated from the properties on Ewesley Road by the church. The provision of 5 bedrooms within the property was considered to be a low intensity use of a property of this size. The policy sought to avoid an overconcentration of HMOs in an area and within this area there were very few HMOs. There was no concern that there would be significant amenity issues as a result of this development.

Councillor Haswell then queried how the properties consulted had been chosen as there were properties in the vicinity which had not been consulted. The representative of the Executive Director of City Development advised that letters had been sent to neighbours, there was a statutory requirement to consult adjoining properties and beyond that was discretionary. Site notices had also been posted. It was considered that the level of consultation had been appropriate for the nature of the application.

The Chairman then welcomed Councillor Mullen, who was in attendance to speak against the application, to the meeting and advised that he would have 5 minutes to address the Committee.

Councillor Mullen stated that he was representing all three of the ward Councillors and that discussions had taken place with residents. The land at the front of the church was part of the church property and as the church had just been sold there was no guarantee that this parking would be available for use. There was no parking available at the front of the property. The property was outside of the B1 CPMS area so residents would not be able to park within those streets and the back lane was within the B2 area. The nearest street without parking restrictions was Farnham Terrace which was 478metres away from the property. There was no guarantee that the use of the property as an HMO would only generate a demand for parking for two vehicles and there was no where for any further vehicles to be parked. Although there was a low number of HMOs in the area there were a lot of properties converted into flats which were of a similar intensity of occupation as an HMO; these properties had resulted in an increase in the number of vehicles being parked in the area and they were parking in side streets and back lanes where there was insufficient capacity.

Councillor Dixon asked if Councillor Mullen could clarify what CPMS area the property was in. Councillor Mullen stated that it sat on the edge of the B2 area and that the residents, if issued permits, would need to move towards the ABC streets to park, these were already busy streets, especially as the properties on the Westlands had been given designated spaces on these side streets due to the lack of parking to the front of the Westlands.

The Development Manager then interjected that this was not relevant to the application. The development had been assessed as requiring spaces for two vehicles and these spaces were able to be provided within the curtilage of the property. If a future resident chose to have any vehicles beyond this number then it would be up to them to find somewhere suitable to park.

Councillor Haswell expressed concern that if the application was approved then it would be a significant change to the character of the area and moved that the application be refused.

In accordance with the Council's constitution the Committee's Solicitor then asked the Development Manager to explain the implications of a decision contrary to the officer's recommendation.

The Development Manager advised that if a decision was to be made against officer's recommendation then there would need to be evidence-based reasons for the decision supported by the Council's planning policies. If a strong reason was not given then the Council would be at risk of appeal and potential costs award could be made against the Council.

The Chair expressed encouragement for Members to attend site visits; it had been very useful as it had shown that the proposals were agreeable; this was a huge house with only five residents being proposed; it was possible that if the property was a single family dwelling there would be more than five residents and more than two cars. She stated that most residents of HMOs would not own a car and there were good public transport links in the area and it was within easy walking distance of the city centre.

Councillor Scott agreed that the site visit had been useful and he felt that the parking provision was adequate.

There being no further questions or comments the Chairman put the officer's recommendation to the Committee and with 8 Members voting for the officer's recommendation and 2 Members voting against, it was:-

5. RESOLVED that the application be APPROVED, subject to the draft conditions listed within the report.

**Planning Application 23/01286/LP3 – Change of use from dwelling (Use Class C3) to Children Home (Use Class C2)  
1 Marlow Drive, Sunderland, SR3 2RW**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

Councillor Peacock commented that the proposed age range was quite large and also asked whether the background of the children was known. The representative of the Executive Director of City Development advised that the background of the children was not a material consideration. The police had been consulted and had raised no objection to the application.

Councillor Dixon raised concerns over the age range and the Chair advised that in her experience, of working in Children's Services for another Local Authority, it would be unusual for children to be placed into a home in a mix of age groups.

The Chairman then welcomed local resident Mr Anthony Tunney to the meeting who was in attendance to speak in objection to the application and advised that he would have 5 minutes to address the Committee.

Mr Tunney stated that he had not realised that this meeting would be of this nature, he thought that it would be a discussion with Together for Children about the application. He asked why only around 10-12 residents had been informed of the proposal rather than there being wider consultation and stated that it seemed the concerns of residents had been brushed aside. He asked what assurances could be provided to residents. He asked who the children would be and whether the number could be increased in the future along with whether the property could be extended in the future.

The representative of the Executive Director of City Development responded that all objections raised were addressed within the report and that neighbours had been notified in accordance with the statutory requirements. The property had been previously extended and further extensions would be subject to planning permission, this application was for a children home for 2 children and that was the limit of this permission, if any further children were to be accommodated then a new planning application would be required which would be assessed against the planning policies.

The Chairman introduced Mr Alexander Franklin, the agent for the applicant who wished to speak in support of the application and advised that he would have 5 minutes to address the Committee.

Mr Franklin stated that Together for Children sought to improve the lives of children and had an Ofsted outstanding rating in respect of its care services. This application was a change of use from a family home to a children's home for two children. The proposal accorded with all planning policies. He understood residents concerns and advised that there would be coffee mornings held to allow meeting with residents prior to the property being occupied.

There would be professional staff on site at all times which would ensure that there was effective management of the property to prevent antisocial behaviour; there was no evidence that the use would cause antisocial behaviour and the police had raised no concerns.

The property would operate as a typical home. There would be no change to the character of the area and no external changes to the property. No CCTV was proposed to be installed.

Staff were encouraged to use public transport however as there would be two staff on site and there was a two car driveway then there would be no parking issues caused by staff.

The Chairman thanked the speakers for their submissions and invited questions of clarification from Members. No questions were asked by Members.

Councillor Herron, having heard the submission from residents, moved that the matter be deferred to allow them to prepare their statement more effectively given that they had stated that they had not known how the meeting would work and had not prepared a statement in objection. The deferral would allow them to speak to their ward councillors and develop a proper speech to deliver to the Committee.

Councillor Morrissey thanked the residents for attending the meeting. He stated that they would have the opportunity to make representations again if there was an application made to intensify the use of the property. He did not see the proposal to be a fundamental change of use as it would be a family sized number of people in a family home. He was minded to approve the application and felt that if there was to be a denial of service to vulnerable children then there needed to be significant reasons to do so.

The Chairman stated that this was to be a family home for two children and children who were in care deserved to be able to live in a nice house on a nice street. There were no material changes to the property.

Councillor Scott agreed with these comments and added that there could be enforcement action taken if there were more children living there than the consent allowed.

Councillor Dixon commented that Together for Children needed to ensure that they remained in communication with local residents once the property was operational and he also asked that staff ensured that they used the driveway to park rather than parking on the street which could inconvenience local residents.

Councillor Foster expressed that he felt Together for Children should have consulted residents sooner and he agreed and seconded Councillor Herron's motion to defer the matter to allow this to take place before a decision was made.

Councillor Warne commented that it was vital that these children were provided with somewhere to live and would be supporting the application.

There being an alternative motion to defer the matter, the Chair put this to the vote and with:-

4 Members voting to defer the application;

5 Members voting against the deferral; and

1 abstention

The motion to defer the application was defeated.

The Chair then moved the officer's recommendation to the Committee, as seconded by Councillor Warne and with:-

8 Members voting in favour of the officer's recommendation;

0 Members voting against the officer's recommendation; and

2 abstentions

it was:-

6. RESOLVED that consent be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the conditions set out in the report.

Councillor Morrissey and Councillor Haswell left the meeting at this point.

### **Change in the order of Business**

At this juncture the Chair proposed a change in the order of business to allow the consideration of item 7 ahead of item 6 in order to allow Councillor Heron, who was in attendance to speak on item 7, to leave the meeting sooner. Members agreed to this change in the order of business.

### **Planning Application 23/01589/OUT – Outline application for a pair of semi-detached bungalows (all matters reserved) Land North West of 23 Tintern Close, Houghton-le-Spring**

The Executive Director of City Development submitted a report (copy circulated) and supplemental report in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Dixon queried whether there was a shortage of green space in the area and also questioned who the garages belonged to. The representative of the Executive Director of City Development advised that the green space in the area was both low in quality and quantity. It was believed that the garages were for residents.

The Chairman then introduced Councillor Heron who was in attendance to speak in objection to the application.

Councillor Heron stated that she had received a lot of phone calls from residents when the site notices had been posted. This was a large estate with a lack of green space and only one play area. The garages had been owned by Gentoo and were unpopular due to the small entrance. There had been a lot of local opposition to the development so she was pleased to see that it was recommended for refusal. This was the fourth application to develop this site and the issues were still the same as previous.

Councillor Scott stated that as he had said previously, there was a lack of green space in the area and the green space available was of low quality.

Councillor Dixon commented that the area will have been left as green space for a reason when the estate was first built.

There being no further comments or questions the Chairman but the officer's recommendation to the committee and it was:-

7. RESOLVED that the application be Refused for the reasons set out in the report.

**Planning Application 23/01555/FU4 – Erection of high voltage sub-station with compound, transformers and securing fencing  
1 International Drive, Sunderland, SR5 3FH**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their report invited questions and comments from Members.

There being no questions or comments the Chairman put the officer's recommendation to the Committee and it was:-

8. RESOLVED that consent be granted under Regulation 4 of the Town and Country General Regulations 1992 (as amended) subject to the draft conditions set out in the report.

**Planning Application 23/01870/LP3 – Temporary change of use to allow for the Festival of Light to operate for a number of days between 25 September to 16 November 2023  
Mowbray Park, Mowbray Gardens, Burdon Road, Sunderland**

The Executive Director of City Development submitted a report (copy circulated) and supplemental report in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Herron stated that he welcomed the application which would bring much needed footfall into this area of the city centre.

Councillor Scott agreed and added that it was a vibrant activity for residents to enjoy.

Councillor Dixon expressed his support for the application and expressed his hope that this would be a successful event for the city.

There being no questions or comments the Chairman put the officer's recommendation to the Committee and it was:-

9. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the receipt of positive consultation responses within the outstanding consultation period and the draft conditions set out in the main report.

**Items for information**

Members gave consideration to the items for information contained within the matrix.

10. RESOLVED that the items for information as set out in the matrix be received and noted



Prior to closing the meeting the Chairman expressed her thanks to Councillor Nicholson who was no longer a member of the Committee but had been a valued member of the Committee.

The Chairman then closed the meeting having thanked everyone for their attendance and contributions.

(Signed) M. THORNTON  
(Chairman)

# Item 4



## Development Control Planning and Highways Committee

30th October 2023

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development determination. Further relevant information on some of these applications may be received and, in these circumstances, either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

##### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 14/01371/OUT - Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX
2. 22/02384/FU4 - Land North Of International Drive Sunderland SR5 3FH
3. 23/01526/FU4 - Former Littlewoods Home Shopping Group Commercial Road Sunderland
4. 23/01773/VAR - Land To The North Of Mount Lane Springwell NE9 7UQ
5. 23/01899/LP3 - The Sheiling Fatfield Road Washington NE38 7DT

##### COMMITTEE ROLE

The Planning and Highways Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Planning and Highways Committee Chairperson or the Development Control Manager via email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) .

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Peter McIntyre  
Executive Director City Development

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**Reference No.:** 14/01371/OUT Outline Application

**Proposal:** **Outline application for erection of 82 dwellings (all matters reserved) (additional ecology, tree, drainage and landscaping info received).**

**Location:** Coal Bank Farm, Hetton-le-Hole, Houghton-le-Spring, DH5 0DX

**Ward:** Hetton

**Applicant:** Mr Colin Ford

**Date Valid:** 17 November 2014

**Target Date:** 16 February 2015

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**UPDATE TO MEMBERS:**

As Members will recall, this planning application was previously considered by the Planning and Highways Committee at a meeting held on 18<sup>th</sup> September 2023. At the meeting, it was resolved that a decision on the planning application would be deferred to enable a visit to the application site to be carried out. The site visit was undertaken on Friday 27<sup>th</sup> October 2023 and so the application is now being returned to the Committee for the consideration of Members.

There have been no relevant changes in site circumstances or in respect of other material planning considerations since the publication of the previous officer report or since the previous meeting of the Committee. The previous officer report is reproduced below as Appendix 1 to this report.

In light of the comments above, the recommendation remains that planning application ref. 14/01371/OUT is APPROVED, subject to the draft conditions provided at the end of the report reproduced below as Appendix 1.

## **APPENDIX 1 – REPRODUCTION OF REPORT PRESENTED TO PLANNING AND HIGHWAYS COMMITTEE MEETING ON 18<sup>TH</sup> SEPTEMBER 2023**

### **PROPOSAL:**

Outline planning permission is sought for the erection of 82 no. dwellings on land at Coal Bank Farm, Low Moorsley, Hetton-le-Hole, DH5 0DX.

The proposed development affects approximately 3.75ha of land adjacent to the buildings of Coal Bank Farm. The farm buildings stand on the southern edge of the village of Low Moorsley, with dwellings to Swaledale Close immediately to its north-west. To the north-east is a field/paddock which separates the farm buildings from dwellings to Tynedale Street and Ennerdale Street. Open countryside, in the form of primarily agricultural land, stretches away to the south towards the villages of Elemore and Hetton-le-Hill. The application site slopes markedly from the south towards the north.

Although land to the south of the farm buildings is primarily of agricultural character, the application site itself currently features a series of large, corrugated sheds and is covered by an extensive range of mainly scrap farm vehicles, machinery and equipment, lorry engines and trailers, other containers and piles of tyres. These are associated with the applicant's plant and machinery dealership business, which has been operating from the site since the 1970s. The land is in a rough condition, with evidence of former quarrying activity and a number of earth bunds present, and it is criss-crossed by a series of informal tracks. A small area of woodland is to its north-east corner.

The land featuring the sheds and scrap plant and machinery etc. (and subject to this planning application) is of a roughly rectangular shape and is flanked on both sides by fields, meaning it somewhat 'juts' into the open countryside extending to the south of Low Moorsley.

The abovementioned field/paddock to the north-east of the farm buildings is subject to an outline planning permission for 40 no. residential dwellings (ref. 12/01125/OUT), which was considered by the Council's Development Control (Houghton, Hetton and Washington) Sub-Committee at the meeting held on 27<sup>th</sup> February 2013 and approved on 6<sup>th</sup> July 2017 following the completion of an agreement under s106 of the Town and Country Planning Act 1990. All matters, except access, were reserved for future approval. An application for approval of the reserved matters was validated on 19<sup>th</sup> March 2021 and is currently pending consideration (application ref. 21/00561/REM).

The current application site was also subject to planning application ref. 04/00551/OUT, which proposed residential development on the land. This application was refused by the Council in October 2004 and a subsequent appeal against the Council's decision was dismissed by the Planning Inspectorate. It is considered, however, that given the age of this decision and the significant changes to local and national planning policy in the intervening period, it should not be given any weight in the consideration of the current application.

The development of 40 no. dwellings on land to the north-east of the farm buildings effectively forms Phase 1 of a wider development, with the development proposed by the current outline planning application then forming Phase 2.

The current application seeks outline planning permission for up to 82 dwellinghouses on the site. All detailed matters (i.e. access arrangements, appearance of the development,

landscaping details, layout of the development and the scale of the development) are reserved for later determination. The current application therefore seeks approval of the general principle of developing the site for the proposed amount of housing.

As Members will note, the planning application was originally validated in November 2014. Delays to the application's advancement have been caused by requests from Council officers for various revisions to the proposals and requirements for improved technical supporting information, whilst there have also been issues around the viability of the scheme and lengthy periods of dormancy, during which the application did not progress. The application was, however, never withdrawn by the applicant and has not been determined by the Council as Local Planning Authority. The applicant is still seeking a determination of the application and, in line with requests from the Council, has updated various survey reports, documents and other supporting information as considered necessary. Despite the age of the application, the Council is able and obliged to determine the application, but its merits must be considered in the context of contemporary local and national planning policies.

Although all matters have been reserved for future approval, the application has been accompanied by indicative layout proposals to provide a vision for how the site could successfully accommodate the proposed amount of housing. The indicative plans show access for the new housing being achieved via the access road for Phase 1 of the development (i.e. the 40 no. dwellings with outline planning approval on the field/paddock to the north-east of the farm buildings), which would be continued beyond that site's southern boundary and into Phase 2 of the development. This access road, which has approval via the outline planning approval for Phase 1 of the development, would lead from the southern side of Ennerdale Street, through Phase 1 and into the second phase.

The indicative plans then show the access road looping around the site and housing positioned along both sides of this, with a 'spur' road off the main route giving access to housing in the centre of the site. The indicative site plan has been amended to draw the housing in from the southern boundary, creating a deeper, greener southern edge to the development. The quantity and quality of landscaping and open space within the scheme has also been improved and incorporated into the indicative proposals, with the layout plan now depicting approximately 0.91ha of public open space. Additionally, a drainage swale is now shown as running along the site's southern and eastern edges.

Dwellings within the indicative layout are shown as a mix of detached (51 no. dwellings) and semi-detached (31 no. dwellings), with a range of two-, three- and four-bedroomed properties. Some houses would benefit from garages, whilst others would only have in-curtilage parking.

Members should note at this point that the application is supported by a Financial Viability Appraisal, which seeks to demonstrate that the proposed development of the site is unable to support financial contributions and other planning obligations on the grounds that it would otherwise become unviable.

The application has been accompanied by a wide range of supporting technical documents and reports. As noted previously, given the age of the original submission, these have been updated/refreshed where necessary and additional material has also been submitted to address issues raised by officers. The documentation submitted includes:

- Design and Access Statement (September 2014)
- Planning, Design and Access Statement (October 2021)
- Transport Assessment (February 2014)
- Transport Statement (June 2021)

- Ecological Appraisal (November 2013)
- Preliminary Ecological Appraisal (July 2021)
- Bat Risk Assessment Survey Report (September 2014)
- Bat Activity Survey Report (September 2015)
- Breeding Bird Survey Report (September 2015)
- Ecological Mitigation Report (December 2015)
- Ecological Impact Assessment (September 2022, revised January 2023)
- Reptile Method Statement (September 2022, revised January 2023)
- Biodiversity Net Gain calculations (September 2022, updated February 2023)
- Landscape and Visual Appraisal (August 2022)
- Arboricultural Impact Assessment (July 2022, revised February 2023)
- Phase 1 Land Contamination Report (December 2013)
- Preliminary Contamination and Mining Risk Assessment (July 2021)
- Flood Risk Assessment (November 2014, updated November 2022)
- Drainage Strategy (July 2021, numerous subsequent amendments and updates)
- Ground Water Condition Report (July 2021)
- Financial Viability Appraisal (October 2021)

**TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

**CONSULTEES:**

Cllr Iain Scott  
 Cllr James Blackburn  
 Cllr Claire Rowntree  
 Network Management  
 Tyne And Wear Archaeology Officer  
 Environment Agency  
 Hetton Town Council  
 Northumbrian Water  
 Durham Bat Group  
 Northumbria Police  
 NE Ambulance Service NHS Trust  
 Natural England  
 Director Of Childrens Services  
 Planning Implementation  
 Natural Heritage  
 Planning Policy  
 Natural England  
 Environmental Health  
 Planning And Highways  
 Natural Heritage  
 Landscape  
 Flood And Coastal Group Engineer  
 Landscape  
 Flood And Coastal Group Engineer  
 Flood And Coastal Group Engineer  
 Flood And Coastal Group Engineer

Natural Heritage  
Planning Policy  
Landscape  
Flood And Coastal Group Engineer  
Planning Policy  
Northumbrian Water  
Land Contamination  
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Hetton Town Council  
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Cllr Claire Rowntree  
Director Of Childrens Services  
Flood And Coastal Group Engineer  
Tyne And Wear Archaeology Officer  
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Cllr Iain Scott  
Cllr James Blackburn  
Cllr Claire Rowntree  
Network Management  
Environment Agency  
Hetton Town Council  
NE Ambulance Service NHS Trust  
Northumbria Police  
Northumbrian Water  
Natural England  
Director Of Childrens Services  
Planning Implementation  
Planning And Highways  
Natural Heritage

43 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
Rear 23 Rosedale Street Low Moorsley Houghton-le-Spring  
37 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
39 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
41 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
1 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
26 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
7 Swaledale Close Hetton-le-Hole Houghton-le-Spring DH5 0DY  
20 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
13 Kirkdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DS  
12 Swaledale Close Hetton-le-Hole Houghton-le-Spring DH5 0DY  
27 Tynedale Street Hetton-le-Hole Houghton-le-Spring DH5 0DU  
5 Coalbank Road Hetton-le-Hole Houghton-le-Spring DH5 0EG  
4 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DT  
24 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
9 Swaledale Close Hetton-le-Hole Houghton-le-Spring DH5 0DY  
23 Kirkdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DS  
16 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA



16 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0DR  
6 Tynedale Street Hetton-le-Hole Houghton-le-Spring DH5 0DU  
2 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
4 Weardale Street Hetton-le-Hole Houghton-le-Spring DH5 0DZ  
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18 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0DR  
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17 Tynedale Street Hetton-le-Hole Houghton-le-Spring DH5 0DU  
27 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
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20 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
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35 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
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The Licensee Wheatsheaf Moorsley Road Hetton-le-Hole Houghton-le-Spring  
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36 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
7 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
Flat Black Boy Inn Moorsley Road Hetton-le-Hole Houghton-le-Spring  
The Licensee Black Boy Inn Moorsley Road Hetton-le-Hole Houghton-le-Spring  
17 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0DR  
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31 Ennerdale Street Hetton-le-Hole Houghton-le-Spring DH5 0EH  
14 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0DR  
17 Kirkdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DS  
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16 Kirkdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DS  
21 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
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62 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
58 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
Rainton View Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
57 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
59 Moorsley Road Hetton-le-Hole Houghton-le-Spring DH5 0ED  
30 Rosedale Street Low Moorsley Houghton-le-Spring DH5 0EA  
7 Tynedale Street Hetton-le-Hole Houghton-le-Spring DH5 0DU  
24 Kirkdale Street Hetton-le-Hole Houghton-le-Spring DH5 0DS

Final Date for Receipt of Representations: **25.07.2023**

## **REPRESENTATIONS:**

**Public consultation** - the application was subject to initial public consultation on receipt in November 2014, via neighbour notification letters, site notice and press notice. Further rounds of public consultation were undertaken in August 2017, November 2021 and December 2022 (following the receipt of amended proposals and additional supporting material) and then a final consultation exercise was undertaken in June 2023, with new site notices posted and a further notice published in the Sunderland Echo newspaper.

Representations both in support and objection to the application have been received in response to these consultation exercises; these can be summarised as below:

***In support***

*34 Rosedale Street (16<sup>th</sup> December 2014)* – proposals will revitalise the village, bringing much-needed amenities to the area.

*38 Rosedale Street (16<sup>th</sup> December 2014)* – is supportive if a community building is included in the development; bringing more people into the area is positive if suitable amenities are provided.

*Hill Crest, Front Street, High Moorsley (16<sup>th</sup> December 2014)* – proposals will help to regenerate the village and encourage investment. Suggested that the development includes a permanent community building for the village.

*1 Coalbank Road (8<sup>th</sup> August 2017)* – expresses support for the application.

***In objection***

*8 Weardale Street (12<sup>th</sup> December 2014)* – concern that Weardale Street will become a through-route for traffic accessing the development. Concerns over loss of wildlife and noise pollution.

*7 Coalbank Road (25<sup>th</sup> August 2014)* – development will detrimentally affect the amenity of existing dwellings, particularly their privacy. Dwellings will look out of character in terms of their appearance and mass and have a negative impact on green spaces. Concern that the development will adversely affect highway and pedestrian safety to both Coalbank Road and Ennerdale Street due to increases in traffic and have a negative effect on young families in the area.

*2 Coalbank Road (1<sup>st</sup> December 2021)* – Hetton-le-Hole area has been overdeveloped and local road systems cannot handle extra traffic, both during construction works and once the houses are built. More traffic would be hazardous to road users, pedestrians and cyclists. Local facilities, such as doctors and dentists, would struggle to cope with additional demand.

*21 Coalbank Square (31<sup>st</sup> December 2022)* – suggests that many supporting documents are out of date. Site alleged to already cause flooding in the area and so drainage is a concern. Development will cause additional traffic congestion in combination with other new development in the area. Some comments on the application have been made by people who have now moved away. Area is overpopulated and local services are oversubscribed.

*21 Coalbank Square (16<sup>th</sup> July 2023)* – application should be rejected as ‘things have changed’ in the area since it was submitted. The Gentoo development at Cragdale Gardens has caused havoc in the area and the site has been left in a poor state since the contractor ceased trading. If the development is approved there will be two ongoing construction sites in a small area. Ennerdale Street cannot accommodate the additional traffic from the developments in the area and the local infrastructure is not in place to accommodate these houses.

*26 Essex Street, Hetton-le-Hole (5<sup>th</sup> July 2023)* – proposal would result in overdevelopment of the area, has poor access and would cause too much traffic generation.

*14 Coalbank Road (16<sup>th</sup> July 2023)* – concerns over increased construction vehicles, farm vehicles and flooding in the winter and lack of consideration of residents of Moorsley. The

Gentoo development at Cragdale Gardens has been 'disastrous' as it ground to a halt. If both developments are built the overcrowding will be intolerable.

*116 Brick Garth, Easington Lane (17<sup>th</sup> July 2023)* – there is already overdevelopment in the area and a lot of residents have not been consulted. All residents should be consulted again to gain their views, not just a selected few. Extra vehicles associated with the development will cause more traffic issues.

*108A Houghton Road, Hetton-le-Hole (18<sup>th</sup> July 2023)* – residents of Hetton are unhappy with the sheer amount of development in the area. This is another unsympathetic scheme which is out of character with the area and will have a negative impact on residents, wildlife, outlooks and road infrastructure. There are also concerns regarding the ability of existing roads and facilities to cope with extra residents, drainage, lack of green spaces, road safety and lack of doctors, dentists and secondary schools.

*The Lodge, Office Place, Hetton-le-Hole (19<sup>th</sup> July 2023)* – proposal is an overdevelopment of a small village. There is a lack of infrastructure to deal with this development and others nearby. Moorsley village could be dealing with another 400 cars per day. The access road leads to Hetton Primary and Secondary Schools and then North Road, which is stretched to capacity. Local estates are used as 'rat runs' to avoid these routes at peak times – the development will exacerbate this issue. The development would have negative impact on the local area and destroy the small village 'community' status Moorsley enjoys.

In respect of concerns raised regarding public consultation, as noted above, the application has been subject to five separate rounds of consultation, with letters issued to over 200 addresses in the area. This level of consultation is considered to exceed the Council's statutory responsibilities in respect of publicising this planning application and is considered to have ensured that nearby residents have been suitably informed of the application and subsequent amendments/updates to it.

## **External and internal consultation responses:**

### ***Natural England***

*Comments received 25<sup>th</sup> August 2017* – no objections, on the basis that the development will not have significant adverse impacts on the nearest designated sites, these being Moorsley Banks and High Moorsley Banks Sites of Special Scientific Interest (SSSIs). Standing advice on matters relating to landscapes, protected species, locally designated sites, habitats and species, ancient woodland, environmental enhancements, access and recreation and rights of way is provided. Specialist advice should be sought from the Council's in-house ecologist where necessary.

*Comments received 1<sup>st</sup> December 2021* – no objections, on the basis that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscaped. Generic advice relating to other natural environment issues is provided within an annex to the consultation response.

### ***Northumbrian Water***

*Comments from 24<sup>th</sup> November 2021* – no objections to the development, although it is noted that proposed discharge rates do not align with those agreed with Northumbrian Water during pre-application discussions. It is therefore requested that a condition requiring the submission of a detailed scheme for the disposal of foul and surface water, for the approval of Northumbrian

Water and the Lead Local Flood Authority, is imposed on any planning approval. The development shall then take place in accordance with the approved details.

***Tyne and Wear County Archaeology officer***

*Comments from 4<sup>th</sup> September 2014, reiterated 16<sup>th</sup> December 2014 and 15<sup>th</sup> August 2017 – no known archaeological features at the site and so an archaeological assessment is not required.*

***Hetton Town Council***

*Comments from Planning and Development Sub-Committee meeting held on 28<sup>th</sup> January 2015 – notes that the development could deliver environmental improvements and in principle, there is support for the application. There is, however, a need to ensure traffic management issues are examined to prevent congestion and safety concerns through the existing estate and around Hetton Primary and Secondary Schools.*

***Council's Planning Policy team***

*Comments from March 2022 – notes that the application site is identified within the Council's most recent Strategic Housing Land Availability Assessment (SHLAA) as being developable for housing and it is also a draft allocation for housing within the emerging Allocations and Designations (A&D) Plan, although this document can only be given limited weight at this time.*

Part of the site is, however, identified as open countryside in the Core Strategy and Development Plan (CSDP) and the development should seek to address the objectives of policy NE8 of the CSDP, which provides guidance in respect of development proposals affecting areas of open countryside designation. In this regard, and in line with the advice within the development framework for the site within the draft A&D Plan, it is suggested that the southern edge of the development be 'softened' and essentially remain undeveloped to provide a transition to the wider open countryside beyond the site.

The comments also highlight the relevance of CSDP policies relating to landscape character (policy NE9), the provision of greenspace within housing developments (policy NE4), ecology and biodiversity (policy NE2), trees and hedgerows (policy NE3), design quality (policy BH1), sustainable design and construction (policy BH2), quality of life and amenity (policy HS1), local road networks (policy ST2) and development and transport (policy ST3).

***Council's Environmental Health team***

*Comments from 23<sup>rd</sup> March 2015 – advises that the applicant must ensure that construction works are undertaken in a manner which is respectful to local amenity. It is considered that a condition requiring the submission of a Construction Environmental Management Plan (CEMP) for the approval of the Local Planning Authority would be appropriate.*

*Comments from 13<sup>th</sup> October 2015 – in terms of ground and water contamination risks, it is suggested that the submitted Phase 1 desk-top study demonstrates that there are no significant constraints to a residential development of the site. Standard conditions requiring the submission and approval of a Phase II intrusive ground investigation report, the development and approval of a remediation strategy and verification report and a strategy for dealing with unexpected contamination are recommended.*

***Council's Land Contamination consultant***

*Comments from 8<sup>th</sup> December 2021 – considers the submitted Preliminary Contamination and Mining Risk Assessment and Ground Water Condition Report to provide an appropriate overview of risks relating to ground conditions at the site. The reports note that farm buildings and quarrying at the site were in evidence in 1856. Little development has taken place since*

then, save for the introduction of sheds and the use of the land for storage of scrap metal, vehicles and farming equipment.

The reports do not identify any potential contamination which would represent an impediment to the development of the site, however there are some omissions from the reports which should be addressed before development of the site commences. The outstanding matters can be attended to via conditions requiring further intrusive ground investigations and the submission and approval of a remediation strategy for the site. A further condition which deals with encountering unexpected contamination is also recommended.

***Council's Flood and Coastal team (Lead Local Flood Authority)***

*Comments from 14<sup>th</sup> July 2015* – initial comments highlighted concerns with the submitted Flood Risk Assessment and drainage strategy, suggesting that it did not follow the recognised hierarchy for dealing with the sustainable discharge of water from the development and did not provide sufficient detail to enable a conclusion that foul and surface water could be sustainably managed.

*Comments from 10<sup>th</sup> August 2015* – following submission of an addendum to the original Flood Risk Assessment, it is accepted that detailed drainage issues can be dealt with via a condition of any outline planning approval.

*Comments from 2<sup>nd</sup> December 2021* – comments provided following submission of further flood risk and drainage details and in the context of updated local sustainable drainage standards and objectives. Response advises that further information should be submitted before the application is approved, including a resolution to the foul discharge issue identified by Northumbrian Water (in comments dated 24<sup>th</sup> November 2021).

*Comments from 31<sup>st</sup> October 2022* – noted that an updated Flood Risk Assessment has been submitted, however there remain some outstanding issues with the technical details of the proposed drainage strategy, which require resolution before the application is approved.

*Comments from 30<sup>th</sup> November 2022* – outstanding technical issues remain, and it is also observed that a drainage swale is being proposed outside the boundary of the application site.

*Comments from 28<sup>th</sup> March 2023* – outstanding issues regarding the flood risk assessment and sustainable drainage strategy have been satisfactorily resolved and there is now no objection to the outline application being approved, subject to final details being submitted through the reserved matters application.

***Council's Ecology consultant and Ecology officer***

*Consultant comments from 3<sup>rd</sup> December 2021* – comments advised that insufficient information had been provided to allow for a full assessment of the potential impacts of the proposals upon protected species, including bats, and the botanical interests of the site, including the ecological value of trees. Further information should also be provided relating to the proposed landscaping strategy via a Biodiversity Net Gain assessment, to provide a more robust assessment of the potential impacts of the proposals upon the ecological interests of the site, to ensure the proposals are in line with current guidelines, policy and legislation.

*Consultant comments from 29<sup>th</sup> November 2022* – comments produced following the submission of the Ecological Impact Assessment, Reptile Method Statement, BNG Assessment, Landscape proposals and Arboricultural Impact Assessment. The submitted comments advise that further assessment is still required in respect of the value of habitats at the application site, including the suitability of existing buildings and trees at the site to accommodate bats, the



potential risks in respect of great crested newt, badger and breeding birds, and the potential for designated ecology sites within the area to be affected by the proposed development. Further information was also requested in respect of species such as hedgehog, red squirrel, dormouse, and reptiles. The comments also identify issues with the submitted BNG calculations and note that the assessment identifies a substantial loss of biodiversity. The submitted information is, therefore, considered to remain insufficient to allow for a robust assessment of the potential ecological impacts of the development.

*Consultant comments from 25<sup>th</sup> March 2023* – comments submitted following receipt of an updated Reptile Method Statement, detailed landscaping proposals and an updated tree report and Arboricultural Impact Assessment. Comments advise that the landscaping proposals could be improved in respect of their ecological benefits and deliver greater levels of biodiversity net gain. The additional and updated arboricultural assessment are considered robust and no further information is required at this stage.

Further information is recommended in respect of assessing the value of habitats present on the site, however previous comments regarding impacts on nearby designated ecology sites have been addressed.

In terms of bats, there remain some concerns in respect of the methodology of the surveys undertaken. It is recognised, however, that as this is an outline planning application, demolition of buildings may not occur for some time and it is recommended that updating surveys should be undertaken during the active season prior to demolition works commencing, to ensure the situation remains the same. Additional information provided in relation to the suitability of trees to support roosting bats, and the process to be followed in the event bats are recorded, is acceptable. Increased numbers of bird and bat boxes are now proposed, and final details can be secured by condition as required.

Updated information in respect of great crested newt, badger, hedgehog, red squirrel and reptiles is considered acceptable, however there remain issues with the assessment relative to breeding birds, including full consideration of species and habitats at the site and in respect of the proposed mitigation measures, including the type and location of bird boxes to be installed within the development.

The submitted biodiversity net gain assessment indicates a significant net loss in biodiversity units (27.45%), largely due to a loss of scrub from the site. Amendments to the landscaping proposals could improve the situation, with space being present around the areas of open space in which scrub creation could take place, along with the enhancement of retained habitats such as woodland and hedgerows.

*Ecology officer comments from 14<sup>th</sup> August 2023* – comments note that the following issues raised by the Council's Ecology consultant have, up to now, remained unresolved:

- Adequate bat survey.
- Adequate bird survey.
- Biodiversity Net Gain.
- Habitat survey

In relation to bat and bird surveys, the Council's Ecology officer accepts that the available information is insufficient to inform the detailed design of a scheme that avoids, minimises, and compensates for all significant adverse effects. Nevertheless, while previous survey information has recorded the presence of roosting bats and of nesting birds, due to the nature of the

species recorded using the site and nature of the habitats present, it is considered feasible that adequate mitigation can be provided within an appropriate design.

As it is likely that site preparation and construction work are unlikely to commence on this site before any ecological survey becomes outdated, the Council's Ecology officer advises that it would be necessary to condition that a reserved matters application is supported by updated surveys in any case. For this reason, it is considered sufficient to condition that a subsequent reserved matters application is supported by updated surveys.

In addition to updated surveys, flexible but comprehensive conditions are also recommended that enable adequate construction phase and long-term mitigation measures to be secured.

The Council's Ecology officer also notes that biodiversity net gain has not been addressed, save to confirm there will be a loss in biodiversity value. However, as the scheme is in outline, there is scope to improve the post development biodiversity value of the proposals through improved greenspace/landscaping. There is also the potential for offsite compensation as necessary. A condition is therefore suggested to secure that a reserved matters application is accompanied by a biodiversity net gain assessment based on up-to-date survey information and adequate calculations.

### **Council's Highways team**

*Comments from 9<sup>th</sup> May 2022* – no objections to the proposed development. It is noted that access is proposed to be taken from Ennerdale Street, via the access road approved as part of planning approval ref. 12/01125/OUT for the housing on the adjacent field/paddock. Comments also suggest that additional access will be taken from Swaledale Close, however the submitted indicative site layout plan does not show this.

Comments suggest that further details of the design of the highway layout within the proposed development and footpath connections to the adjacent housing site should be provided, however this cannot reasonably be requested in respect of an outline application with all matters reserved. Full details will be provided at the reserved matters stage.

The Transport Assessment/Statement (dated June 2021) submitted with the application gives details of multi-modal trip generation and states that the anticipated number of vehicle movements would be 39 and 38 two-way trips in the AM and PM peak-hour periods respectively, which equates to around two vehicle movements every three minutes. Vehicular activity associated with the development will therefore be relatively low.

The comments did initially also recommend that the applicant's consultant provides a Stage 1 Road Safety Audit to ensure there will not be a severe impact on the surrounding road network and that the junction onto Moorsley Road can accommodate the additional traffic. Following further discussions with the Council's Highways officer, it has been agreed that given the phasing of the overall development at the site, a Road Safety Audit is not necessary for this proposal.

A range of additional comments have also been provided in respect of the indicative details supplied with the application, which can be summarised as follows:

- Road widths – recommended to be a minimum of 5.5m.
- Adoptable standards – all roads within the development should be built to an adoptable standard.
- In-curtilage parking – properties are recommended to feature double-width driveways.
- Visitor parking – to be provided at a rate of one space for every three dwellings.

- Turning arrangements – scheme needs to accommodate the turning requirements of large vehicles, such as refuse lorries.
- 20mph zone – development could be suitable for an enforceable 20mph zone, which would be implemented via a Traffic Regulation Order.
- Tree roots – no tree planting will be permitted within the area 4m back from the edge of a kerb unless a root barrier is provided.
- Section 38 and 278 agreements to be entered into as necessary.
- Cycle shelters – secure facilities for cycle storage are recommended.
- Installation of tactile crossings to be discussed with relevant Highways officers.
- Bin storage details to be provided as necessary.

### **Council's Landscape officer comments**

*Comments from 20<sup>th</sup> December 2022* – no significant concerns in respect of the proposed development. Advice is provided in respect of incorporating existing planting and vegetation into the development and the approach to levels within the site. The conclusions of the submitted Landscape and Visual Appraisal are broadly agreed with. The submitted planting plans are considered generally acceptable, with a good number of trees proposed throughout the development, however greater levels of shrub planting along plot boundaries are recommended. The intention to create areas of open space along the edges of the development is also welcomed, however it is noted that these areas are narrow in places.

The comments also note that the submitted Arboricultural Impact Assessment suggests that vegetation group G6 could be gapped up and this is recommended. The entirety of this group should be retained to provide some screening and softening of the proposed development in views from the west.

### **Council's Education officer**

*Comments from 16<sup>th</sup> November 2021* – recommends a financial contribution of £432,640 towards local education provision.

*Comments from 1<sup>st</sup> August 2023* – advises that a financial contribution towards education provision should still be sought, however it may be appropriate to focus on secondary and special educational needs only given the falling birth rate and as this is where a potential local shortfall is being projected. On this basis, a contribution of £210,424.14 is suggested. If primary school provision were also included, a contribution of £525,584.29 would be recommended.

### **POLICIES:**

In the Core Strategy and Development Plan, the site and development is subject to the following policies: SP1, SP6, SP7, SP8, HS1, HS2, HS3, H1, H2, BH1, BH2, BH3, BH9, NE1, NE2, NE3, NE4, NE8, NE9, NE11, NE12, WWE2, WWE3, WWE4, WWE5, ST2, ST3, ID1, ID2.

### **COMMENTS:**

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. In undertaking this exercise, planning case law has established that the development plan must be considered as a whole, a point reinforced by the recent *Cornwall Council v Corbett* Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to

determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

To this end, where conflict with development plan policies is identified, it is incumbent upon the decision-maker to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict. This exercise is often referred to as the 'planning balance'.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

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

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

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

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

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan. All CSDP, UDP and draft A&D Plan policies referred to within this report are considered consistent with the NPPF, although only limited weight can be given to any A&D Plan policies given that this document is in draft form and has only partially advanced through the adoption process.

In addition, the Council has also adopted a range of Supplementary Planning Documents (SPDs) and other planning guidance which are relevant to the consideration of the current planning application, including the Development Management SPD and Planning Obligations SPD.

Although it does not form part of the Council's adopted Development Plan, regard should also be given to the Council's City Plan 2019-2030. This sets out the Council's vision, being 'by 2030 Sunderland will be a connected, international city with opportunities for all'. Three key themes will drive this vision, these being:

- A Dynamic Smart City
- A Healthy Smart City
- A Vibrant Smart City

The City Plan sets out a wide range of specific and more general delivery objectives for the period up to 2030, one of which is the development of key housing sites in the City.

The adopted CSDP firstly sets out a list of Strategic Priorities for the City, in order to achieve its Spatial Vision for 2033. These Strategic Priorities are:

1. To deliver sustainable economic growth and meet objectively assessed employment and housing needs;
2. To identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;
3. To promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;
4. To provide a range of choice of accommodation, house types and tenures;
5. To provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;
6. To support and improve the vitality and economic performance of the Urban Core and designated centres;
7. To protect, sustain and enhance the quality of our built and historic environment;
8. To protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;
9. To adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;
10. To manage waste as a resource and minimising the amount produced and sent to landfill;
11. To promote sustainable and active travel and improve transport infrastructure;
12. To manage the City's mineral resources;
13. To ensure the City has the infrastructure to support its growth and prosperity;

A wide range of CSDP policies are relevant to the consideration of the proposed development, as set out below.

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

SP6 – the Coalfield character and settlements will be protected whilst ensuring its future sustainability by, amongst other measures, protecting the Open Countryside and Settlement Breaks.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts to amenity which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 - sustainable design and construction should be integral to major development proposals.

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH9 - the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

NE8 – states that the Open Countryside (as designated on the Policies Map) will be protected and access enhanced. Only a limited range of development types are considered appropriate – housing development is appropriate if rural exception tests in national policy can be met and the redevelopment of previously development land is also appropriate provided that the site is not of high environmental value or landscape quality and if the development will contribute to local housing needs or provide new jobs.

NE9 – requires new development to protect, conserve and enhance the varied landscape character of the city, taking into account the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and/or enhance the landscape in the relevant locality as set out in the Council's Landscape Character Assessment. Development that causes significant adverse impact on distinctive landscape characteristics will not be supported unless the impacts are clearly outweighed by the benefits of the development.

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

NE12 – development which would result in the loss of best and most versatile agricultural land should be considered in the context of its contribution to economic and other benefits.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 - requires new development to maintain water quality.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary. Where it is not possible to deliver the policy requirements in full, a viability assessment should be submitted in line with the requirements of Planning Practice Guidance.

In terms of retained UDP policies, the field/paddock to the north of the application site is subject to policy HA4, which serves to allocate the land for a housing development of up to 30 dwellings. To clarify, this allocation does not extend to the current planning application site.

In respect of the draft A&D Plan, the site is proposed to be allocated for new housing by policy H8.50. The draft allocation area includes the northern field/paddock which already benefits from outline planning permission and gives a total indicative site capacity of 122 dwellings. Appendix 1 to the draft A&D Plan provides site specific policy requirements for housing allocations; those applicable to the application sites include ensuring that:

- Impact on local infrastructure including roads, schools and health care is addressed.
- Access to local facilities and services are enhanced where appropriate.
- A mix of house types and affordable housing are provided.
- Residential amenity is maintained.
- The layout responds to the topography of the site.
- Suitable vehicular access is provided to the from Ennerdale Street, with appropriate junction improvements put in place to Moorsley Road.
- Development avoids the alignment of the Northumbrian Water Main crossing the site.
- Ecological requirements are addressed, and the design and layout are informed by the ecological mitigation hierarchy.
- Development is carefully designed to limit the potential impact upon the area of High Landscape Value.
- Any potential archaeological remains are identified and recorded and appropriate mitigation measures secured.
- Appropriate mitigation is provided to address impacts on SSSI and Local Wildlife Sites and the proposals would not have a significant adverse impact upon the value and integrity of the network.
- Green infrastructure corridors are maintained.
- Coal mining risk assessment
- SuDS must be included within the development in connection with other mitigation measures as required.
- Any identified contamination on site is suitably remediated
- Air quality levels are acceptable.

In terms of key views and with reference to CSDP policy NE11, the Policies Map of the draft A&D Plan identifies a panoramic view from land to the south of Moorsley Road, close to its junction with York Street and Rosedale Street, with policy NE16 of the draft A&D Plan stating that such views will be preserved and enhanced.



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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use and housing policy considerations;
3. The implications of the development in respect of residential amenity;
4. The implications of the development in respect of design and visual amenity;
5. The implications of the development relative archaeology;
6. The impact of the development in respect of highway and pedestrian safety;
7. The impact of the development in respect of ecology and biodiversity;
8. The impact of the development in respect of flooding and drainage;
9. The impact of the development in respect of ground conditions;
10. Summary of position in respect of planning obligations;

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

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 60 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 61, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 68 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 74, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

In accordance with the requirements of paragraph 68 of the NPPF, the Council regularly appraises housing land availability in the City via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Sites for housing have also been allocated through the adoption of the CSDP, including the Housing Growth Areas, and further sites are proposed to be allocated for new housing through the A&D Plan.

In order to provide some certainty on the matter, each year the Council produces an Annual Position Statement (APS), which is submitted to the Planning Inspectorate for its review and report. The Planning Inspectorate provided the Council with an updated APS report on 5<sup>th</sup> October 2022, which concludes that the Council can currently demonstrate a 5-year housing land supply. This is based on the APS demonstrating a deliverable supply capable of yielding 4644 dwellings for the period 2022 – 2027, against a 5-year housing requirement figure of 4098 dwellings over that period (including the 10% buffer required by paragraph 74 of the NPPF). This equates to a housing land supply of 5.7 years. The Council's ability to demonstrate a 5-year supply of housing land therefore forms the context for the consideration of this and other planning applications for new housing development.

It should be noted that the Council has now prepared an APS for the period 2023 – 2028, which concludes that the Council can currently demonstrate a housing land supply of 5.3 years (i.e. a total supply of 4370 dwellings against a requirement of 4098, including the 10% buffer). This APS has not, however, yet been reviewed by the Planning Inspectorate.

Given that the Council can currently demonstrate a 5-year supply of housing land, and with regard to the guidance of paragraph 11 of the NPPF, it is contended that the relevant policies within the CSDP, the draft A&D Plan and the UDP can be given appropriate weight.

Members must note, however, that the Council being able to demonstrate a 5-year housing land supply does not entitle it to automatically refuse planning applications for housing on sites which are not allocated for housing through the CSDP or the draft A&D Plan and which have not been identified by the SHLAA. Nor should planning permission automatically be refused where a planning application proposes a greater number of dwellings than is identified as a potential site capacity by the relevant CSDP, draft A&D Plan policy or the SHLAA.

Both the NPPF, at paragraph 61, and policies SP1 and SP8 of the CSDP make it clear that housing land supply and delivery targets are minimum figures (with policy SP8 setting out an aspiration to exceed the minimum target of 745 dwellings per year) and the Council as Local Planning Authority is obliged to consider the merits of any such application in respect of all relevant material planning considerations, including the benefits that may be derived in terms of housing availability from developing an unallocated site or delivering a greater number of dwellings than a site allocation policy recommends.

In addition, it is observed that the housing land available in the City does appear to be decreasing, with a fall from 5.7 years in the 2022 APS to 5.3 years in the draft 2023 APS. This potential reduction in the availability of housing land must be borne in mind when considering applications for new housing, particularly where housing is being proposed on a site which has been included within the Council's housing land supply calculations.

## **2. Land use and housing policy considerations**

Most of the land subject to the planning application is not subject to a specific allocation within the Council's adopted Core Strategy and Development Plan. As noted earlier, the field/paddock to the north of the application site is subject to a longstanding UDP allocation for housing development, but this does not extend to the application site.

The majority of the application site is, therefore, still subject to saved policy EN10 of the UDP, which advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain - new development proposals must respect the prevailing land uses in the neighbourhood.

With regard to policy EN10's objectives, it is observed that site borders the southern edge of Low Moorsley, with housing to the north across Ennerdale Street and to the north-west off Tynedale Street and Swaledale Close. Given the site's adjacency to existing residential areas, and having regard to policy EN10's guidance, it is considered that the proposed residential development would, in terms of broad land use principles, be an appropriate use of the application site.

Allied to the above, whilst the application site is not allocated for housing development by the proposals map of the UDP or the CSDP (which primarily served to allocate strategic-level housing sites, such as those removed from the Green Belt), it has been identified as a deliverable housing site (within 6-10 years) in the Council's Strategic Housing Land Availability Assessment (SHLAA) of 2020. It is also included within the Council's Annual Position Statements of 2022 and 2023. The SHLAA suggests the site has a capacity of 82 no. dwellings. As noted previously, the site is also identified as part of a wider housing site, including the land within the northern field/paddock covered by UDP allocation policy HA4, by the Council's draft A&D Plan, with policy H8.50 therein indicatively identifying a total capacity of 122 no. dwellings.

The number of dwellings proposed by the application (82 no.) aligns with the capacity of 82 no. dwellings identified by the SHLAA and the draft A&D Plan, given that the number of dwellings proposed by the current application plus the 40 no. houses approved on the northern paddock equals the total capacity of 122 no. dwellings identified by policy H8.50.

Clearly, therefore, by virtue of its inclusion in the Council's SHLAA and APS and its proposed allocation for housing through the A&D Plan, it is envisaged that the application site will be contributing to the Council's supply of housing land over the Plan period and support the objectives of policies SP1 and SP8 of the CSDP, which both aspire to exceed the Council's minimum targets of housing delivery.

It is observed, however, that the area covered by the draft housing allocation in the A&D Plan and identified as being available for housing within the 2020 SHLAA includes a portion of land which is designated as Open Countryside by the adopted CSDP. The land in question is the southernmost part of the application site (measuring approximately 25m - 75m in depth x 175m in width) which, despite the Open Countryside designation, mostly reads as part of the wider application site given the presence of the scrubby trees, bushes, tracks and farming paraphernalia which give the site its largely unkempt, untidy character and appearance. This contrasts with the worked agricultural land to the south, east and west of the application site boundary.

Given that the draft A&D Plan proposes to allocate the entirety of the application site, including the southern part subject to the Open Countryside designation, for housing, it appears that its availability for residential development is the 'direction of travel' in planning policy terms. Nevertheless, as explained earlier, the A&D Plan is currently only in draft form and so can only

be given limited weight; consequently, it is necessary to engage with CSDP policy NE8, which governs development in the areas designated as Open Countryside.

As noted previously, CSDP policy NE8 largely seeks to restrict development within the Open Countryside and it sets out a limited range of types of development which can be acceptable providing certain criteria are met. New dwellings in the Open Countryside are generally only acceptable if designed for rural workers or if they meet the 'rural exceptions' in national policy (e.g. dwellings of exceptional design quality or which support historic assets). The policy does, however, state that the redevelopment of previously developed land may be acceptable, provided that the site is not of high environmental value or landscape quality, and if the development will contribute to local housing needs or provide new jobs.

Policy SP6 of the CSDP also seeks to protect open countryside with the aim of ensuring the various settlements of the Coalfield area remain distinct.

It can reasonably be concluded that most of the area of the application site which is covered by the Open Countryside designation is 'previously developed' given its longstanding use for the storage of scrap farming vehicles and equipment and the current presence of buildings and associated paraphernalia on the land. It is therefore considered that the development of this land would not necessarily conflict with policy NE8, especially given the site is proposed to be developed for housing which, given its inclusion within the SHLAA and allocation in the draft A&D Plan, is envisaged as contributing to housing land supply needs in the city.

Notwithstanding this conclusion, policy NE8 of the CSDP still seeks to protect previously developed land which is of high environmental value or landscape quality, and it must therefore be established whether either of these considerations apply to the application site; consideration of these matters is undertaken in subsequent sections of this report.

Whilst much of the application site subject to the Open Countryside designation can be considered previously developed, it is noted that a very small part of the south-eastern corner of the site (measuring approximately 15m - 25m depth x 45m width) is not used for storage purposes, but rather appears to be worked agricultural land. The proposed development of this area is not considered to conflict with the objectives of policy SP6 in that the development would not cause the merger of settlements, but it does not meet any of the criteria within CSDP policy NE8 and so a residual conflict with this policy remains.

Ultimately, the development of this small part of the site and residual conflict with policy NE8 must be considered in the 'planning balance', with the policy conflict given appropriate weight in the context of such considerations as the site's inclusion in the SHLAA, its proposed allocation for housing in the draft A&D Plan and the wider benefits to be derived from a housing development and any other benefits to the development as identified within this report.

The inclusion of a small area of worked agricultural land within the application site also means CSDP policy NE12 is relevant. A review of Natural England's Agricultural Land Classification mapping indicates that the land in question is of no more than Grade 3 ('Good to Moderate') value and so the development would not result in the loss of the best or most versatile agricultural land, in line with policy NE12's aims and objectives.

To summarise land use policy considerations, given the application site's inclusion in the Council's most recent SHLAA and the proposed allocation of the sites for housing within the Council's draft A&D Plan, it is evident that the site is intended to be brought forward for housing and that it is envisaged as contributing to the Council's supply of housing land and the delivery of new housing over the next 5 – 10 years. Part of the site is subject to a designation as Open

Countryside through the CSDP, however given much of this area can be considered previously developed, its development for housing would not fundamentally conflict with the objectives of policy SP8. The development of a small area of undeveloped agricultural land does give rise to a residual conflict with policy SP8, but this ultimately falls to be considered in the 'planning balance' and in the context of the various positive and negative aspects of the proposed scheme as identified within this report.

One such material consideration is the role the site has in terms of housing supply and delivery - as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 60 stressing that the needs of groups with specific housing requirements must be addressed. Additionally, paragraph 65 states that major housing developments (i.e. of 10 or more dwellings) should deliver at least 10% affordable housing.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs (at least 15% of dwellings should be affordable as per the requirements of policy H2 of the CSDP) and provide a variety of property types, tenures and sizes, including specialised accommodation such as bungalows. Abovementioned policies SP1 and SP8 of the CSDP also set out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum.

It is evident that the proposed development will make a modest but valuable contribution to the delivery of new housing in the City given its inclusion in the SHLAA and APS. The site helps to underpin the Council's current housing land supply position which, as noted previously, is showing a downward trend in terms of land availability, from 5.7 years in the 2022 APS to 5.3 years in the draft 2023 APS.

Given the outline nature of the application, with all matters reserved, the type of housing to be delivered at the site is not being 'fixed' at this stage and will instead be determined through an application for the approval of reserved matters. Nevertheless, the indicative submission shows a potential mix of 2-, 3- and 4- bedroomed detached dwellings and short terraced blocks, suggesting that the development can support a range of property types.

In terms of affordable housing, Members should note at this stage that the application does not propose to include any affordable dwellings within the development, or make any contributions towards off-site provision, on viability grounds. The application has been supported by a viability assessment, which seeks to demonstrate that the scheme is unable to deliver affordable housing, and other planning obligations, as the development would otherwise be unviable. The proposed absence of affordable housing (and other planning obligations) and the applicant's viability arguments are considered in more detail in following sections of this report, but ultimately the affordable housing position is a matter which requires balanced consideration in the context of the wider positive and negative aspects of the proposed development.

With regard to the above comments, it must be recognised that the site is included within the current SHLAA and APS and is proposed to be allocated for housing in the A&D Plan. The approval of outline planning permission for the development of 82 no. dwellings on the site will enable the Council to meet its stated objective of exceeding its housing delivery targets and underpin its housing land supply and delivery position. The proposed development will enable the delivery of a mix of housing, to assist with addressing the objectives of policies H1 and H2 of the CSDP.

There is a residual minor conflict with CSDP policy NE8 in terms of the development of a small area of agricultural land within the designated Open Countryside and this issue falls to be

considered in the context of the wider positive and negative aspects of the scheme. Similarly, the absence of affordable housing within the development on viability grounds is a matter which requires further evaluation, having regard to the position relative to all other relevant issues.

Given the above, before the acceptability of the scheme can be established, consideration must be given to all other relevant material planning considerations, as set out below.

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

Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. This policy also requires new development to include initiatives which serve to 'design out' crime.

As has been previously noted, the current application is in outline form and all matters are reserved for future approval. Indicative proposed site plans submitted with the application do, however, show a relatively spacious layout and properties occupying substantial plots with good-sized front and rear gardens. The sloping nature of the development site means careful consideration will need to be given to the detailed layout for submission with a reserved matters application. It is considered, however, that a layout which achieves acceptable levels of privacy, outlook and natural sunlight/daylight and satisfactorily addresses the spacing recommendations set out in the Council's Development Management Supplementary Planning Document (DMSPD) can realistically be delivered at the site.

Policy BH1 of the CSDP requires all new dwellings to achieve gross internal floor areas which meet or exceed the Government's Nationally Described Spacing Standards whilst, in a similar vein, policy H1 requires at least 10% of dwellings within major residential development schemes to meet requirement M4(2) 'Accessible and adaptable dwellings' of the Building Regulations. Again, given the outline nature of the application and the absence of detailed plans for new dwellings, the scheme is not able to demonstrate how these requirements will be met; it is considered, however, that planning conditions could be used to ensure any subsequent reserved matters applications address these policy objectives.

Policy HS1 of the CSDP requires new development to maintain acceptable levels of amenity in respect of pollution and other sources of nuisance, with policy HS2 of the CSDP and paragraph 185 of the NPPF then both requiring consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The Council's Environmental Health team have raised no objections or concerns in relation to these matters and to this end, it is observed that the proposed development would occupy an edge-of-settlement site surrounded by agricultural land and without any obvious sources of intrusive noise.

Objectors to the scheme have cited concerns regarding noise and disturbance from the development, including in combination with the ongoing development of 86 no. dwellings at the nearby Cragdale Gardens site (planning permission ref. 20/01360/FUL). Planning permission

cannot be reasonably withheld on grounds relating to noise and disruption during construction work, even where other development may be taking place nearby; development works can, ultimately, be managed through the submission and approval of a Construction Environmental Management Plan and environmental health powers used to intervene in site operations if excessive noise, disturbance, dust, or other issues are experienced.

In terms of the impact of the development on the living conditions of existing dwellings, the development site is largely remote from other properties, with no existing residential areas to the south, east or west. The north-western corner of the application site abuts dwellings to Swaledale Close, but the orientation of these properties suggests that a layout can be achieved which will acceptably respect their living conditions. The northern boundary of the site will abut the land subject to the approved outline application (ref. 12/01125/OUT) and current reserved matters application (ref. 21/00561/REM) and the indicative layout for the current application and proposed layout for the adjacent reserved matters application is considered show that dwellings within the two developments can co-exist whilst achieving acceptable levels of amenity for occupiers of both sites.

With regard to the above comments, it is considered that the development will not give rise to any unacceptable harm to the amenity of existing dwellings in the vicinity of the application, in terms of the living conditions of dwellings. Additionally, it is considered that subject to appropriate details being submitted through a future reserved matters application, the development will afford future occupiers of the dwellings with an acceptable standard of amenity.

It is therefore considered that the proposals are compliant with the requirements of policies BH1, HS1 and HS2 of the CSDP and paragraph 130 of the NPPF in relation to residential amenity.

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

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 124 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

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

Paragraph 125, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Paragraph 120 states that great weight should be given to the use of brownfield land within settlements for homes and other needs and it supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 126 stating that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

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

Paragraph 131 highlights the important contribution new trees can make to the character and quality of urban environments, and also the role they can play in helping to mitigate and adapt to climate change. New development should incorporate new tree planting throughout, with the provision of tree-lined streets strongly encouraged.

Paragraph 134 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, especially where there is clear conflict with local and national design guidance and policies.

Paragraph 154, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 174 of the NPPF is also relevant in considering visual amenity as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

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

- create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- maximise opportunities to create sustainable mixed-use developments;
- be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- deliver acceptable standards of amenity;
- promote natural surveillance;
- clearly distinguish between public and private spaces;
- create visually attractive and legible environments;
- provide appropriate landscaping as an integral part of the development;
- maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy;
- not detract from important views of buildings, structures and landscape features;



- create safe, convenient and visually attractive areas for servicing and parking;
- maximise durability and adaptability throughout the lifetime of the development;
- meet national space standards as a minimum (for residential development);

The Council's adopted Development Management Supplementary Planning Document (SPD) also provides more detailed guidance for developers in relation to the design and layout of new housing development.

Also applicable in terms of the layout of the development is policy H2 of the CSDP, which requires affordable housing to be grouped in clusters around the site and to be indistinguishable in terms of appearance from the market housing.

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

Policy NE3 seeks to retain valuable trees and hedges within development proposals whilst with regard to greenspace provision, policy NE4 of the CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of usable amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

Policy NE9 requires consideration to be given to impacts on the landscape, particularly where the landscape has been assessed as having high value, a requirement reiterated by policy H8.50 of the draft A&D Plan. Policy NE11 of the CSDP also seeks to protect key views and requires new development to have an acceptable appearance within views.

Given the outline nature of the application with all matters reserved, there are no detailed proposals to consider, with only an indicative proposed layout submitted with the application. There are no house type plans for consideration, whilst landscaping proposals are also only indicative at this stage. Nevertheless, consideration can and must still be given to the potential impacts of a housing development of the type and scale proposed on the visual amenity of the locality and the wider area, as informed by an appraisal of current site conditions, the value of the local landscape and the details provided with the planning application.

As noted in the first part of this report, the application site does somewhat 'jut' into the open countryside as its eastern and western sides are flanked by agricultural land. The site is, however, subject to a longstanding use for storage of agricultural vehicles, equipment and other paraphernalia, with large buildings and containers also in evidence, meaning that it already has a 'developed' appearance. Indeed, given the nature of the existing land use, the wide range of scrap material being stored and the generally untidy and unkempt appearance of the site, it is considered that the current condition of the land means it has a significant detrimental impact on the visual amenity of the area and the local landscape.

Ordinarily, given the shape of the application site and how it extends from the existing settlement into the countryside, the development of an area of land such as this may give rise to concerns in terms its relationship with the existing built-up area and the wider landscape, but on this occasion, potential visual and landscape impacts need to be considered from the starting point of the land's developed nature and its current visual condition. Indeed, it is considered that the proposed development could give rise to substantive benefits in that it would facilitate the cessation of the storage use and the removal of the buildings and scrap vehicles, machinery

and other paraphernalia which currently cause significant visual detriment. The development of the site would also align with the NPPF's objective of making use of brownfield sites and taking opportunities to improve the condition of land.

Moving on to wider landscape impacts, the Landscape and Visual Appraisal (LVA) submitted with the planning application considers the proposed development's potential effects on the prevailing landscape, taking into account the local value and importance of the landscape, the site's current condition and its prominence from public vantage points. Impacts are considered both in terms of the construction phase of the scheme and the finished development. A 3km study area has been used to assess impacts.

The LVA firstly identifies that the site is within the Durham Magnesian Limestone Plateau National Character Area (NCA), with the Tyne and Wear Lowlands NCA further to the west. In terms of local landscape character types, the Council's Landscape Character Assessment 2015 identifies the site as being within the 'Limestone Escarpment' Landscape Character Type (LCT) and adjoining the 'Coalfield Villages' LCT (which includes Low Moorsley). The Limestone Escarpment LCT is characterised by the steep, west-facing slopes of the escarpment, hilly outcrops, areas of woodland, Magnesian limestone grasslands, settlements at the foot of the escarpment, quarrying and long-open views from the top of the scarp.

The LVA considers the visual effects of the development from a series of receptors, including residential properties, viewpoints, public rights of way, cycle routes, roads, nearby designated landscapes, heritage assets, ecology sites and woodlands. It proposes mitigation for incorporation into the final layout and landscaping proposals, which should include the planting of native hedges and specimen trees along the northern, eastern and southern boundaries and within areas of open space, as well as planting smaller ornamental street trees within the housing area itself. This will help to screen the development as it matures. Retention and enhancement of existing site boundaries and vegetation would, over time, assist in screening views, breaking up the massing of buildings, help to bed the site into the landscape and improve the condition of existing vegetation for ecological benefit.

The LVA concludes that the construction of the development would not incur significant effects on the landscape fabric locally and also in relation to visual amenity for local residents of Low Moorsley and users of the local road network and public rights of way. Any effects would be temporary, intermittent and of a short-term duration.

In terms of permanent impacts, the LVA concludes that the development would directly affect a small, localised change on the surrounding landscape area (Limestone Escarpment). Mitigation measures such as new native hedgerow planting and specimen trees can add to local landscape character within the area and create a beneficial effect. There would be no significant effects in relation to landscape character and landscape designations within the 3km study area and no significant effects on National Cycle Route 70, which passes to the north of Low Moorsley.

In respect of residential receptors, the LVA contends that there would be no significant effects on all of the towns and villages within the study area. There will be close-up views of the new development from some houses along the southern edge of Low Moorsley directly adjacent to the site, however the sensitivity of these receptors is medium, and the magnitude of change will be moderate, resulting an overall moderate effect.

The LVA has not identified any significant visual effects on users of the local highway network and nor would users of the local footpath and bridleway network experience any significant effects. These effects would reduce as the proposed mitigation matures, with the recommended

native hedge and specimen tree planting adding texture and pattern to the local landscape and serving to break up and screen views of the development and helping to set it within the local landscape.

Overall, the LVA does not identify any significant negative effects on the local landscape arising from the proposed development, subject to satisfactory mitigation being delivered by the final scheme. The Council's Landscape officer is accepting of the LVA's conclusion and has offered no objections to the proposed development in terms of its landscape effects.

Given the conclusions of the LVA and the view of the Council's Landscape officer, it is considered that even when accounting for the shape of the site and its 'intrusion' into the countryside beyond the southern edge of Low Moorsley, it can be developed for housing without having significant negative effects on the existing landscape. The site's current condition means it has a detrimental effect on local visual amenity and subject to the submission of detailed proposals, the proposed scheme could give rise to substantive benefits in that it would bring about the cessation of the storage use and the removal of the buildings and scrap material from the site and see it developed in a more attractive manner which is more compatible with the site's surroundings.

In terms of other design, layout and visual amenity considerations, it is observed that the current proposals would represent the second phase of the wider residential development at Coalbank Farm and the realisation of the proposals for the two phases would see a denser development to the northern part of the site (i.e. the area subject to the reserved matters application), with the area subject to the current outline application being a lower density. This arrangement is considered appropriate, with the denser housing closest to the existing residential area of Low Moorsley and the less dense development on the edge of the open countryside. The overall number of dwellings proposed across the two phases is in alignment with the site capacity recommended by the SHLAA and the draft A&D Plan and the proposed density of the development is therefore considered acceptable.

Final site layout details would also need to account for the topography of the site which, as noted earlier, slopes markedly downhill from south to north. There are also variances in topography across the site, from west to east. Nevertheless, it is considered that given the relatively spacious nature of the indicative layout, changes in topography across the site will be able to be navigated without requiring excessive engineering interventions.

In respect of open space and landscaping within the development, policy NE4 of the CSDP requires new major housing development to be afforded an appropriate amount of usable greenspace on-site. The amount required determined by a method of calculation set out in the adopted Planning Obligations SPD and is based on the number of bedspaces being delivered through the development. Given the outline nature of the proposed development, final details of the housing mix, layout and landscaping proposals will be subject to reserved matters approval and so the amount of open space required and how this will be delivered within the scheme cannot yet be fully established. Nevertheless, the indicative site layout plan submitted with the application shows substantial areas of open space spread throughout the development, including along its outer boundaries to soften the outward edges, as recommended by the LVA. Footpaths are proposed to run through these areas, ensuring the open space has amenity and recreational value. The indicative site plan shows a total of 0.91ha of open space being delivered and whilst the amount required can only be established on submission of reserved matters details, the proposed approach to open space does appear to be appropriate.

In terms of more detailed landscaping considerations, the indicative approach sets out that there are some existing hedgerows on site which are generally in poor condition in terms of

management. These hedges are, however, proposed to be retained to offer a screen to/from the development, with the view of encouraging their improvement and proper management, and where appropriate, they will be bolstered by additional planting. Trees at the site are also largely being retained, with most of the group to the north-eastern corner (former quarry area) being incorporated into the landscaping.

The submitted Arboricultural Impact Assessment (AIA) notes that arboricultural impacts are very low, with very few trees existing on the site and the majority of those identified being low value 'category C' trees. Those likely to be lost are of low quality and the strategy is to replace these in much greater numbers, leading to an improvement in the site's arboricultural value over time. Additional tree planting within gardens and areas of landscaping can provide the 'tree lined streets' sought by paragraph 131 of the NPPF. The AIA sets out that retained trees can co-exist with the development provided recommended tree protection measures during construction works are adopted, and this requirement can be secured by appropriately worded conditions.

In relation to other landscaping matters, the Council's Landscape officer's comments do not offer any significant objections to the development and whilst there are some aspects of the landscaping for the development which require further consideration, this can be addressed through the submission of a detailed layout and landscaping scheme for the site as part of the reserved matters submission. Overall, though, the proposed approach to the trees and hedges at the site and the landscaping within the development is considered to be acceptable and this should be carried through to the reserved matters submission(s).

Whilst the proposed approach to on-site open space and landscaping proposals are considered acceptable, it is also recognised that the site is relatively well-placed in relation to accessible open space and outdoor recreational opportunities given its location on the edge of the countryside and its proximity to the new Elemore Country Park.

Members should note at this point that, as set out in its adopted Planning Obligations SPD, the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. There are no proposals for play facilities to be provided within the proposed development and so a financial contribution of £704 per qualifying dwelling would normally be sought, to be spent on off-site play provision in the locality. As noted earlier, however, the applicant has submitted a viability assessment and following independent review, it has been accepted that the scheme is unable to support the full range of financial contributions normally sought for an application of this nature. Ultimately, the absence of a contribution towards play provision falls to be considered in the 'planning balance', with this and any other negative aspects of the scheme balanced against the positive aspects of the scheme. This exercise is undertaken later in this report.

With regard to sustainability, the submitted details highlight the sustainability of the site in terms of its proximity to local services and facilities and its accessibility via non-car modes of transport. Proposals are also required to demonstrate how sustainable development principles will be incorporated into the construction of the new dwellings and the treatment of the wider scheme; however, it is accepted that this is not yet possible given the outline nature of the development. Further details can, therefore, be provided with the reserved matters submission(s).

The proposed development has been carefully considered against the relevant CSDP, NPPF, Development Management SPD and draft A&D Plan policies which relate to design, character, landscape impacts, landscaping, visual amenity and sustainability. A full appraisal of the scheme in respect of these matters cannot be undertaken given the outline nature of the application, however it is considered that subject to final details being acceptable, a residential development of the site would not cause any significant harm to the prevailing landscape or the

visual amenity of the area and would not intrude into views from key locations, particularly given the site's current, visually intrusive condition.

The indicative approach to landscaping and open space is considered appropriate and sets out principles that should be carried through to the detailed landscaping scheme. Trees and hedgerow coverage at the site is limited, but trees and hedges of value can be retained and supplemented by additional planting to provide long-term arboricultural gains.

It is consequently concluded that a detailed scheme for the site can deliver a development which is acceptable in terms of design, layout, built form, landscaping, relate acceptably to its surroundings and would not appear as incongruously dense or harmful to the character and appearance of the locality or in respect of the local landscape, in accordance with the relevant NPPF, CSDP and draft A&D Plan policies as identified above.

## **5. Implications of development relative to archaeology**

With regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly accessible archive report. Draft A&D Plan policy H8.50 also requires any application for the development of the site to be supported by appropriate archaeological assessment.

As noted in the 'Representations' section of this report, the Tyne and Wear County Archaeology officer has raised no objections to the development, noting that the site is of low archaeological interest. No archaeological assessments or investigations of the site have been requested. Whilst the farmhouse building appears to date from the 19<sup>th</sup> century, there has been no request for an archaeological recording and no concerns raised relative to its loss.

As such, there is no conflict with the requirements of policy BH9 of the CSDP, policy H8.50 of the draft A&D Plan and paragraph 205 of the NPPF and the proposals are therefore considered to be acceptable in relation to archaeology.

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

Policy ST2 of the CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

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

Policy ST3, meanwhile, states that new development should:

- provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic (including pedestrians, cyclists and public transport) or exacerbate traffic congestion or the risk of accidents;
- incorporate appropriate pedestrian and cycle routes within and through the site, linking to the wider network;
- submit an appropriate Transport Assessment/Statement to demonstrate no detrimental impact on the existing highway;
- include an appropriate level of vehicle and cycle parking;
- make appropriate provision for the electric vehicle charging;
- safeguard existing public rights of way;

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

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

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 112 goes on to advise that within the context of paragraph 111, applications for development should:

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

Paragraph 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

In terms of general considerations, clearly the inclusion of the site in the Council's most recent SHLAA and its intended allocation for housing in the draft A&D Plan means the site is considered broadly sustainable in terms of its accessibility. There are bus stops nearby on Moorsley Road which provide regular services to the facilities of Sunderland city centre, Hetton town centre and Durham. Facilities within the immediate area are relatively limited, save for a small parade of shops at nearby Nidderdale Avenue, however as noted earlier the development is to the edge of an established residential area and the shops, services and facilities of Hetton town centre are a short drive away or accessible via public transport.

In terms of more detailed Highways considerations, as set out in the 'Representations' section of this report, there are no objections to the proposed development from the Council's Highways team. It is noted that access is proposed to be taken from Ennerdale Street, via the access road approved as part of planning approval ref. 12/01125/OUT for the housing on the adjacent

field/paddock. This arrangement is considered acceptable from a Highways perspective and aligns with the site access guidance provided in policy H8.50 of the draft A&D Plan.

The Highways comments suggest that further details of the design of the highway layout within the proposed development and footpath connections to the adjacent housing site should be provided, however as noted previously, this cannot reasonably be requested in respect of an outline application with all matters reserved. Any future application for approval of reserved matters will need to demonstrate a layout which is acceptable in highways terms and meets all required standards.

The Highways comments have also advised that the Transport Assessment/Statement (dated June 2021) submitted with the application gives sufficient details of anticipated multi-modal trip generation, with the expected number of vehicle movements being 39 and 38 two-way trips in the AM and PM peak-hour periods respectively. This equates to around two vehicle movements every three minutes. Vehicular activity associated with the development will therefore be relatively low.

The comments from the Highways team did initially also recommend that the applicant's consultant provides a Stage 1 Road Safety Audit to ensure there will not be a severe impact on the surrounding road network and that the junction onto Moorsley Road can accommodate the additional traffic. Following further discussions with the Council's Highways officer, it has been agreed that given the phasing of the overall development at the site, a Road Safety Audit is not necessary for this proposal and ultimately, it is accepted that traffic generated by the development will be of a level which means it is unlikely to give rise to a significant increase in traffic on the local road network or cause highway safety issues.

Further comments from the Highways team draw attention to detailed standards that the road designs and layout of the development will be expected to address; again, such details can be agreed through reserved matters submissions and/or conditions or informative notes as appropriate.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. Whilst it is recognised that objectors to the development have cited concerns regarding access and highway safety, given the comments of the Council's Highways team it is considered that the local road network is capable of safely accommodating traffic from the proposed development and the proposed access arrangements are acceptable. More detailed design and layout considerations will be addressed via an application for the approval of reserved matters.

The proposals are therefore considered to satisfy the objectives of policies ST2 and ST3 of the CSDP, policy H8.50 of the draft A&D Plan and paragraphs 108, 111 and 112 of the NPPF.

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

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraphs 179 and 180 also encourage development which will deliver measurable net gains in biodiversity.

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals

which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. development which would have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

Members should note that the Environment Bill will soon make it mandatory for certain forms of new development to deliver increases in biodiversity net gain of at least 10%. It is anticipated that this requirement will take effect from November 2023, although a date has not yet been confirmed. At the time of writing this report, there is no mandatory level of net gain required through the planning application process, with both the NPPF and CSDP policy NE2 simply requiring that a measurable increase in net gain is achieved.

In terms of on-site impacts, the application has been accompanied by Ecological Appraisals/Impact Assessments and bat, breeding bird and reptile surveys, which have been updated and revised as necessary. A Biodiversity Net Gain Assessment has also been produced.

The most recent Ecological Impact Assessment makes the following comments and conclusions in respect of the site's ecological value, the potential effects and impacts of the development and mitigation proposals:

- Habitats at the site are common and contain common species, although it is recognised that hedgerows and woodland/scrub are listed under the Durham Biodiversity Action Plan (BAP) for retention, enhancement and extension;
- Development will extend across all habitats at the site, with the exception of part of the woodland habitat and a small portion of bare ground, dense scrub, semi-improved natural grassland and tall ruderal herb;
- To mitigate impacts, public open space within the scheme will be seeded with a wildflower grass seed mix and some woodland planting. Over 100 new trees should be planted across the site and hedgerows planted along garden boundaries and the boundaries of the public open space, to provide connecting habitats;
- Subject to adoption of mitigation measures, there will be a low negative residual effect on the habitats, including BAP/priority habitats at a site level, however an agreement will need to be sought through a local scheme to ensure that off-site compensation is implemented to achieve no residual impact at local level.

In terms of species, no badger setts or field signs were identified within the survey area. A precautionary approach to vegetation clearance is recommended to ensure any unidentified setts are not disturbed and a Natural England licence would have to be obtained if necessary. Similarly, there are no anticipated impacts on great crested newts given the distance to the nearest pond and nor would harm to reptiles arise.

In respect of bats, two of the buildings at the site being demolished were assessed as being of high potential to support roosting bats. Surveys were undertaken and no bats were seen to emerge from a roost. Additionally, no bat roosting features were identified in trees across the site, whilst the woodland in the north-east corner were assessed as providing low roosting potential. Scrub and woodland habitats provide potential foraging and commuting opportunities for bats. The Assessment report recommends mitigation including taking a precautionary approach to demolishing buildings at the site, including under the supervision of a qualified ecologist as necessary, the 'soft' felling of trees, ensuring new planting provides foraging habitats for bats, and the adoption of a sensitive lighting scheme.



The site in its current condition provides opportunities for nesting birds and so clearance of the site would have to avoid bird nesting season (during autumn/winter months). Barn owls were identified in nesting in a shipping container at the site and as a precaution, the container will be checked by a qualified ecologist before its removal. A barn owl box will be fitted to a tree on the edge of the woodland to provide alternative nesting opportunities.

Risks to hedgehog can be mitigated by careful clearance of vegetation, retaining a corridor for their movement around the north, south and east sides of the site, inserting hedgehog gaps into garden fences and incorporating hedgehog boxes into areas of mixed woodland planting.

The invasive species cotoneaster has been identified at the site and will be removed in accordance with recommended practices.

The Ecological Impact Assessment also proposes biodiversity enhancement measures, including the installation of swift boxes, bat boxes, a barn owl box and hibernacula for reptiles, invertebrates and other small mammals.

As set out in the 'Representations' section of this report, the Council's Ecology consultant had raised various concerns regarding the submitted assessments, surveys and reports, although most outstanding issues had been satisfactorily addressed. The most recent material submitted by the applicant's ecologist has been reviewed by the Council's Ecology officer, who recognises that the available information is insufficient to inform the detailed design of a scheme that avoids, minimises, and compensates for all significant adverse effects. Nevertheless, while previous survey information has recorded the presence of roosting bats and of nesting birds, due to the nature of the species recorded using the site and nature of the habitats present, it is considered feasible that adequate mitigation can be provided within an appropriate design.

As it is likely that site preparation and construction work are unlikely to commence on this site before any ecological survey becomes outdated, the Council's Ecology officer advises that it would be necessary to condition that a reserved matters application is supported by updated surveys in any case. For this reason, it is considered sufficient to condition that a subsequent reserved matters application is supported by updated surveys.

In addition to updated surveys, flexible but comprehensive conditions are also recommended that enable adequate construction phase and long-term mitigation measures to be secured.

In terms of biodiversity net gain, the Council's Ecology officer also notes that this has not been satisfactorily addressed, save the submitted assessment confirming there will be a net loss in biodiversity value. However, as the scheme is in outline, there is scope to improve the post development biodiversity value of the proposals through improved greenspace/landscaping. There is also the potential for offsite compensation as necessary. A condition is therefore suggested to secure that a reserved matters application is accompanied by a biodiversity net gain assessment based on up-to-date survey information and adequate calculations.

With regard to the above comments, it is considered that the survey work undertaken by the applicant is satisfactory in enabling an understanding of potential risks and impacts relating to the ecological and biodiversity value of the site. Whilst the level of information available is not considered sufficient to inform a fully-designed development which avoids, minimises and compensates for adverse effects, the Council's Ecology officer recognises that the application has been made in outline form and detailed proposals for the site's development will not be forthcoming until the submission of reserved matters applications. Consequently, and given that applications for reserved matters do not have to be submitted for 3 years after the approval of outline planning permission, the Council's Ecology officer accepts that conditions can be used

to secure further survey work and reports, for submission with a reserved matters application and to support the detailed proposals.

Similarly, the Council's Ecology officer suggests that a condition can be used to reappraise the position relative to biodiversity net gain in light of the detailed reserved matters submission and to require the submission of proposals to ensure net gains are delivered, either within the application site or at an off-site location.

Subject to appropriate conditions as recommended by the Council's Ecology officer and the incorporation of appropriate mitigation and enhancement measures into the detailed proposals at the reserved matters stage, it is considered that the implications of the proposed development in relation to ecology are acceptable. In accordance with the requirements of paragraphs 179 and 180 of the NPPF, it is considered apparent that the site can be developed without causing significant harm to biodiversity and in a way which can achieve net gains in biodiversity. It is therefore considered that the proposal will address the ecology and biodiversity objectives of the NPPF and policy NE2 of the CSDP.

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

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact.

The Flood Risk Assessment and Sustainable Drainage Strategy for the development has been amended and updated through consideration of the application, in order to address changes to technical standards and in response to comments made by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority.

The updated Flood Risk Assessment identifies that the application site is in Flood Zone 1 (lowest risk of flooding), whilst the Environment Agency's mapping does not identify any known history of flooding at the site from fluvial flows. The site is, however, identified as a Critical Drainage Area in the Council's Strategic Flood Risk Assessment. There are no obvious risks from coastal and estuarine flooding, groundwater flooding, or sewer and highway drain flooding. In respect of surface water flooding, historic mapping does show a small surface water pond and a surface water drain along the eastern side of the site, however neither appeared present during site walkovers.

The revised Drainage Strategy notes that ground conditions are not considered to be permeable, making infiltration drainage unfeasible at the development. The nearest watercourse to the site is beyond significant third-party land and, along with topography directing flows away,

is therefore not considered a feasible location to which flows can be discharged. Surface water run off will therefore be discharged to the existing Northumbrian Water sewers surrounding the development site. Greenfield run off rates are estimated to be low due to the site location and it is therefore proposed that surface water discharge will be restricted using a flow control to 19.9l/s, in accordance with best practice guidelines. Source control will be achieved via measures such as rainwater harvesting and permeable paving to hard surfaced areas. Flows in exceedance of the greenfield rate will be attenuated on site by intercepting flows and passing them into a swale along the eastern site boundary. foul flows will be directed to an existing sewer on nearby Weardale Street.

The updated FRA and Drainage Strategy also confirms that the SuDS infrastructure will be maintained and managed by the landowner.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development, although it is requested that a condition be imposed requiring that final details be agreed and to this end, it is noted that the submitted drainage strategy does set out that final proposals will be subject to confirmation and agreement with Northumbrian Water. Similarly, the LLFA has no objections to the updated/amended FRA and Sustainable Drainage strategy for the development, subject to conditions which ensure the agreed strategy is carried through to the final scheme and which require the submission and approval of a verification report to demonstrate that the agreed strategy has been implemented.

Subject to conditions addressing the requests of Northumbrian Water and the LLFA, it is considered that the implications of the development relative to flood risk and sustainable drainage are acceptable, and the development therefore complies with the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP.

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

Paragraph 183 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Council's Land Contamination consultant considers the submitted Preliminary Contamination and Mining Risk Assessment and Ground Water Condition Report to provide an appropriate overview of risks relating to ground conditions at the site. The reports note that farm buildings and quarrying at the site were in evidence in 1856. Little development has taken place since then, save for the introduction of sheds and the use of the land for storage of scrap metal, vehicles and farming equipment.

The reports do not identify any potential contamination which would represent an impediment to the development of the site, however there are some omissions from the reports which should be addressed before development of the site commences. The outstanding matters can be attended to via conditions requiring further intrusive ground investigations and the submission and approval of a remediation strategy for the site. A further condition which deals with encountering unexpected contamination is also recommended.

Given the above, the implications of the development in respect of land contamination are considered to be acceptable subject to the recommended conditions, in accordance with the requirements of policy HS3 of the CSDP and paragraph 183 of the NPPF.

## **10. Summary of position in respect of planning obligations**

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

Aforementioned policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

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

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

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

Paragraph 58 of the NPPF and paragraph 010 of the PPG go on to advise that planning applications which comply with up-to-date planning policies should be assumed to be viable, but where the viability of a development is in question, planning obligations can be negotiated where, through a viability assessment, a developer demonstrates that circumstances apply which mean the obligations normally required cannot be supported. The weight to be given to any such assessment is a matter for the decision-taker and an assessment must be produced in line with guidance provided by the PPG.

As set out in the 'Representations' section of this report, the following financial contributions and obligations have been requested from the respective consultees or would normally be required through relevant plan policies.

- Minimum of £210,424.14 towards secondary education provision;
- £704 per dwelling towards supporting off-site play;
- Securement of 15% affordable housing as required by policy H2 of CSDP.

The abovementioned obligations would typically be secured via a s106 agreement.

The requested financial contributions towards education provision and supporting play infrastructure are considered necessary to make the development acceptable in planning terms,

are directly related to the development and are fairly and reasonably related in scale and kind to the development. The Council's Education officer advises that the requested contribution is justified due to a projected shortfall in secondary places in the area, before this development is taken into account. The affordable housing contribution would ensure that the scheme delivers the level of affordable housing policy required by CSDP policy H2. As such, it is considered that these contributions satisfy the tests set out at paragraph 57 of the NPPF and Regulation 122(2) of the CIL Regulations and can reasonably be requested by the Council as Local Planning Authority.

The applicant contends that the scheme is unable to support the planning obligations being sought by the Council and has submitted a Financial Viability Appraisal report (October 2021) to demonstrate that this is the case. The report has been produced in line with best practice guidelines and considers inputs such as the existing land value, gross development value, construction costs, the cost of external works and abnormals, contingencies, professional fees, marketing costs, finance cost and a return to the developer of 17.5% (typical for a development of this nature). Regard has been given to values and costs associated with other housing developments in the local area to ensure figures being used are appropriate to the location of the site. The appraisal report concludes that the site has marginal viability prior to introducing any financial contributions or affordable housing commitments and is not viable if the contributions towards education, off-site play and affordable housing are absorbed by the development.

The Council arranged for the applicant's Financial Viability Appraisal report to be independently reviewed by Bradley Hall Chartered Surveyors and a review report was subsequently produced for the Council's use (report dated January 2022). The Bradley Hall report advises that the applicant's approach to calculating viability is generally reasonable and consistent with professional guidance. The assessment of revenues for the development is consistent with local market conditions and has been acceptably corroborated by relevant comparable evidence.

Overall, the majority of cost assumptions are consistent with industry standards, however Bradley Hall did initially question some cost assumptions, including abnormal costs (set as lower than would normally be anticipated) and finance costs (higher than would normally be anticipated).

The applicant's agent responded to Bradley Hall's queries and provided clarification in respect of the figures for the costs of abnormals and financing used in their appraisal. The detail provided has been accepted by Bradley Hall and they have consequently been able to conclude that the proposed development was unable to support any financial contributions or affordable housing. In reaching this conclusion, Bradley Hall adopted 18% of Gross Development Value (GDV) as a target given the risks associated with developing brownfield land and current market conditions, whereas by comparison, the most viable 'best case' scheme shown by the applicant's appraisal would only achieve 16.1% GDV, significantly below the 17.5% typically sought by developers.

In light of the review comments from Bradley Hall, it is considered that the applicant has produced a robust viability assessment which demonstrates that the proposed development of the site is unable to support the financial contributions and affordable housing obligations being sought by the Council.

As set out by paragraph 58 of the NPPF, the weight to be given to a viability assessment is a matter for the decision-taker, having regard to all the circumstances in the case. In this instance, it must be recognised that the application site is identified in the SHLAA as being available for housing development and it is a housing allocation site in the draft A&D Plan. The availability

and suitability of the site for housing helps to underpin the Council’s currently strong position relative to housing land supply and its development will ensure the Council continues to achieve its housing delivery objectives. On this basis, it is considered that it is appropriate to give the assessment significant weight in the determination of this application.

It is therefore advised that the merits of the proposed development need to be considered in the context of the applicant demonstrating, through their viability assessment, that the scheme is unable to support the planning obligations requested by the Council. Clearly, it would be desirable for the scheme to deliver affordable housing and the requested contributions towards education provision and off-site play, but the absence of these obligations needs to be set against the positive aspects of the development, including the delivery of housing and the development of a site which is currently in an unsightly condition.

It is also suggested to Members that in the event they are minded to approve the application, a condition be imposed which requires a ‘re-testing’ of viability at the time of submitting a reserved matters application. In the event the re-testing demonstrates that the scheme is, at that time, capable of supporting any planning obligations, negotiations with the developer can take place.

**CONCLUSION**

As set out earlier in this report, s38(6) of the 2004 Act makes it clear that decisions on whether to grant planning permission should be made ‘in accordance with the development plan, unless material considerations indicate otherwise’. Case law has established that decisions must be made in accordance with the development plan as a whole – in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In the context of the above, regard must be given to all relevant material considerations and all the relevant policies of the Council’s development plan before it can be determined whether the proposed development accords with the development plan or not. Where conflict with development plan policies is identified, it is then incumbent upon the decision-maker, i.e. Members of the Committee, to attribute weight to the benefits of the proposed development and establish whether these benefits outweigh negative aspects of the development and the associated policy conflict.

This report has sought to appraise the proposed development in the context of the relevant national and local planning policy objectives and identify positive and negative consequences of the scheme, to establish whether the proposals accord with the plan and should be considered acceptable. To assist with this exercise, the following table summarises the residual positive, neutral or negligible and positive impacts arising from the development in the context of the three strands to sustainable development identified by the NPPF (the CSDP policies relevant to each impact are in brackets):

	<b>Positive</b>	<b>Neutral/negligible</b>	<b>Negative</b>
<b>Economic</b>	Job creation during site works and additional support to local businesses through		

	increase in population (SP1)		
<b>Environmental</b>	<p>Development would enable clearance of a site which, in its current condition, is a significant visual blight within the area (BH1, NE9)</p> <p>Development site capable of providing a good-quality layout and design (SP2, BH1)</p> <p>Development capable of incorporating good quality areas of open space and landscaping (BH3, NE1, NE4)</p>	<p>Site has acceptable links to public transport and local services (SP1, ST3)</p> <p>Development capable of acceptably respecting the amenity of existing nearby dwellings (BH1)</p> <p>Construction works may lead to some disruption, but this is a temporary occurrence and will be appropriately managed by adoption of a CEMP (HS1, BH1)</p> <p>Implications relative to ecology and biodiversity capable of being satisfactorily mitigated, as confirmed by Natural England and Council's Ecology officer (NE2)</p> <p>Foul and surface water drainage arrangements are acceptable, as confirmed by Northumbrian Water and LLFA (WWE2, WWE3, WWE5)</p> <p>No significant impacts on local highway network and access arrangements are acceptable, as confirmed Council's Highways team (ST1, ST2, ST3)</p> <p>Trees to be felled at the site can be acceptably replaced (NE3)</p> <p>Land contamination risks can be satisfactorily mitigated, and site remediation secured as appropriate (HS3)</p> <p>Appropriate archaeological investigations have taken place (BH9)</p> <p>Negligible impact on prevailing landscape and existing key views (SP6, NE9 and NE11)</p> <p>Conditions can be used to ensure development meets</p>	<p>Development marginally intrudes into designated open countryside (NE8)</p> <p>Scheme does not deliver on-site play provision and is unable to support a financial contribution towards off-site provision (ID2)</p>

		objectives relative to sustainable design of homes and accessible homes (BH1, H1)	
<b>Social</b>	<p>Delivery of a significant amount of new housing at a sustainable location which is identified as available within the SHLAA and draft A&amp;D Plan (SP1, SP8, H1).</p> <p>Development would support the Council's position relative to housing land availability and assist in achieving its objectives relative to housing delivery (SP1, SP8, H1)</p>		<p>Proposals are unable to support a financial contribution towards education provision (ID2)</p> <p>Proposals are unable to support affordable housing (H2, ID2)</p>

At this point, it is also considered appropriate to consider the scheme in the context of the Strategic Priorities set out in the CSDP:

**Strategic Priority 1: to deliver sustainable economic growth and meet objectively assessed employment and housing needs;**

The development will deliver a substantial amount of new housing and bring economic benefits through job creation during construction works.

**Strategic Priority 2: to identify land needed for development in the right locations so the most vulnerable assets can be protected whilst meeting sustainable growth ambitions;**

The development makes use of a sustainably located site which is close to public transport links.

**Strategic Priority 3: to promote healthy lifestyles and the development of safe and inclusive communities, with facilities to meet daily needs and encourage social interaction;**

The development can incorporate usable areas of greenspace, is close to existing areas of greenspace and open countryside and is accessible by public transport.

**Strategic Priority 4: to provide a range of choice of accommodation, house types and tenures;**

The development is capable of providing a range of housing types.

**Strategic Priority 5: to provide a wide portfolio of employment sites to support key sectors and opportunities for new office development;**

The proposals are for residential development; however, the scheme will bring some economic benefits by creating employment during construction work.

**Strategic Priority 6: to support and improve the vitality and economic performance of the Urban Core and designated centres;**

The development may deliver minor benefits in terms of increasing footfall in nearby local centres, such as Hetton-le-Hole town centre.



**Strategic Priority 7: to protect, sustain and enhance the quality of our built and historic environment;**

The proposed development does not conflict with heritage objectives.

**Strategic Priority 8: to protect and enhance the city's biodiversity, geological resource, countryside and landscapes and ensure all homes have access to interlinked green infrastructure;**

The development's implications relative to ecology and biodiversity, the countryside and local landscape are considered acceptable and it will bring about visual amenity improvements given the current condition of the site.

**Strategic Priority 9: to adapt to and minimise the impact of climate change by reducing carbon emissions, maximising the use of low carbon energy solutions and reducing the risk/impact of flooding;**

Conditions can ensure that new dwellings within the development are designed with sustainability principles in mind. The development is not at significant risk of flooding and sustainable drainage measures will ensure flood risk is no increased elsewhere.

**Strategic Priority 10: to manage waste as a resource and minimising the amount produced and sent to landfill;**

Measures for handling waste at the site can be covered by Construction Environmental Management Plan.

**Strategic Priority 11: to promote sustainable and active travel and improve transport infrastructure;**

The site is adjacent to existing bus routes and is proximate to existing local pedestrian and cycle network.

**Strategic Priority 12: to manage the City's mineral resources;**

No impacts on mineral resources.

**Strategic Priority 13: to ensure the City has the infrastructure to support its growth and prosperity;**

Development is unable to support education and play provision at this time.

With regard to the appraisal set out above, it is evident that the main residual conflict with the CSDP is the lack of financial contributions towards supporting education and off-site play provision, in lieu of this being provided on site, and the absence of affordable housing. The applicant has, however, demonstrated that the development is unable to support these obligations through their viability assessment, which has been independently reviewed on behalf of the Council and its conclusions are accepted.

It is considered that the lack of support for play provision is, ultimately, a relatively minor issue given the fairly limited scale of the development and the proximity of the site play facilities at Rosedale Street/York Street and Deepdale Street. The absence of the education contribution would, meanwhile, mean that over time, the development could increase pressure on school places in the locality, particularly at secondary level. The costs of addressing any additional pressure on education would therefore have to be fully met by education providers as necessary. The absence of affordable housing from the development is also undesirable, but it is noted that the recently approved development of 86 dwellings at nearby Cragdale Gardens (ref. 20/01360/FUL) is for 100% affordable housing. As such, a significant amount of new affordable housing is already being built close to the application site.

There is also residual conflict with policy NE8 insofar as the development intrudes into a small area of designated open countryside, although given the limited scope of the conflict and as the proposals have been found acceptable in terms of visual amenity and landscape impacts, this issue is considered relatively minor in nature.

The position in relation to these matters ultimately falls to be assessed in the context of the wider benefits of the proposed development. In assessing the wider merits of the scheme, it is considered that the proposed development does not give rise to any other significant conflicts with the relevant policies of the CSDP and nor are there any significant conflicts with any of the Council's relevant Supplementary Planning Documents, the draft A&D Plan or the relevant policies of the NPPF, as referenced throughout this report.

It must also be recognised that the proposed development will deliver significant benefits, in terms of providing housing at a site which is identified as available through the SHLAA and is intended to be allocated for housing via the A&D Plan, and will assist the Council in meeting, and potentially exceeding, its stated housing supply and delivery targets. The development will also deliver benefits in terms of expanding housing availability and choice in the area and minor economic benefits in that new residents will be able to support existing shops, services and facilities in the locality. These benefits of the development should also be given positive weight in the determination of the application.

Significant positive weight should also be given to the fact the proposals would see the development of a site which, in its current condition, has a significant negative effect on the visual amenity, due to the extensive range of scrap machinery, equipment, containers and other paraphernalia which is present there. The development therefore has the capacity to bring about substantive visual improvements to the area.

The content of the objections to the proposed development are acknowledged and it is evident that members of the local community hold concerns in relation to the proposed development of the site, particularly around the impact on local highways, the amount of housing being built in the area and the disruption the development could cause. All relevant material planning considerations and technical issues have, however, been appraised in the context of the policies of the Council's CSDP, the NPPF, the draft A&D Plan and with regard to the consultation responses received from a range of external and internal consultees, the proposals are considered acceptable in relation to highway safety, whilst conditions can be used to ensure construction works take place in a considerate manner. In terms of the need for the development, as has been made clear, the site is identified as available for housing in the Council's SHLAA and is supporting the Council's housing land availability and delivery objectives.

In conclusion, it is considered that whilst it would clearly be desirable for the development to be able to absorb the financial contributions and affordable housing obligations sought by the Council, the applicant has demonstrated through their viability assessment that it is unable to do so. It is recognised that there is also an outstanding minor residual conflict with open countryside policy NE8.

Significant positive weight must, however, be given to the delivery of housing at a site which has been identified as available for housing in the SHLAA and draft A&D Plan and which is envisaged as supporting the City's housing needs. At this point, it must be recognised that were the Council not to approve the development of the site, it would bring into question the land's ability to support the Council's housing land supply position and housing delivery objectives. To this end, as noted earlier, it is observed that availability of housing land in the City is showing a

downward trend, from 5.7 years in 2022 to 5.3 years in 2023. Significant positive weight must also be given to a development which would enable the clearance of a site which, in its current condition, is causing visual harm.

On balance, it is considered that the significant positive aspects of the development as outlined above do outweigh the absence of planning obligations and the conflict with the open countryside policy. The recommended 'viability re-testing' condition would ensure the position relative to viability and planning obligations can be re-appraised at such a time that a reserved matters application is submitted.

Overall, whilst there remains some conflict with Core Strategy policies and objectives, it is considered that the proposed development does not give rise to any significant conflict with the Council's Development Plan taken as a whole, particularly given the development's alignment with a number of the CSDP's strategic priorities, including the delivery of housing. As such, there are not considered to be any grounds which would direct the Council to refuse planning permission for the development as proposed and the development is consequently considered to be acceptable, having had regard to all relevant planning policies and other material planning considerations.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Approve the proposed development, subject to the imposition of the draft conditions below.

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

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

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

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

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

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

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

**RECOMMENDATION:** APPROVE, subject to draft conditions below.

### **Conditions:**

1 Application(s) for the approval of reserved matters must be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted must then be begun before the expiration of 2 years from the date of approval of the last reserved matters to be agreed.

Reason: To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Approval of the following details (hereinafter referred to as the 'reserved matters') must be obtained from the Council as Local Planning Authority before the development is commenced:

Access  
Layout  
Scale  
Appearance  
Landscaping

Plans and particulars of the reserved matters shall be submitted utilising an appropriate planning application form and shall be carried out as approved. As the application is in outline form only and no formal details have been submitted in respect of the reserved matters set out above, they are reserved for subsequent approval by the LPA.

Reason: condition required to ensure compliance with section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

red line boundary as per location/site plan drawing no. L021088-001, rev. F.

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

4 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces of new dwellings, 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.

Reason: in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

5 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CEMP
- o Legal Compliance
- o Summary of the Requirements of Condition 6
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan (may not always require this)
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)

- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o Measures to be implemented to minimise the risk of harm to/ensure the protection of protected and notable species, and those habitat features to be retained through the works; this should include information on key working methods and timings.
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o Conclusions

#### Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information

(including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development shall then be undertaken in full accordance with the approved CEMP.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, NE2 and ST3 of the CSDP.

6 Prior to the commencement of development at the site, a Sustainability Statement shall be submitted for the approval of the Council as Local Planning Authority. For the avoidance of doubt, the Statement should set out the sustainable design and construction techniques to be incorporated into the proposed dwellings and wider development of the site. Proposed measures should be informed by the recommendations set out at policy BH2 of the Council's Core Strategy and Development Plan and the supporting text thereafter. The development shall then be carried out in full accordance with the measures set out in the agreed Statement.

Reason: in order to ensure the appropriate sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

7 The design and layout of all dwellings within the development hereby approved must, as a minimum, comply with Nationally Described Space Standards.

Reason: in order to ensure new dwellings provide acceptable levels of amenity to occupiers and comply with the objectives of policy BH1 of the CSDP.

8 No development at the site shall commence until details of proposed measures to encourage sustainable transport initiatives, such as electric vehicle charging points and cycle shelters, have been submitted to and approved in writing by the Council as Local Planning

Authority. The agreed measures shall then be implemented in accordance with the approved details.

Reason: in order to promote sustainable transport options and comply with the requirements of policies ST2 and ST3 of the Council's CSDP.

9 Development, other than demolition, shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

10 Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after

remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

11 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.



13 Any application(s) for reserved matters shall be accompanied by supporting ecological information in the form of an Ecological Impact Assessment (EclA). The EclA shall be informed by ecological survey information that includes, but is not limited to, the following:

- a. Survey to categorise the bat roost potential of buildings and trees potentially affected by the proposals (preliminary bat roost assessment).
- b. Survey to determine the presence or likely absence of roosting bats with reference to the results of the preliminary bat roost assessment).
- c. Survey to describe the seasonal and spatial patterns of bat foraging activity (utilising transect surveys and automated recording equipment).
- d. Breeding bird survey.

All ecological reports and surveys shall be undertaken in line with relevant national good practice guidelines, including guidelines on the acceptable lifespan of reports and surveys (i.e. should not normally be more than 18 months old). The Ecological Impact Assessment shall demonstrate how adverse ecological effects are to be mitigated and all agreed measures must then be adopted and implemented within the development.

Reason: to ensure the implications of the development relative to ecology and biodiversity are acceptable and to comply with the objectives of policy NE2 of the CSDP.

14 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure habitats and species are appropriately protected during construction works and to comply with the objectives of policy NE2 of the CSDP.

15 Any reserved matters application(s) must be accompanied by a Biodiversity Net Gain Assessment demonstrating a measurable biodiversity net gain. The assessment shall be based on habitat survey information representative of the biodiversity value on site at the time the reserved matters application is submitted, unless the biodiversity value at the time of the submission has been reduced other than in accordance with a valid planning permission, in which

case the biodiversity value prior to this shall be used. The content of the Biodiversity Net Gain Assessment shall include the following:

- a. Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat.
- b. The pre-development biodiversity value of the onsite habitat, measured using the latest available Biodiversity Metric.
- c. The post-development biodiversity value of the onsite habitat, measured using the latest available Biodiversity Metric.
- d. Details of any offsite habitat enhancement or creation required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

The Biodiversity Net Gain Assessment shall also include details of the legal and funding mechanism(s) by which any offsite compensation will be secured by the developer with the management body(ies) responsible for its delivery.

Reason: to ensure the implications of the development relative to biodiversity net gain objectives are acceptable and to comply with the objectives of policy NE2 of the CSDP.

16 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of onsite features to be managed, including any habitats to be retained, enhanced and/or created in order to deliver a biodiversity net gain as set out in the Biodiversity Net Gain Assessment required in accordance with condition 3.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management, including target ecological condition of habitats in relation to biodiversity net gain.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward annually).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure the implications of the development relative to ecology and biodiversity are acceptable and to accord with the objectives of policy NE2 of the CSDP.

17 Any application(s) for approval of reserved matters must be accompanied by an updated Arboricultural Impact Assessment, Tree Impact Plan and Tree Protection Plan, which are reflective of the details proposed by the reserved matters application(s). The submitted

Assessment and Plans must demonstrate the retention of all trees and hedges shown as being retained by the Tree Impact Plan (Tree Survey Solutions, Appendix 3 (Tree Impact Plan), ref. 22007, 02) and landscaping plan (Rosetta Landscape Design, Detailed Landscaping Proposals, drawing no. 3943/1, rev. D, sheets 1 and 2). All agreed tree protection measures must then be installed and remain in situ in accordance with the recommendations of the submitted Assessment and Plan for the duration of construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

18 The landscaping scheme to be submitted with the reserved matters application(s) shall be informed by the landscaping proposals submitted with the outline planning application (Rosetta Landscape Design, Detailed Landscaping Proposals, drawing no. 3934 D, sheets 1 and 2).

Reason: in order to ensure the landscaping proposals for the development are acceptable and to accord with the requirements of policy NE3 and NE4 of the CSDP.

19 Any application(s) for approval of reserved matters must be accompanied by final details of the proposed sustainable drainage strategy for the development, for the approval of the Council as Local Planning Authority in consultation with the LLFA and Northumbrian Water. For the avoidance of doubt, the proposed final strategy shall be informed by the submitted Drainage Strategy (July 2021, updated November 2022), Flood Risk Assessment (November 2022) and Proposed Drainage Plan (drawing no. S3058-101).

The development shall then be undertaken in full accordance with the agreed strategy.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

20 Prior to any development commencing on site, specific details of the proposed timing of the submission of drainage verification report(s) and the extent of the SuDS features to be covered in the report(s), which are required pursuant to condition 21 of this decision notice, must be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that report(s) to verify the implementation of agreed sustainable drainage infrastructure will be submitted at appropriate times and to comply with policies WWE2 and WWE3 of the CSDP.

21 Drainage verification report(s) must be submitted in accordance with the timings and details approved pursuant to the discharge of condition 20 of this decision notice. The report(s), which must be produced by a suitably qualified person, shall demonstrate that all sustainable drainage systems have been constructed as per the final agreed drainage scheme and must include, in totality:

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

- Details of ownership organisation, adoption & maintenance.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

22 No individual dwelling shall be occupied until its in-curtilage parking space(s) has been constructed and made available for the use of the dwelling's occupiers. Within six months of the final dwelling within each phase (i.e. full planning and outline phases) of the development being occupied, all visitor parking provision for that phase of the development must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off-street parking of vehicles and to comply with policy ST3 of the CSDP.

23 Any application for reserved matters, insofar as it relates to the layout and scale of the development, must be accompanied by an updated viability appraisal, which appraises the viability of the development proposed by the reserved matters application in the context of the site conditions, land values, costs and other inputs applicable at that time.

If, following an independent review of the appraisal, the Local Planning Authority concludes that the updated appraisal demonstrates that the development is capable of absorbing planning obligations whilst remaining viable, development at the site must not commence until a legal mechanism to secure agreed planning obligations has been completed.

Reason: in order to ensure that the viability of the scheme and opportunities for planning obligations have been fully appraised, in accordance with the objectives of policy ID2 of the CSDP.

2.

Washington

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**Reference No.:** 22/02384/FU4 Full Application (Reg 4)

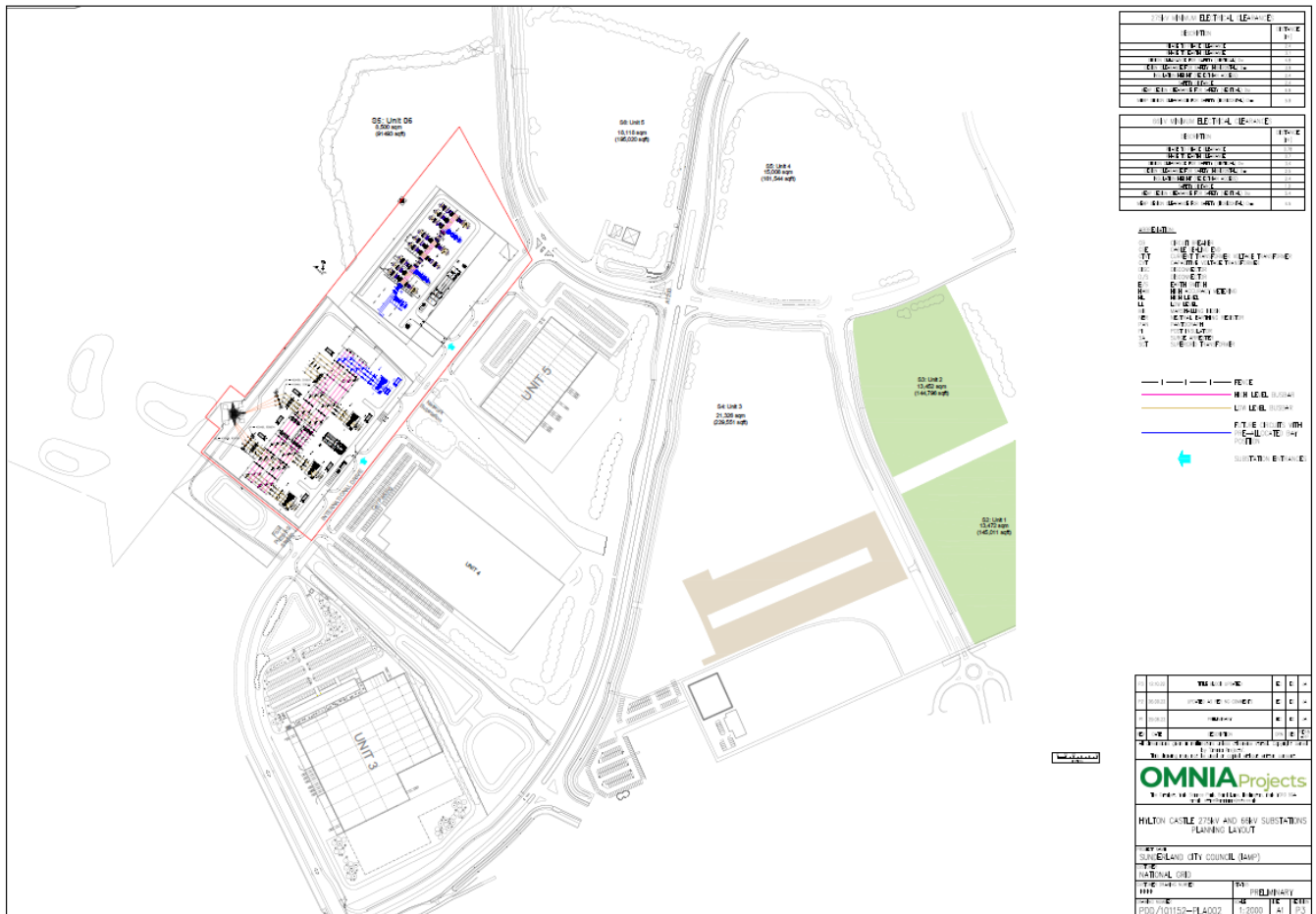
**Proposal:** **Erection of a 275kV substation and 66kV substation with associated infrastructure.**

**Location:** Land North Of International Drive, Sunderland, SR5 3FH

**Ward:** Washington North  
**Applicant:** National Grid  
**Date Valid:** 25 November 2022  
**Target Date:** 24 February 2023

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**Location Plan**



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**PROPOSAL:**

Erection of a 275kV substation and 66kV substation with associated infrastructure.

The Application Site comprises two separate parcels of land totalling 8.62ha. Both parcels comprise former agricultural land separated by Downhill Lane.

The Site is bound by agricultural land to the north and west, International Drive to the south east, and a former agricultural land to the south/south west. A high voltage overhead line runs adjacent to the north western boundary. A track also lies adjacent to the north western boundary which provide access to North Moor Farm. To the west, the sites boundary runs along the green belt. The approved overhead line tower which provides electricity to the substation slightly encroaches onto this green belt land.

The site can be accessed by newly installed bell mouths off International Drive.

There are no Public Rights of Way within or adjacent to the Site.

The majority of the site lies within Flood Zone 1. The south western extent of the site

lying within Flood Zone 2 and 3.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Land Contamination  
Flood And Coastal Group Engineer  
Flood And Coastal Group Engineer  
National Highways  
Cllr Jill Fletcher  
Flood And Coastal Group Engineer  
Cllr Jill Fletcher  
Cllr Michael Walker  
Cllr Peter Walker  
Cllr Kevin Johnston  
Natural Heritage  
Cllr Michael Walker  
Cllr Peter Walker  
Planning And Highways  
Land Contamination  
Planning Implementation  
Planning Policy  
Flood And Coastal Group Engineer  
Network Management  
Environmental Health  
National Grid Transco  
Northern Gas Networks  
Tyne And Wear Archaeology Officer  
Environment Agency  
Natural Heritage  
Natural England  
South Tyneside Metropolitan BC  
Flood And Coastal Group Engineer  
Natural Heritage  
Land Contamination

**REPRESENTATIONS:**

**Land Contamination** – No objections subject to relevant conditions being imposed

**Flood And Coastal Group Engineer** – Concerns where originally proposed from the LLFA and additional information was requested, the revised information has been submitted and is considered acceptable subject to a compliance condition .

**National Highways** – no objection standing advice to attached to the permission.  
Standing advice to the local planning authority :The Climate Change Committee’s 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes,

while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

**Natural Heritage** – No adverse comments to the development

**Cllr Jill Fletcher** – No response received.

**Cllr Michael Walker** - – No response received.

**Cllr Peter Walker** - – No response received.

**Planning And Highways Chair and Vice Chair** - – No response received.

**Planning Implementation** – No objections to the proposed development

**Planning Policy** – No objections to the proposed development

**Network Management** – No objections to the proposed development subject to conditions

**Environmental Health** – No objections subject to conditions

**National Grid Transco** – No response received

**Northern Gas Networks** – Original objections which has subsequently been withdrawn

**Tyne And Wear Archaeology Officer** – No response received.

**Environment Agency** – No response received.

**Natural Heritage** – No objections subject to conditions and Section 106 agreement to secure offsite provision of BNG

**Natural England** - – No response received.

**South Tyneside Metropolitan BC** – No objections

S N O P 2 International Drive Sunderland SR5 3FH

Faltec 4 International Drive Sunderland SR5 3FH

Centre Of Excellence For Sustainable Advanced Manufacturing International Drive Sunderland SR5 3FH

NHS Nightingale Hospital 6 International Drive Sunderland SR5 3FH

Hollybrook Cottage Hylton Bridge Farm Follingsby Lane Washington NE36 0BB

Ross Leigh Cottage Hylton Bridge Farm Follingsby Lane Washington NE36 0BB

The White House Hylton Bridge Farm Follingsby Lane Washington NE36 0BB

Hylton Stables North Moor Farm Follingsby Lane Washington NE36 0BB

North Moor Farm Follingsby Lane Washington NE36 0BB

The Bungalow Hylton Bridge Farm Follingsby Lane Washington NE36 0BB

Final Date for Receipt of Representations: **07.05.2023**

**Public consultation:** No objections have been received from neighbouring properties.

#### **POLICIES:**

In the Unitary Development Plan, Core Strategy and IAMP Area Action Plan the site is subject to the following policies;

Policy S1 Spatial Strategy for Comprehensive Development

Policy S2 Land Uses

Policy S3 Scale and Quantum of Principal and Supporting Employment Uses



Policy S4 The Hub and Ancillary Uses  
Policy D1 Masterplan Design  
Policy D2 Public Realm  
Policy T1 Highway Infrastructure  
Policy T2 Walking, Cycling and Horse Riding  
Policy T3 Public Transport  
Policy T4 Parking  
Policy IN1 Infrastructure Provision  
Policy IN2 Flood Risk and Drainage  
Policy EN1 Landscape  
Policy EN2 Ecology  
Policy EN3 Green Infrastructure  
Policy EN4 Amenity  
Policy Del1 Phasing and Implementation  
Policy Del2 Securing Mitigation

Policy NE6 Green Belt  
Policy HS2 Noise-sensitive development  
Policy HS3 Land Contamination  
Policy HS1 Quality of life and amenity

#### **COMMENTS:**

- Principle of Development
- Land contamination
- Air Quality
- Noise Assessment
- Drainage
- Heritage
- Amenity and Landscaping
- Flooding
- Ecology
- Section 106

#### **Principle of Development**

##### **Core Strategy and Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be in accordance with the Development Plan unless material considerations indicate otherwise. Accordingly, the adopted development plan relevant to the application site comprises the following:

- International Advanced Manufacturing Park Area Action Plan (adopted 30 November 2017);
- Sunderland Core Strategy and Development Plan 2015-2033 (adopted January 2020); and
- Sunderland Unitary Development Plan (adopted September 1998).

##### **International Advanced Manufacturing Park Area Action Plan**

“A nationally important and internationally respected location for advanced manufacturing and European-scale supply chain industries. A planned and sustainable employment location that Page 92 of 162 maximises links with Nissan and other high value automotive industries as well

as the local infrastructure assets, including the ports, airports and road infrastructure.” “an attractive working environment that creates the conditions in which businesses can establish and thrive and where people choose to work. A unique opportunity for increased job and business creation and the promotion of regional prosperity whilst taking advantage of natural assets and green infrastructure including the River Don corridor.

” The International Advanced Manufacturing Park Area Action Plan (‘AAP’) provides the planning policy framework for the comprehensive development of approximately 392,000 sqm of floorspace for uses relating to the Automotive and Advanced Manufacturing sectors. This is to be delivered on 150 hectares of land, with 110 hectares of adjacent land safeguarded for ecological and landscape mitigation. The AAP was jointly adopted by both the Council and South Tyneside Council on 30 November 2017.

The AAP’s vision for the IAMP is:

The AAP states that the type of place which the Council want to create is:

The following AAP Policies are considered relevant to the development proposals:

**Policy S1: Spatial Strategy for Comprehensive Development** – sets out the strategy for the comprehensive development of the IAMP for the principal uses associated with the automotive and advanced manufacturing businesses and states that this will be delivered by: “Revising the Green Belt boundary to release 150ha of land from the Green Belt. Allocating approximately 150ha of land for the development of principal uses (as defined in Policy S2) in the Employment Areas. Designating approximately 110ha of land as an Ecological and Landscape Mitigation Area to provide for mitigation and/or compensation of the ecological and landscape impacts of the IAMP development.

Requiring Masterplans, Design Codes and Phasing Plans to be submitted which demonstrate how development:

- will meet the objectives of the AAP and will not prejudice comprehensive development of the IAMP;
- ensures the proposed development is designed and orientated to relate well to the existing employment area and Enterprise Zone and established infrastructure;
- contributes fully to the delivery of the IAMP as a project of national significance;
- contributes fully, in a proportionate and timely manner, towards providing the infrastructure identified in the IDP;
- contributes fully, in a proportionate and timely manner, to providing for the mitigation required for the IAMP, including environmental mitigation; and
- is capable of being implemented without breaching the provisions of the Planning Act 2008.”

**Policy S2: Land Uses** supports the IAMP AAP objectives to build on the area’s international reputation in the automotive industry; support Nissan; and attract European- scale ‘super-suppliers’ linked to the automotive industry. This policy states: Development of the Employment Areas must be for the Principal Uses of production, supply chain and distribution activities directly related to the Automotive and Advanced Manufacturing sectors, as defined in paragraphs 86-87, and related Supporting Uses; and To ensure premises are retained for their original permitted use in the long term, the DCO must contain requirements to that effect, or otherwise the Councils may consider making a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to that effect.

**Policy S3: Scale and Quantum of Principal and Supporting Employment Uses** – states that consent will be granted for up to 392,000sqm of space consisting of: i) 356,000sqm of employment space for the Principal B1(c), B2 and B8 classes; and ii) up to 36,000sqm of employment space for Supporting B1(a) and B1(b) class uses, only where this is related to the Principal Uses defined in Policy S2.

The other AAP policies considered relevant to the development proposals are summarised as follows:

- Policy D1 (Masterplan Design);
- Policy D2 (Public Realm);
- Policy T1 (Highway Infrastructure);
- Policy T2 (Walking, Cycling and Horse Riding);
- Policy T3 (Public Transport); • Policy T4 (Parking);
- Policy IN1 (Infrastructure Provision);
- Policy IN2 (Flood Risk and Drainage);
- Policy EN1 (Landscape); • Policy EN2 (Ecology);
- Policy EN3 (Green Infrastructure); • Policy EN4 (Amenity);
- Policy Del1 (Phasing and Implementation); and
- Policy Del2 (Securing Mitigation).

### **National Planning Policy Framework**

Paragraph 7 of the NPPF (revised on 5<sup>th</sup> September 2023 ) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, broadly defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Paragraph 8 sets out the following three interdependent dimensions of sustainable development which are to be pursued in mutually supportive ways:

**An economic objective** - to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**A social objective** - to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

**An environmental objective** - to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 notes that development proposals that accord with an up to date plan

should be approved without delay, or that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or where the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed

The Application Site comprises two separate parcels of land totalling 8.62ha. Both parcels comprise former agricultural land separated by Downhill Lane.

The proposed site lies within a wider scheme of development called the International Advanced Manufacturing Park (IAMP) ONE. IAMP is a joint venture between Sunderland and South Tyneside Councils whom share ambitions to build on a set of opportunities to develop a high quality strategic employment site for advanced manufacturing that will be an attractive location for national and international business investment and job creation.

The Application Site has been allocated by Sunderland City Council as a key development within the City's 2015-2033 Core Strategy and Development Plan. The IAMP Area Action Plan in 2015 is included within this , which sets out the key policies for the development area.

The Site is not subject to any ecological, landscape or historic environment designations. The closest ecological designation is 0.9km to the south of the Site. The closest historical designation is 2.2km to the north west which is a Grade II Listed Building, Hylton Grove Bridge. The Site can be seen by the Grade I Listed Building Earl of Durham's Monument (Penshaw Monument) which lies 4.8km to the south. The development has been screened and in its own right is not considered EIA development, however, all relevant aspects of the proposed development have been given the relevant technical consideration.

Sunderland City Council have applied for a Grid Connection point near to West Boldon substation in the Sunderland region. This connection will supply electricity to a new site to be known as the International Advanced Manufacturing Park (IAMP) This connection will be used to power a new 'Gigafactory' site which will support Nissan, Envision and the city of Sunderland.

Whilst the red line boundary includes land beyond the substation compounds, development will only extend as far of the fence line. Land within the red line may be used for construction purposes but will be reinstated following completion of construction.

### **Two key elements of the scheme 275kV Substation and 66 kV Substations**

The 275kV substation will connect to the adjacent overhead line transmission network.

The substation compound comprises a control building including a mess room, meeting room, office, toilet and shower facilities, switching office/records room, earth store, protection room, telecoms room, battery room and LVAC room.

The dimensions of the control building are:

- Height – 4.415m
- Length – 30.256m
- Width – 12.522m

External equipment comprises a standby diesel generator, DNO substation, equipment rooms and Air Insulated Switchgear including gantries, high level busbars, low level busbars and up to four 275kV/66kV transformers.

Parking is provided for up to 15 cars including 4 electric vehicle charging points.

2.4m high palisade fencing with electrification will be installed around the perimeter of the compound.

The compound will be accessed via an existing bell mouth off International Drive along the south eastern boundary. The entrance will be gated to prevent unauthorised access. An internal access road is proposed along the perimeter of the compound to allow safe access.

### **66kV Substation**

The 66kV substation compound comprises a control building including a mess room, office, toilet facilities, relay and control room, LVAC room, battery room, metering and a workshop.

The dimensions of the control building are:

- Height - 4.415m
- Length - 55.124m
- Width – 12.494m

External equipment comprises a standby diesel generator, DNO substation and Air Insulated Switchgear including high level busbars and low level busbars.

A 2.4m high palisade fence with electrification will be installed around the perimeter of the compound.

Parking is provided for up to 8 cars including 2 electric vehicle charging points.

The compound will be accessed via a separate existing bell mouth off International Drive along the south eastern boundary. The entrance will be gated to prevent unauthorised access. An internal access road is proposed along the perimeter of the compound to allow safe access.

### **Green Belt**

Paragraph 137 of the Framework states 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 150 states the forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, one of those being b) engineering operations.

Tower 92 is not part of the Proposed Development and was approved under BEIS reference 12.04.09.05-1413U. The tower is located within the red line of the Proposed Development and breaches into the Green Belt 746m<sup>2</sup>. To secure the substation a security fence is required to surround the site, which is ancillary to the operations of the substation.

As tower 92 contains downleads to the substation, the fence must go around the red line of the tower. The fence will be galvanised palisade either left bare or painted green. This will allow the fence line to sit within its setting limiting its impact on the openness, and other of essential functions of the Green Belt.

Installation of a fence to secure the substation is an engineering operation. Therefore, as identified by paragraph 150 of the Framework, the works that breach into the Green Belt can be deemed as not inappropriate and does not require very special circumstances.

**Policy NE6** states the Green Belt in Sunderland as serving the following purposes:

- check the unrestricted sprawl of the built up areas of the city;
- assist in safeguarding the city's countryside from further encroachment;
- assist in the regeneration of the urban area of the city;
- preserve the setting and special character of Springwell Village and Newbottle Village; and
- prevent the merging of Sunderland with Tyneside, Washington, Houghton-le- Spring and Seaham, and the merging of Shiney Row with Washington, Chester-le-Street and Bournmoor.

**NE6.2** states development on Green Belt will not be approved except in very special circumstances. **NE6.3** goes on to identify that development will be permitted where proposals are consistent with the exemption list in National Policy subject to all other criteria being acceptable.

The section of the development 746m<sup>2</sup> (approximately 19 metres by 39 metres) of the Proposed Development encroaches onto Green Belt. This area primarily consists of the red line boundary with a small section that includes the perimeter security fence that goes around an electricity tower (named Tower 92). None of the substation development falls within the Green Belt.

The proposed minor incursion into Green Belt is considered relevant and necessary to facilitate the wider comprehensive development of the site and such is considered acceptable engineering works in the Green Belt and the minor nature of the development in the wider context is not considered to create a significant adverse harm.

The proposed development is therefore not in breach of national policy or **Policy NE6** of the Development Plan

### **EIA screening**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the EIA Regulations') are applied to certain types of development that may have significant effects on the environment. These types of development are categorised in the EIA Regulations as Schedule 1 or Schedule 2 developments, with the nature of the proposals, their locations, and their scale being determining factors, as to whether they are likely to have significant environmental effects.

Currently all committed systems on IAMP are either developed out or under constructions on site. Plots 5 and 6 are the last plots to be available on site for development purposes.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the EIA Regulations') are applied to certain types of development that may have significant effects on the environment. These types of development are categorised in the EIA Regulations as Schedule 1 or Schedule 2 developments, with the nature of the proposals, their

locations, and their scale being determining factors, as to whether they are likely to have significant environmental effects.

The Application Site is approximately 8.62 hectares with a total gross internal area of buildings amounting to 986m<sup>2</sup> (approximately). For EIA purposes, there is no definition for electricity substations under either Schedules.

Due to the size of the scheme and current criteria shown in Schedule 1, the proposed development would not fall to Schedule 1 development in the EIA Regulations.

There is no Schedule 2 definition for electricity substations. Notwithstanding the LPA and the applicant have undertaken a screening assessment using the Government's EIA Screening checklist<sup>2</sup>. This matrix checklist is contained within Appendix A of the planning statement submitted by the applicant, and it concludes that the proposed development will not have the potential to generate significant environmental effects and is therefore not a development for which EIA should be required. However, all relevant ecological mitigation has been addressed as part of the submission and will be discussed later in the report.

The proposed development on IAMP will contribute towards the aim of building a strong and competitive economy and will provide a bespoke, world class environment for the automotive supply chain and related advanced manufacturers. The IAMP will contribute significantly to the long-term economic success of the North East of England and the national automotive sector. The Proposed Development will deliver the electricity infrastructure required in order to support the development of IAMP and therefore complies with a number of key elements of the Framework.

The application has been advertised as a departure and is not in strict accordance with policy S1 and there is a very minor incursion into the Green Belt next to the three Suds features which are already developed with the Green Belt and formed part of the IAMP One planning application, full consideration was given at the time of decision making for this section of development within the Green Belt. Given the works is engineering and minor in nature it is considered this minor element of the development is acceptable given its wider contribution to the comprehensive redevelopment of the site through the IAMP AAP.

The proposal is located within the Southern Employment Area. IAMP AAP Policy S1: Spatial Strategy for Comprehensive Development, sets out the broad strategy for the development of the IAMP site. Alongside this, IAMP AAP Policy S2: Land Uses indicates that development within the employment areas must be for the principle uses relating to production, supply chain and distribution activities directly related to the automotive and advanced manufacturing sectors. The definition of which is set out in IAMP AAP paragraphs 86.

In relation to the above, it is considered that the proposal is acceptable, although the proposal is not for the principle uses as defined by the policy, it is considered to be supporting energy infrastructure which is required to support the development of the IAMP. Therefore, the principle of the proposal is considered acceptable.

Given the nature of the proposal IAMP AAP Policy IN1: Infrastructure Provision is considered relevant. It outlines that a new electricity substation may be required as part of the comprehensive development of the IAMP to ensure there is sufficient energy to meet the demands of businesses locating at the IAMP. The proposals would therefore be in accordance with this policy.

IAMP AAP Policy D1: Masterplan Design sets out a range of design principles which development should comply with, this includes but not limited to maximising the interface with Nissan and ensure effective movement between the existing site and the IAMP AAP area. In addition, development plots using an 'open grid' to create a variety of plots sizes. Also, Criterion B, indicates that proposals must be accompanied by a Design Code. However, given that this application relates to enabling infrastructure it is not considered a Design Code would be required. Furthermore, the IAMP also includes approved Design Code via hybrid application 18/00092/HE4 which covers the entire IAMP.

### **Conclusion on the principle of development**

The development would provide two large substations. The proposals would provide supporting infrastructure to support the delivery of the IAMP which is in accordance with Policy IN1 and would support the delivery of principle uses on the site.

The proposal is considered in alignment with CSDP Policy NE6: Green Belt to be considered acceptable.

### **Land contamination**

Policy HS3 Contaminated land When development is considered to be on contaminated land, development should: 1. ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which could cause unacceptable risk to health or to the environment; 2. identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and future site users are adequately quantified and addressed; 3. ensure appropriate mitigation measures are identified and implemented which are suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and 4. demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers

AECOM Limited. International Advanced Manufacturing Plant (IAMP ONE) – Ground Investigation Report. Ref. 60283414 (M015.003\_001), dated 21st February 2018 and a subsequent report have been submitted for consideration.

A Ground Investigation Report (GIR), prepared by AECOM Limited (AECOM), has been provided in support of a planning application for construction of 275kV and 66kV electricity substations and associated infrastructure. The substations are understood to lie within the wider scheme of development known as the International Advanced Manufacturing Plant (IAMP) located to the north of International Drive, Sunderland. Omnia projects Drawing Ref. PDD/101152-PLA002/P3. Dated 13.10.2022 available on the planning portal presents the red-line for the area under consideration.

The GIR was prepared in 2018 and describes desk study and intrusive ground investigation works undertaken across an area known as IAMP ONE, which covers the southern part of the wider IAMP site area. The current planning application red-line boundary is noted as being located within the footprint of IAMP ONE. It is understood that areas of IAMP ONE (located to the southeast of the current site) have already been subject to development.

The GIR considers previous reports, including a 2014 Desktop Engineering Assessment by Mott MacDonald, a 2016 Geotechnical Desk Study Constraints Report by WSP/ Parsons Brinckerhoff, a 2016 Preliminary Environmental Information Report by Arup and a 2017 Geotechnical Technical Background Report by AECOM. It is suggested that the study areas considered by these reports encompass a wider area than that of the both the current planning application red-line boundary and that of the IAMP ONE.



Sections 2 of the GIR describes the scope and objectives of the report and provides a description of the IAMP project as it was understood at that time. The report states that a preliminary ground investigation was undertaken across the whole IAMP site area by Dunelm Geotechnical & Drilling Ltd (Dunelm) in 2017. The GIR therefore provides a review of the results from that investigation and an interpretation of the ground conditions encountered within the IAMP ONE site boundary. The report also states that additional ground investigation is likely to be required for specific structures, drainage and development subject to specialist designers' specific requirements at detailed design stage.

The report states that the IAMP ONE site area is centred on NGR NZ 335590 and is bound to the south and east by the A1290, with Downhill Lane running along the northern site boundary.

Agricultural fields cut by drainage ditches and hedgerows bound the IAMP ONE to the southeast and west. The report states that there are no farmsteads or properties located within the IAMP ONE boundary but an unnamed road (formerly Hylton Lane) traverses the site in a northwest – southeast direction and a track trends southwest through the site from the unnamed road. A summary of relevant desk study information is provided.

The ground investigation across the entire IAMP One Phase 1 Site Area comprised 40 No. cable percussive boreholes (33 No. extended by rotary methods into bedrock), 1 No. rotary open hole (BH16B), 28 No. trial pits to a maximum depth of 5.0mbgl, including 6 No. soakaway tests. 17 No. cone penetration tests (CPT). 6 No. CPTs with magnetometer testing (for UXO). 6 No. road cores through the A1290. Standpipe piezometers or gas monitoring standpipes were installed in all exploratory holes. 6 No. gas and groundwater monitoring visits over a three month period (4 No. completed at the time of reporting).

Of the ground investigation described above, a total of 6 No. positions appear to be located within the footprint of the current planning application boundary, 4 No. boreholes (BH16B, BH17, BH24 and BH25), one trial pit (TP10) and 1 No. CPT (CPT14).

A summary of the ground conditions encountered during the investigation is presented, which confirms the encountered ground conditions are described as topsoil over soft and firm Pelaw Clay Member. This is underlain by very soft to stiff lacustrine deposits of the Tyne & Wear Complex and stiff to very stiff Glacial Till. Superficial deposits are underlain by rocks of the Pennine Upper and Middle Coal Measures

Section 6.14.11 presents a preliminary contamination risk assessment based on guidance provided in CIRIA C552 – Contamination Land Risk Assessment, A Guide to Good Practice. The assessment assumes that the IAMP ONE site would be developed for a commercial land use. Potential receptors are listed as the general public, site users (staff), ground workers and service maintenance staff, building materials/ water services, Secondary A aquifers in bedrock, surface watercourses and flora and fauna in landscaped areas. Potential contamination sources are listed as agrochemicals, made ground from railways, imported fill and farm tracks and hazardous gases from imported fill, offsite landfilling and coal mining. Based on the assumption of a commercial end use, the assessment concludes that the only appreciable risk (moderate/ low) from direct exposure to soil is anticipated to be within the construction phase of the development when ground workers may be exposed to unexpected contamination at the site. However, the report states that these risks can be adequately mitigated through construction health & safety management onsite. As such, the main objective of the soils investigation would be to confirm that the site is largely greenfield and hence no risk would be anticipated to site users or controlled waters. The risk from ground gases is assessed as moderate/ low and hence ground gas monitoring was undertaken.

The report states that 23 No. locations were advanced at the site with an average spacing of approximately 250m, which it considers to be acceptable for a Greenfield site and an insensitive commercial end use. It is stated that no anthropogenic contamination was encountered in any of the exploratory holes and no made ground was encountered within the locations positioned within the current planning application boundary. It is noted that a total of 2 No. soil samples from the current planning application boundary were subject to soil screening as part of the investigation, both within topsoil layers. The samples were tested for a range of contaminants that included metals, cyanide, BTEX, MTBE, speciated TPH, speciated PAH and asbestos, with no exceedances of commercial threshold values recorded.

With respect to hazardous gases, it is stated that 4 No. gas instruments were monitored on four occasions (at the time of reporting); however, only 2 No. were positioned within the boundaries of the IAMP ONE site and none within the boundaries of the current planning application site. On the basis of the gas measurements recorded, the GIR suggests a CS1 scenario is present. However, the report also recognises that gas monitoring was sub-optimal as none of the visits occurred at a time of low and falling pressure. Due to high water levels and cohesive soils, the report considers further monitoring as being necessary.

The report concludes that the risk to controlled waters is considered to be low. However, a preliminary screening of risk was undertaken on topsoil using the 2:1 or 10:1 liquid/ solid leaching stage undertaken for WAC testing. Leachable inorganic components, total dissolved organic carbon and phenol were compared with screening values for surface water (primarily freshwater EQS) or drinking water standards (in the absence of EQS). It is stated that marginal exceedances of leachable copper and chromium were recorded, although not within the boundaries of the current planning application. The report concludes that no risk is anticipated to controlled waters from leaching.

The report also concludes that the ground investigation has allowed confirmation that the IAMP ONE site is greenfield. The proposed commercial use is relatively insensitive to contamination and therefore it is unlikely that contamination will be a significant constraint; however, if visual or olfactory evidence of contamination is encountered, ground works should be made safe and stopped pending further investigation, risk assessment, remediation works and verification.

No gas protection is indicated based on the high water table and cohesive natural Pelaw Clay found at shallow depth which mitigates the generation, storage and migration of hazardous gases. The CS1 position should; however, be reviewed subsequent to a fuller investigation of the risk of shallow mining for each new building and possible creation of preferential pathways for mine gas.

The report states a previous study by Mott MacDonald suggests that no radon protection is required; however, AECOM were not commissioned to update that assessment.

Following a review of the submitted reports, the following comments are provided:

The report references (and summarises) a series of supporting documents, including desk studies, which have not been provided for review. The documents referenced are however, noted to date as far back as 2014.

The report provided also considers a significantly larger area of land than that covered by the current planning application. It is also noted that the report provided includes a series of masterplan drawings which show a different land use within the planning application boundary than that currently proposed (electricity substations).

It is noted that the intrusive investigation undertaken to date within the current planning application boundary is limited, comprising only a small number of boreholes and a single trial pit. In addition, only two soil samples from within the site boundaries have been subject to contamination testing. No ground gas monitoring appears to have been undertaken within the site boundaries.

Based on the above, it is considered that the current application would benefit from the preparation of a desk study specific to the planning application boundary and the development proposed with the intention of developing an accurate conceptual site model. The desk study should also consider the scope and extent of the intrusive investigations, chemical testing and ground gas monitoring undertaken to date and determine whether further investigations are required to support the proposed development. Whilst the scope of any future investigation would be determined by the desk study, it is expected (as a minimum) that a programme of ground gas monitoring would be required to confirm the level of risk present at the site and the requirement (or otherwise) for ground gas protection measures in proposed buildings.

### **Coal Mining**

A Coal Mining Report was obtained in October 2022. The report found 5 seams of coal at 380m to 550m depth and was last worked in 1972. Any movement as a result of this should have stopped by now. The Site is not within an area where the Coal Authority has received an application to work coal by underground methods. No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence. No other risks in terms of coal were identified. The report identifies that no further action is required.

On the basis of the report submitted, it is considered that Conditions in line with the submitted Phase 1 desk study report. The proposed development is considered to comply with both National and Local Planning Policy HS3 of the adopted Core Strategy and Development Plan.

### **Air Quality**

Policy HS2 Noise-sensitive development

Development sensitive to noise or which would result in noise impacts (including vibration) will be controlled by implementing the following measures: 1. noise sensitive development will be directed to the most appropriate locations and protected against existing and proposed sources of noise through careful design, layout and uses of materials; 2. noise-sensitive development affected by existing sources of noise should submit an appropriate noise assessment and where necessary, a detailed schedule of mitigation. In assessing such mitigation, account will be taken of: i. the location, design and layout of the proposed development; and ii. measures to reduce noise within the development to acceptable levels, including external areas. 3. In areas of existing low levels of noise, proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

An Air Quality Appraisal Technical Note was carried out by WSP in October 2022.

A qualitative assessment of the likely dust impact of the construction activities at nearby sensitive receptors has been conducted in line with the IAQM Guidance on the Assessment of Dust from Demolition and Construction. The assessment has concluded that there is a 'Low' risk of dust soiling and human health effects associated with earthworks, construction and trackout.

Suitable dust and emission control measures should be applied to ensure that no adverse effects occur. The measures highly recommended by the IAQM for a 'low risk' Site are listed in appraisal. These measures are expected to reduce the dust impact to a negligible level.

The impacts of the Proposed Development on local air quality are expected to be negligible. Considering the existing low background pollutant concentrations in the area and the anticipated impact on road traffic, the future air quality concentrations are expected to remain well below the AQOs. A detailed assessment of the road traffic impacts expected from the operational phase of the Proposed Development is not proposed since traffic flows are expected to be below the threshold reported by the IAQM.

### **Noise Assessment**

The Noise Impact assessment reference EEN/477/NOTE2022 refers.

The assessment has considered the design parameters of the two substations, the Supergrid transformers and the emergency transformer cooling plant. Circuit breakers and switchgear have been included in the assessment. Other auxiliary equipment has been identified but scoped out of the assessment due to the character and low level of noise that would be emitted.

Planning policy and noise guidance has been followed as part of the assessment together with the requirements of British Standard 4142:2014 +A1:2019 – Methods for rating and assessing industrial and commercial sound. The assessment criteria recognise the potential tonal and impulsive characteristics of the proposed plant and equipment as identified above.

The methodology adopted as part of the assessment is considered to be appropriate for the proposed development.

Noise measurements were undertaken at the closest sensitive receptor between 19 August and 2 September 2022. Additional short term night-time measurements were also undertaken. The collected data enables the identification of noise levels (background and ambient) existing in the assessment area, and background values are presented in Table 6.

A typical night time background LA90 value of 33dB was considered appropriate for the purposes of the overall assessment. **This is accepted.**

The expected noise levels (sound power values) were obtained from National Grid specifications and utilised in a computational noise model CadnaA; noise contours were mapped (Figures 9 and 10).

The proposed development in terms of air quality and noise is considered acceptable in principle and complies with policy HS1 and HS3 of the Core Strategy and Development Plan.

### **Heritage Impacts**

Policy BH8 Heritage assets:

1. Development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.
2. Development affecting a listed building, including alterations and additions should: i. conserve and enhance its significance in regards to the protection, repair and restoration of its historic

fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness; and ii. be sympathetic and complimentary to its height, massing, alignment, proportions, form, architectural style, building materials, and its setting.

3. The demolition of and/or substantial harm to listed buildings will only be considered in exceptional circumstances and with clear and convincing justification.

4. To preserve or enhance the significance of conservation areas, including their diverse and distinctive character, appearance and their setting, development:

- i. should be in accordance with the objectives and proposals of the adopted Character Appraisal and Management Strategy (CAMS) for the relevant conservation area;
- ii. should make a positive contribution to the character and distinctiveness of the conservation area;
- iii. should support proposals for the conversion and adaptive re-use of vacant and underused buildings and heritage/townscape value in a sensitive manner; and
- iv. within and adjacent to conservation areas should be of high design quality, to respect and enhance the established historic townscape and built form, street plan and settings of conservation areas and important views and vistas into, within and out of the areas.

5. The demolition or unsympathetic alteration of buildings which make a positive contribution to a conservation area will only be acceptable in exceptional circumstances and must be robustly justified.

6. Development of open spaces and the loss of any trees that contribute to the essential character of conservation areas and the settings of individual buildings within them will be resisted unless there are clear heritage or environmental benefits that outweigh the loss.

7. Development within or adjacent to the Registered Historic Parks and Gardens and unregistered Parks and Gardens that are considered by the council to be of historic interest, will be required to protect and enhance their designed landscape character and setting and their natural and built features of historic, architectural and artistic importance.

8. Development affecting non-designated heritage assets should take account of their significance, features and setting.

9. In considering proposals affecting heritage assets identified as being at risk the council will support their conversion and adaptation where this secures their sympathetic repair, reuse in appropriate uses and sustains their significance into the future.

The proposed sub-station for the Gigafactory site has some potential for an indirect impact on views of Penshaw Monument, a grade I Listed Building and major regional landmark, that is located some 5km south of the application site. However, as a result of the distance between the site and the Monument, the extent of intervening major developments directly south of the site along International Drive including the substantial Gigafactory being constructed, the site makes negligible contribution to the setting of the grade I listed building. In the context of wider and more important views of the Monument from the north, glimpsed views of it from within and across the application site from Downhill Hill are significantly compromised by the surrounding industrial context of the Nissan and emerging IAMP complexes and the distraction of wind turbines.

The sole Tyne and Wear Historic Environment record (TWHHER) within the site is the RAF Usworth Decontamination Unit.

The site is recorded as having been part of Unsworth Moor. Historic mapping shows the Site as enclosed agricultural fields. Ridge and furrow marks are visible using a microtopography mapping technique in the north of the western Site parcel. Ridge and furrow was also identified on a northwest-southeast alignment through Geophysical surveys carried out with the IAMP Phase One Environmental Statement.

As part of the IAMP ONE research, two trial trenches observed furrows indicating postmedieval ploughing. No further archaeological features were observed. There is low potential for archaeological remains for all other periods. If remains of earlier periods are present, these have the potential to represent discrete and scattered survivals of very limited significance.

It is concluded that any adverse effect of the Proposed Development on archaeological remains would be very limited.

The overall impact of the proposed development on the setting of Penshaw Monument, and the contribution its setting makes to its significance, is therefore considered to be negligible and no harm will be caused to the significance of the listed building and as such the proposed development is considered to broadly comply with policy BH8 of the adopted Core Strategy and Development Plan.

### **Flood Risk**

Policy IN2: Flood Risk and Drainage A. A new bridge will be required over the River Don, the design of which must demonstrate that there will be no net loss in floodplain storage capacity nor an increase in maximum flood levels within adjoining properties as a consequence of the proposed works. B. Opportunities offered by new development to reduce the causes and impacts of flooding will be encouraged. To address drainage and flood risk, development proposals must therefore be accompanied by: i. a detailed Flood Risk Assessment (FRA) and Water Framework Directive Assessment. ii. a surface water drainage strategy which complies with national design standards and local policy. The scheme promoter will be required to provide Sustainable Drainage Systems (SuDs) capable of ensuring that run-off from the site (post-development) does not exceed corresponding greenfield rates, minimises pollution, provides multifunctional benefits to wildlife, landscape and water quality and is effectively managed with clear ownership in place. iii. evidence that sufficient capacity, both on and off-site, in the foul sewer network to support development exists. Where there is insufficient capacity, plans for the sewer upgrades must be delivered prior to the occupation of development within the IAMP.

Policy WWE3 Water management Development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact. Development must:

1. be accompanied by a Flood Risk Assessment (where appropriate), to demonstrate that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere and where possible will reduce flood risk overall;
2. demonstrate that they pass the Sequential Test and if necessary the Exceptions Test in Flood Zones 2 and 3;
3. discharge at greenfield run-off rates for the 1 in 1 and 1 in 100 flood events plus the relevant climate change allowance for greenfield and brownfield sites in accordance with the latest Local Flood Risk Management Strategy;

4. incorporate a Sustainable Drainage System (SuDS) to manage surface water drainage. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance;
5. separate, minimise and control surface water run-off by discharging in the following order: i. to an infiltration or soak away system; ii. to a watercourse (open or closed); iii. to a surface water sewer. However, if sites are within 250m of a tidal estuary or the sea, surface water can be discharged directly);
6. ensure adequate protection where sites may be susceptible to over land flood flows (as shown in the Strategic Flood Risk Assessment) or lie within a Surface Water Risk Area (as shown on the Environment Agency flood maps);
7. incorporate allowance for climate change in accordance with the latest Environment Agency Guidance;
8. make developer contributions, where needed, to ensure that the drainage infrastructure can cope with the capacity needed to support proposed new development;
9. demonstrate control of the quality of surface water run-off during construction and for the lifetime of the development. For all developments the management of water should be an intrinsic part of the overall development; and
10. not have a detrimental impact on the city's water resources, including the Magnesian Limestone aquifer and its ground source protection zones. Development along the River Wear and coast should take account of the Northumbria River Basin Management Plan, to deliver continuing improvements in water quality.

A revised Flood Risk Assessment has been submitted as part of the application process.

The EA's Flood Map for Planning shows that the majority of the Site is located in Flood Zone 1 (low risk of flooding). The northern substation (66kV) is entirely in Flood Zone 1. The southern substation (275kV) is mostly in Flood Zone 1 with a small area in Flood Zones 2 and 3 (medium and high risk of flooding).

The EA's Surface Water Flood Risk Mapping shows that the Site is entirely within an area of the very low risk. Groundwater flooding is not considered to be a significant risk.

Sufficient evidence to demonstrate that the Sequential Test has been passed has been provided, and a sequential approach has been applied. In accordance with the guidance in the Framework, the development proposals are appropriate for the flood zone classifications, and where necessary the Exception Test has been passed.

The Site will remain entirely dry during the design fluvial flood event (1% AEP plus 50% climate change) but part of the southern substation would be at risk of flooding.

The fluvial flood risk in this area of the Site will be managed by raising ground levels and/or flood sensitive assets to a minimum FFL of 36.25mAOD (design flood level of 1% AEP plus 50% climate change of 35.62mAOD plus 0.6m freeboard).

It is concluded that the Site, with flood risk management measures in place, would not be subject to an unacceptable level of flood risk, nor would it increase flood risk elsewhere. It would not result in any loss of functional floodplain storage or impede water flows.

The operational development would be resilient to climate change allowances that are considered feasible over the development's lifetime, and therefore the identification of future adaptation measures is not considered to be necessary.

## **Drainage Strategy**

A Drainage Strategy was produced by OMNIA projects in October 2022 and additional information has been requested and submitted to the LLFA for consideration. The revised information has been assessed and is considered acceptable subject to a compliance condition.

The drainage design for the Proposed Development has been based on the findings from the SYSTRA Flood Risk Assessment for the wider IAMP ONE development which has an agreed Qbar of 3.31/s /HA.

The drainage storage / attenuation capacity provided by the type 3 aggregates used to construct the substation platform is in excess of the worst case design shown in the Wallingford tools calculation of the report.

For the 66 kV Substation site the type 3 aggregate would give a volume of attenuation more than 1,800m<sup>3</sup> in comparison to the design value of 1,685m<sup>3</sup>.

For the 275 kV Substation site the type 3 aggregate would give an available volume of attenuation more than 10,000m<sup>3</sup> in comparison to the design value of 3,256m<sup>3</sup>.

Given that the Wallingford calculation is based on 2.0 l/s rather than the agreed value. of 3.3 l/s then we would conclude that both of the Substation sites are well within a designed solution for the drainage to comply with the agreed SYSTRA report requirements.

Conclusion the revised Flood Risk Assessment and additional information have been submitted and are considered acceptable subject a compliance condition. The proposed development is therefore considered to comply with both National and Local Planning policies.

## **Amenity and Visual Impact/Landscaping**

The proposed infrastructure is considered to have minimal impact on the surrounding area, due to its scale, layout and massing in comparison to the neighbouring units. The Giga Factory has a maximum height of 30m, the proposed substation are less than 5 meters in height. The proposed infrastructure ranges from 6m in height to approximately 13m which is considered within the tolerance of the building heights which have been assessed up to 30m in height for IAMP One.

In respect of amenity there is only North Moor Farm left standing, this is now in IAMP LLP ownership and is due for demolition next year.

In respect of landscaping, it is recommended that a soft and hard landscaping scheme be submitted for approval to ensure there is a level of screening provided in plot for the proposed development.

On balance the proposed infrastructure and buildings are not considered to have any significant adverse impacts on the area and the development is considered necessary and relevant to support the neighbouring businesses in terms of ongoing power.

## **Transport**

Policy T1: Highway Infrastructure



A. The comprehensive development of the IAMP requires the following highway improvements to be delivered:

- i. upgrading of the A1290 to increase capacity;
- ii. a new vehicular bridge over the A19 to connect the IAMP with the local road network to the east;
- iii. a new bridge over the River Don to allow access to the Northern Employment Area; and
- iv. new distributor roads within the IAMP to accommodate the movement of all users.

B. Development proposals must be accompanied by a Transport Assessment to:

- i. assess which specific highways improvements are necessary to ensure the acceptability of the proposals in planning terms and to ensure comprehensive development of the IAMP; and
- ii. demonstrate how, within the area shown on the Policies Map as “A19 and Local Road Improvements”, the development will provide suitable and safe connection to, and integration with, Highways England’s proposed improvements to the Downhill Lane and Testos junctions on the A19.

C. Development proposals must:

- i. be supported by the submission of a Travel Plan designed to ensure that the development is acceptable in transport sustainability and accessibility terms; and
- ii. be implemented in accordance with the Travel Plan as approved.

D. Consent will not be granted for development that:

- i. adversely affects the safe and efficient operation of the local or strategic highway networks; or
- ii. compromises the delivery of the highway improvements set out in criterion A; or
- iii. prejudices the comprehensive development and delivery of the IAMP as a whole.

ST3 Development and transport Development should:

1. provide safe and convenient access for all road users, in a way which would not:
  - i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; or
  - ii. exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users;
2. incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network

A Transport Statement was carried out by OMNIA projects in September 2022.

The IAMP site (in which the Proposed Development lies) will be served by existing public transport measures and range of measures to enhance connections as part of the wider scheme.

Parking to the substations will provided in accordance with the local highway authority guidance.

A Framework Travel Plan has been approved for IAMP ONE, which is also applicable to the Proposed Development. Sustainable modes of transport will be encouraged where viable.

No additional traffic would be generated above those previously considered and assessed for IAMP ONE. Therefore, with the previously identified mitigation measures the Proposed Development can be accommodated on the road network without severe impacts on operations or safety.

#### Conclusion on transportation matters

The Local Highway Authority has reviewed the submitted Transport statement and has concluded as follows:-

Access to both substations is provided from existing entrances located on International Drive. Traffic generation is not considered to be significant and falls within the parameters of the traffic modelling undertaken and agreed for IAMP ONE. Parking and servicing will all be accommodated within the site boundary.

An outline Construction Traffic Management Plan will be required to agree any construction activities which may impact on the operation of the highway network. This could be secured by a suitably worded planning condition.

The proposal in terms of highway implication is considered acceptable and complies with the policy set out in the Adopted Area Action Plan policy T1 and policy ST3 of the adopted Core Strategy and Development Plan.

### **Ecology**

#### Policy EN2: Ecology

A. To protect and enhance biodiversity, development must:

- i. avoid, minimise and mitigate or compensate any adverse impacts on biodiversity and provide net gains where possible;
- ii. maintain and enhance the River Don as a functional wildlife corridor, through improvements to its water quality and geomorphology, and through the implementation of an ecological buffer along the River Don corridor and around Local Wildlife Sites (with the exception of the new bridge crossing);
- iii. design swales and Sustainable Drainage Systems (SuDS) to take account of additional wildlife benefits;
- iv. restrict or minimise public access to areas of ecological sensitivity;
- v. create ecological links between retained and new habitat areas within and beyond the IAMP AAP area; and
- vi. secure through requirements in a DCO or planning conditions and/or planning obligations, provision for the maintenance and monitoring of appropriate mitigation and or compensation measures.

B. To support proposed development an Ecological Impact Assessment must be included as part of the Environmental Impact Assessment. This is required to ensure potential impacts are prevented or mitigated and/or compensated where mitigation is not feasible. Ecological mitigation measures must be designed in conjunction with landscape and drainage specialists (where applicable), to maximise the ecological value of landscape planting and drainage features. Proposals must include an appropriate long-term Management and Maintenance Plan that will ensure longterm ecological value is maintained.

C. The designated Ecological and Landscape Mitigation Area, as shown on the Policies Map, will provide the focus for necessary ecological mitigation and compensation measures.

A Biodiversity Appraisal was carried out by WSP in October 2022 and subsequent ecological information has been submitted to support the proposal in order to gain a compliant scheme.

The proposed development is within 10km of the Site, two European designated sites are present. One SSSI and two LNR's are present within a 2km buffer, the closest of which is 0.9km to the south. The development is also within 2km, 14 non-statutory designated sites were located, with the closest being Usworth Burn proposed LWS 0.17km to the north.

Due to the limited scale and nature and the distance between the designated sites, the Proposed Development is unlikely to have adverse impact on the designated sites.

Some habitats and notable species were identified nearby and on the Site, including badgers, birds, reptiles and bats, however the effects of the proposal are appraised as having low constraint potential and low predicted magnitude of impact on all of these species. The effects of the Proposed Development were found to have negligible constraint potential and magnitude of impact for otters and water voles.

Other notable species that have been anecdotally recorded within the Site include brown hares, however the impact of the development is recorded as low. The common toad, brown hare, hedgehog and harvest mouse may be present within surrounding habitats, however there is a low risk of impact when mitigation is considered.

Two habitats of notable nature conservation value were identified within the Site, hedgerows and scrub. The hedgerows fulfil the JNCC UK BAP priority habitat classification as a habitat of principle importance. However, the Proposed Development does not plan to remove them, therefore the constraint potential and magnitude of impact is negligible. A small area of scrub will be affected by the proposal but the impact of this is also concluded to be low.

Recommended working practices are outlined to ensure the risk of any potential adverse effects on sensitive ecological receptors are avoided.

The additional ecology information submitted is listed below which has been submitted in support of the application.

- Updated Ecological Impact Assessment (WSP, 31/08/2023)
- Biodiversity Net Gain Report (DWS, September 2023)
- Biodiversity Net Gain Assessment (WSP, 05/04/2023)
- Completed Biodiversity Metric 3.1 calculation tool showing proposed offsite compensation (dated 01/12/2022 [assumed to be date originally completed], originally completed by WSP and updated for offsite areas by DWS)

#### Adverse Ecological Effects

Following the ecologist initial assessment of the scheme the above additional information has been submitted in order for a full and robust assessment of the application to be made.

The Ecological Impact Assessment (EclA) has now been updated with farmland birds scoped into the assessment. This assessment presents a baseline for notable breeding birds based on

surveys undertaken for the adjacent IAMP 2 application, which included the application area for the present application.

This assessment indicates that due to the nature of the farmland bird assemblage associated with the application area, which is predominantly associated with boundary features that will be either protected or largely replaced as part of the proposals, and due to the availability of alternative grassland habitats in the immediate vicinity, the impacts to farmland birds is not likely to be significant. Based on the information presented I am broadly satisfied with this conclusion.

The EclA also indicates that other species groups will not be significantly harmed. The above conclusions rely on several 'embedded environmental measures', which will need to be secured in order to make the proposed development acceptable in planning terms. Conditions have been suggested below for this purpose.

Ecological Enhancement inc. Biodiversity Net Gain  
Policy NE2 Biodiversity and geodiversity

1. Where appropriate, development must demonstrate how it will:

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

2. Development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where there are:

- i. no suitable alternatives;
- ii. imperative reasons of overriding public interest;
- iii. necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European sites is protected; and
- iv. development will only be permitted where the council is satisfied that any necessary mitigation is included such that, in combination with other development, there will be no significant effects on the integrity of European Nature Conservation Sites.

3. Development that would adversely affect a Site of Special Scientific Interest, either directly or indirectly, will be required to demonstrate that the reasons for the development, including the lack of an alternative solution, clearly outweigh the nature conservation value of the site and the national policy to safeguard the national network of such sites.

4. Development that would adversely affect a Local Wildlife Site or Local Geological Site, either directly or indirectly, will demonstrate that:

- i. there are no reasonable alternatives; and
- ii. the case for development clearly outweighs the need to safeguard the intrinsic value of the site.

5. Development that would adversely affect the ecological, recreational and/or educational value of a Local Nature Reserve that will demonstrate:

- i. that there are no reasonable alternatives; and
- ii. the case for development clearly outweighs the need to safeguard the ecological, recreational and/or educational value of the site.

6. Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor

The latest submitted version of the metric calculation tool includes the specific offsite areas referred to in the DWS Biodiversity Net Gain Report and is consistent with the information contained therein. The information for the onsite areas contained within the calculation tool is also consistent with the information within the WSP Biodiversity Net Gain Assessment. The calculation tool confirms that the proposals, including proposed offsite compensation, can achieve 15.79% net gain in habitat units and 16.63% net gain in hedgerow units while satisfying the trading rules.

The Council's ecologist has reviewed the submitted information and is satisfied that the proposals are capable of providing a biodiversity net gain. However, conditions will be required to secure details of the establishment, maintenance and monitoring of onsite and offsite habitats. Separate conditions for onsite and offsite areas are suggested below, which will allow the details to be provided separately by or on behalf of the applicant and offset provider. Further discussions have taken place with the applicant and the off site mitigation works is going to be secure through a section 106 agreement to ensure the proposed mitigation is delivered in timely and efficient manner and to ensure compliance with both National and Local Planning Policy.

#### Planning Obligations

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

Policy Del1 of the Adopted Area Action further explains :

#### Phasing and Implementation

A.A Phasing Strategy must be submitted with any application for proposed development.

B. The Phasing Strategy must demonstrate how the comprehensive and integrated infrastructure, services and facilities that will make the scheme acceptable in planning terms will be delivered.

C. A Mitigation Strategy and a Management Strategy must be submitted with any application and each should address the following key topics: Landscape and Open Space; Ecology; Drainage; and Sustainable Transport.

D. The Phasing Strategy must demonstrate how the strategic infrastructure required for the IAMP, as identified in the Infrastructure Delivery Plan, will be delivered.

E. The approved Phasing Strategy, Mitigation Strategy and Management Strategy must be secured by DCO requirement or planning obligations

#### Policy Del2: Securing Mitigation

A. Mitigation required as a result of the IAMP will be secured through articles and requirements within a DCO and/or by planning obligations as appropriate.

B. Mitigation required as a result of other proposals will be secured through articles and requirements within a DCO, planning conditions or planning obligations as appropriate  
C. Where necessary, to make development of the IAMP acceptable in planning terms, developer contributions (in the form of planning obligations) will be sought to mitigate the impact of the IAMP. In seeking any such contributions, regard will be had to scheme viability and other material considerations.

As set above in the ecology section of the report , a section 106 will be entered into for the delivery of the offsite mitigation, there is no financial obligation in this respect all mitigation is proposed off site at Rainton Meadows and will be secure in line with the ecological report and subsequent plan developed by the Council's ecologist to ensure the mitigation is delivered in the appropriate places as the per the recommendations set out in the report for offsite mitigation.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

consideration has been given to the need to:

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

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

### **Conclusion**

On planning balance, the proposed microgrid is considered an acceptable addition to the comprehensive development at IAMP one, the microgrid is fundamental element in securing power supply for the existing and future developments on the IAMP site. Its therefore recommended that members are minded to grant to consent under Regulation 4 of the Town and Country General Regulations Order 1992 (as amended) subject to the draft conditions set out below and the signing of Section a 106 agreement in respect of offsite mitigation.

**RECOMMENDATION:** It is recommended that Members be minded to Grant Consent under the Town and Country General Regulations Order 1992 (as amended), subject to the draft conditions set out in the report and the satisfactory completion of a section 106 agreement to secure the offsite mitigation for the proposed development.

### **Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

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

PDD\_101152\_LAY003\_1\_ - PROPOSED BUILDING ELEVATIONS received 22nd October 2022  
PDD\_101152\_LAY003\_1\_A - 275kV Control Building received 22nd October 2022  
PDD\_101152\_LAY005\_1\_B 66KV PROPOSED 66KV CONTROL BUILDING ELEVATION.  
received 22nd October 2022  
PDD101152-LAY001-P4 275KV - 275KV LAYOUT received 22nd October 2022  
PDD101152-LAY002-S1-P3 -275KV ELEVATIONS A-A received 22nd October 2022  
PDD101152-LAY002-S2-P4 - 275KV ELEVATIONS B-B received 22nd October 2022  
PDD101152-LAY002-S3-P4 - 275KV ELEVATIONS C-C AND D-D received 22nd October 2022  
PDD101152-LAY002-S4-P3 - 275KV ELEVATIONS E-E AND F-F received 22nd October 2022  
PDD101152-LAY004-P7 - 66KV PROPOSED LAYOUT received 22nd October 2022  
PDD101152-LAY006-P4 - 66KV ELEVATIONS 66KV ELEVATIONS received 22nd October 2022  
PDD101152-PLA002-P3 - SITE LAYOUT received 22nd October 2022  
PDD101152-PLA001-P7 - SITE LOCATION PLAN received 22nd October 2022  
Landscape and Visual Assessment - received 22nd October 2022  
Design and Access Statement - received 22nd October 2022  
ECIA Version 2 received 4th September 2023

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

3 The development shall be carried out in accordance with the submitted flood risk assessments IAMP 275 SUBSTATION SURFACE WATER STRATEGY Rev P02 received 5th July 2023 and FLOOD RISK ASSESSMENT IAMP 66 SUBSTATION Rev 02 -received 5th July 2023

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed bridge and to reduce the risk of flooding to the proposed development and future occupants

4 Any site operations and activities associated with the periods for construction (excluding deliveries) shall only be carried out between 0700 hours and 18:00 hours on Mondays to Fridays and only between 0800 hours and 1700 hours on Saturdays, with no construction related operations and activities taking place on Sundays, Bank Holidays or Public Holidays. Except in emergencies and where agreed in advance with the LPA Reason: To safeguard the amenities of nearby residents in accordance with the NPPF, Policy EN4 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plans

5 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and other air pollutants and site lighting. The plan should include, but

- o Identification and location of sensitive receptors
- o Working times including deliveries and waste collections
- o Utilisation of guidance in BS5228
- o Specific dust management plan including measures in para 6.6.4
- o Highway cleansing
- o HGV routing, queue control and engine idling
- o No waste or vegetation burning
- o Complaints management system
- o Protection of watercourse and ecological receptors
- o Clarification of methodology and controls where any piling is required

Reason: To safeguard the amenities of nearby residents and to reduce the impact on the nearby residential properties in accordance with the NPPF, Policies EN4 and T1 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plan and in the interest of maintaining Strategic Road Network Operations and Safety.



6 10 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with Highways England. Thereafter development shall take place in accordance with the approved details.

- o Routing of movements including details of any abnormal loads;
- o Contractor parking and site compound arrangements;
- o Measures to prevent debris being displaced onto the highway;
- o Details of any temporary highway / rights of way closures and alternative routes;
- o Temporary traffic management and site access control measures; and
- o Site security and contract details.

Reason: In the interest of maintaining the Strategic Road Network operation and safety and to avoid nuisance to the occupiers of adjacent properties during the construction phases and in the interests of highway safety, in accordance with the NPPF, Policies T1 and EN1 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plan ,

7 The development shall be carried out in accordance with the submitted Noise Impact Assessment dated 13th October 2022

The measures detailed in the report shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure a satisfactory form of development and comply with policy HS1.

8 The development shall be carried out in accordance with the submitted in The Air Quality Assessment dated 13th October 2022

The measures detailed in the report shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure a satisfactory form of development and comply with policy HS1.

9 No excavation or movement of soil should take place within the site until a Soil Handling Strategy has been submitted to and approved in writing by the Local Planning Authority details of the volume of soil to be moved and whether the soil will be stored on-site or transported off-site. Thereafter, development should take place in accordance with the approved details.

Reason: To ensure an appropriate form of development, in accordance with the NPPF.

10 Development, other than demolition, shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;

- ii an assessment of the potential risks to:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

11 Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

12 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

13 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. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

14 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The measures contained within the CEMP (Biodiversity) shall be in general conformity with those measures set out in Table 5.1 of the Ecological Impact Assessment by WSP dated August 2023 (Doc Ref. NG\_IAMP\_EcIA\_050423). The CEMP shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Adopted Area Action plan policies EN2 and EN3 and EN1, EN2 and EN3 of the IAMP AAP

15 An Onsite Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority within 6 months of this permission. The content of the HMMP shall include the following.

- a. Description and evaluation of the habitats to be created and managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management, including reference to target conditions and timescales for these.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details and habitats shall be actively maintained for a period of not less than 30 years.

REASON: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Adopted Area Action plan policies EN2 and EN3 and EN1, EN2 and EN3 of the IAMP AAP

16 An Offsite Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the HMMP shall include the following.

- a. Description and evaluation of the habitats to be created and managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management, including reference to target conditions and timescales for these.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- g. Details of the body or organisation responsible for implementation of the plan.

h. Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details and habitats shall be actively maintained for a period of not less than 30 years.

REASON: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Adopted Area Action plan policies EN2 and EN3 and EN1, EN2 and EN3 of the IAMP AAP

17 Prior to occupation no soft landscaping works shall commence in the plot until full details of the soft landscaping, which includes links to the most recent BNG assessment have been submitted to and approved in writing by the Local Planning Authority for this area.

This will consist of a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with a timetable of works that is submitted to and approved in writing by the Local Planning Authority within 12 months of the commencement of development within the Public Realm Area. Thereafter the approved details shall be implemented in accordance with the approved details. Within the Development Plot and Public Realm Areas, any new planting within a period of 5 years from the date of completion of that planting that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Thereafter the planting shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity, in accordance with the NPPF and Policies EN1, EN2 and EN3 of the IAMP AAP.

18 No hard landscaping works (excluding base course for access roads and car parking areas) shall commence until full details of proposed hard landscaping, which includes links to the most recent BNG assessment has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter, the scheme shall be implemented in accordance with the approved details and shall be completed to the satisfaction of the Local Planning Authority within a period of 24 months from first occupation / use of the building.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity, in accordance with the NPPF and Policy D2 of the IAMP AAP.

19 Within the development plots 5 and 6 , any new planting within a period of 5 years from the date of completion of that planting that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Thereafter the planting shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity, in accordance with the NPPF and Policies EN1, EN2 and EN3 of the IAMP AAP.

20 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the 2.,4m boundary fence 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 BH1 of the Core Strategy and Development Plan.

**Proposal:** Demolition of existing warehouse and construction of seven units for general industrial, storage and distribution or light industrial (Use Classes B2, B8 and E(g)(ii)), provision of electric vehicle charging station (sui generis), construction of drive through coffee shop (Use Class E(a)); including associated access (including modifications to the access onto Robinson Terrace and provision of internal roadway), parking and turning spaces, landscaping and 3 metre boundary wall towards the east / south east of the site

**Location:** Former Littlewoods Home Shopping Group, Commercial Road, Sunderland

**Ward:** Hendon

**Applicant:** Building Design (Northern) Ltd

**Date Valid:** 26 July 2023

**Target Date:** 25 October 2023

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### **PROPOSAL:**

The application seeks full planning permission for

*Demolition of existing warehouse and construction of seven units for general industrial, storage and distribution or light industrial (Use Classes B2, B8 and E(g)(ii)), provision of electric vehicle charging station (sui generis), construction of drive through coffee shop (Use Class E(a)); including associated access (including modifications to the access onto Robinson Terrace and provision of internal roadway), parking and turning spaces, landscaping and 3 metre boundary wall towards the east / south east of the site*

at

Former Littlewoods Home Shopping Group, Commercial Road, Sunderland

The site lies within Hendon, to the south east of the city centre.

The surrounding land uses include a recycling facility to the north, a railway line to the east and offices to the south. The surrounding land uses also include a road, car park and leisure centre to the west.

The submitted Design and Access Statement says that the site was used for allotment gardens and recreation purposes until the mid 20 Century, with a clothing warehouse constructed in the mid 20 Century and other industrial / warehouse uses taking place for the following 20-30 years. The Statement further says that the buildings were demolished in the mid 2010s and that the site has subsequently been left vacant.

The site itself has an “L” shaped plan form, covering around 3.9 hectares. The site includes a small area of grassland and trees to the front, with the balance generally being either hardstanding and / or earth covered with short grassland. The site also includes a detached building to the rear.

The initial part of the proposed development would be the demolition of the building to the rear of the site. The detached building lies to the back of the site and has been constructed from metal cladding (except for one of the brick gable ends). The proposed site plan says that the

area would be *made good*.

The proposed development would provide seven units for general industrial, storage and distribution or light industrial uses (Use Classes B2, B8 and E(g)(iii)). The buildings would be towards the south and middle of the site and would have total floorspace of 8,549 square metres. The buildings would have a maximum height of around 9.5 metres and be constructed from metal cladding with facing brickwork for some of the units. There would also be landscaping and parking / turning spaces.

The proposed development would also provide a separate area to be used as a charging station for electric vehicles (*sui generis*). The charging station would be located towards the middle of the site, provide around 18 parking spaces and include associated equipment / plant (such as canopies and a substation).

The proposed development would further provide a drive-thru coffee shop (Use Class E(a)). The coffee shop would be located towards the north of site, have a footprint of around 165 square metres and be constructed from timber cladding and render. There would also be landscaping and parking / turning spaces.

The proposed development would, more generally, be served by modified pedestrian and vehicular accesses from the north and south (Robinson Terrace and Promenade).

The existing boundary treatment to the east and south would be retained (3.5 - 4 metres and 2.5 metres in height respectively). The front of the site facing west would include the retention of the existing boundary treatment (up to 0.9 metres) and the removal of a palisade fence with a brick wall to match the existing levels (up to 0.9 metres).

## **Relevant Planning History**

### 15/01704/LP3

Partial demolition of commercial building with rearmost section modified and retained.

The above planning permission can be given significant weight by the decision taker, given that the demolition works have been undertaken.

### 17/02418/HY3

Hybrid Planning Application Comprising of: Full planning permission for the erection of 5728 sq metres of B2/B8 and ancillary B1 over two development plots (Plot1 1859 Sq Mtrs) and (Plot 2 3869 Sq Mtrs) with associated access, car parking, landscaping and drainage. Outline planning permission for up to 0.309 ha's of B2/B8 and ancillary B1 (Plot 3), all other matters reserved. (as amended)

The above planning permission can only be given moderate weight by the decision taker, given that the decision took place before the adoption of the Core Strategy.

### 18/01953/FU4

Construction of builders merchants with ancillary trade counter and outdoor storage (including modifications to access, parking and turning space, landscaping and boundary fence to west)

The above planning permission should only be given very limited weight by the decision taker, given that the approval has now expired.



**TYPE OF PUBLICITY:**

Neighbour notifications (34 properties): 1 August 23.

Press notice (Sunderland Echo): 8 August 23.

Site notices (Commercial Rd, Robinson Terrace and Promenade): 7 August 23.

**CONSULTEES:**

Northumbrian Water

Natural Heritage

Planning Policy

Network Management

Planning And Highways

Planning Policy

Natural Heritage

Cllr Lynda Scanlan

Cllr Michael Mordey

Cllr Ciaran Morrissey

Tyne And Wear Archaeology Officer

Natural Heritage

Environmental Health

Land Contamination

Flood And Coastal Group Engineer

NE Ambulance Service NHS Trust

Northumbria Police

Chief Fire Officer

Active Travel England

Environment Agency

National Highways

Natural England

Network Rail

Network Management

Land At Commercial Road Sunderland SR2 8QR

SITA South Tyne And Wear Limited Waste Transfer Station Rear Of Jack Crawford House

Commercial Road Sunderland SR2 8PE

City Of Sunderland Jack Crawford House Commercial Road Sunderland SR2 8QR

Ward Brothers (Steel) Limited Robinson Terrace Hendon Sunderland SR2 8DH

Trade Parts North East Unit B The Parade Hendon Sunderland

Cartec Unit C The Parade Hendon Sunderland

Hydro Monkeys Limited Unit D The Parade Hendon Sunderland

Trade Parts Unit A The Parade Hendon Sunderland

Churchills Removals Storage 1 The Parade Hendon Sunderland

Scrap Yard Robinson Terrace Hendon Sunderland SR2 8DH

Former Innerglass Ltd Commercial Road Sunderland SR2 8NP

Workshop J Lamb Unit I The Parade Hendon Sunderland

Workshop J & S (Site Services) Ltd Unit J The Parade Hendon Sunderland

Community Unit 31 Lewis Crescent Sunderland SR2 8NQ

23 Lewis Crescent Sunderland SR2 8NQ

35 Lewis Crescent Sunderland SR2 8NQ

34 Lewis Crescent Sunderland SR2 8NQ

33 Lewis Crescent Sunderland SR2 8NQ

32 Lewis Crescent Sunderland SR2 8NQ

30 Lewis Crescent Sunderland SR2 8NQ  
29 Lewis Crescent Sunderland SR2 8NQ  
28 Lewis Crescent Sunderland SR2 8NQ  
27 Lewis Crescent Sunderland SR2 8NQ  
The Manager The Raich Carter Sports Centre Commercial Road Sunderland SR2 8PD  
Former Valley Road Infants School Commercial Road Sunderland SR2 8PD  
26 Lewis Crescent Sunderland SR2 8NQ  
21 Lewis Crescent Sunderland SR2 8NQ  
25 Lewis Crescent Sunderland SR2 8NQ  
19 Lewis Crescent Sunderland SR2 8NQ  
22 Lewis Crescent Sunderland SR2 8NQ  
24 Lewis Crescent Sunderland SR2 8NQ  
18 Lewis Crescent Sunderland SR2 8NQ  
20 Lewis Crescent Sunderland SR2 8NQ  
J & S Site Services Hendon Goods Yard Robinson Terrace Hendon Sunderland

## **REPRESENTATIONS:**

Public consultation - no comments received.

### Ward Councillors (Hendon):

No comments received (Cllrs Mordey, Morrissey and Scanlan)

### Active Travel England

*Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.*

### Archaeology

*consider the site to have low archaeological potential, and no archaeological work is required.*

### Ecology

The Council's Ecologist has recently been re-consulted and an update will be provided in advance of the meeting.

### Environment Agency

No response received.

### Environmental Health

*No objections to the principle of the proposed development, subject to conditions including noise, odour control, air quality and construction.*

### Land Contamination Officer

*I am pleased to confirm that the report and the proposed Phase 2 investigation works are acceptable, and I would therefore recommend the following Conditions. These conditions include site characterisation, detailed remediation scheme, verification and reporting of unexpected contamination.*

### Lead Local Flood Authority

*the LLFA recommend approval of proposed drainage design*

### Local Highway Authority

The Local Highway Authority has recently been re-consulted and an update will be provided in

advance of the meeting.

National Highways

*Offer no objection.*

Natural England

*No objection subject to securing appropriate mitigation for impacts upon qualifying of the European Site (Durham Coast).*

Network Rail

*No objection in principle to the development; subject to conditions / informatives relating to construction and drainage.*

North East Ambulance Service

No response received.

Police Architectural Liaison

*Northumbria Police are supportive of the proposed development but there are aspects of it that we would like to either make recommendations about and some that we would seek further clarification regarding. These matters include security for the proposed industrial units, a lighting plan, ANPR cameras and further detail of the EV station.*

Northumbrian Water

No comments received.

Tyne and Wear Fire and Rescue Service

*Please advise if this is to be timber framed construction.*

*The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.*

*Further comment will be made on receipt of a Building Regulations submission.*

Final Date for Receipt of Representations: **29.08.2023**

**POLICIES:**

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

Core Strategy and Development Plan (2015-2033)

Unitary Development Plan (1998)

**COMMENTS:**

Principle of the Development

The relevant development plan policy, policy EG2 (Key Employment Areas), says that Key Employment Areas

*will be safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.*

In terms of the proposed industrial units, the development description agreed by the Agent says that these would be used for *general industrial, storage and distribution or light industrial*. The

principle of the proposed industrial units would therefore be consistent with the relevant development plan policy (i.e. policy EG2, as repeated in the paragraph above). There are not any material considerations that indicate a decision should be made otherwise.

In terms of the proposed electric vehicle charging station, the use of the site for these purposes would be sui generis. The principle of the proposed charging station would therefore not be consistent with the relevant development plan policy (i.e. policy EG2, as repeated two paragraphs above).

The policy continues by saying that the

*Release of vacant land or premises within Key Employment Areas to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:*

- i. The council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated through alternative evidence to the council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;*
- ii. The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;*
- iii. The site is of an insufficient quality and / or suitability to accommodate existing types of industrial demand; and*
- iv. The site has been unused for employment uses for at least 24 months, despite having been properly market on reasonable terms.*

The Applicant has submitted a Planning Statement which provides a commentary on the principle of the development, but does not fully engage with the four points noted in the paragraph immediately above.

There are, however, relevant material consideration which will be repeated below.

The Council, after adopting the Core Strategy, adopted a *Low Carbon Framework*. The Framework says *Sunderland is committed to playing its part in tackling the global climate change emergency and that we are proposing to embed climate change and carbon neutrality throughout our city*

The Framework includes a *Strategic Priority for low carbon and active transport*, which has an objective to develop *electric and innovative technologies for buses and private vehicles*. The Framework continues by specifically saying that *current / recent activities and actions include the introduction of EV filling stations in the city*.

The Council, after the adoption of the Low Carbon Framework, adopted a *Low Carbon Action Plan* which has *been prepared to align to the Sunderland Low Carbon Framework*. The Plan says that it *sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now*.

The Plan includes an Action Reference (5.02) for

*Council to develop its own electric vehicle/Hybrid/ULEV fleet and EV charging infrastructure*

The recently updated City Plan also seeks, as part of a dynamic smart city, *a lower carbon city*. The Plan also has a specific entry on the indicative timeline for 2023-24 to *deliver... strategic rapid charging facilities*.

The provisions of the City Plan, Low Carbon Framework, Low Carbon Action plan should, for the planning application in question, be given significant weight by the decision taker; given that they cumulatively represent the Council's ambitions and response to *tackling the global climate change emergency*.

These material considerations therefore outweigh the conflict with the development plan to the extent that the principle of the proposed charging station can be supported.

In terms of the proposed coffee shop, the use of the site for these purposes would fall within Use Class E(a). The principle of the proposed charging station would therefore not be consistent with the relevant development plan policy (i.e. policy EG2, as repeated above).

The policy continues by saying that the

*Release of vacant land or premises within Key Employment Areas to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:*

- i. The council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated through alternative evidence to the council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;*
- ii. The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;*
- iii. The site is of an insufficient quality and / or suitability to accommodate existing types of industrial demand; and*
- iv. The site has been unused for employment uses for at least 24 months, despite having been properly market on reasonable terms.*

The Applicant has submitted a Planning Statement which provides a commentary on the principle of the development, but does not fully engage with the four points noted in the paragraph immediately above.

The proposed coffee shop, in terms of being sited on land allocated for industrial purposes, will need to be given consideration in the planning balance at the end of the report.

There also, in terms of the principle of the development for the proposed coffee shop, needs to be consideration given to any potential impact upon local retail centres; which can be seen below.

The glossary of the Core Strategy says that *main town centre uses* include retail development; which would include the proposed coffee shop. The relevant development plan policy, policy VC1 (main town centre uses and retail hierarchy), says that:

*The development of main town centre uses, will be focused within existing designated centres...*

The proposed coffee shop would not be located within a designated centre, with the nearest one being around 300 metres to the west (Villette Road). The policy says that in such situations

*Development outside of existing centres will be expected to follow the sequential assessment approach.*

The glossary within the Core Strategy defines the *sequential assessment approach* as a *planning principle that seeks to identify, allocate or develop certain types or locations of land*

before others.

The Agent has submitted a Sequential Assessment which says that they have used

*a range of sources (e.g. commercial property agents, development plan allocations etc) to identify potential alternative sites capable of accommodating the proposed drive through coffee shop within or to the edge of the designated centres which the defined area of search.*

The Sequential Assessment defines the area of search as 500 metres walking distance partly on the basis that such a distance would be within the edge of Hendon local centre (Villette Road). The Assessment says that any further would *not be sequentially preferable, especially as the walking route from Hendon local centre to the site is relatively straightforward.*

The Assessment identifies two premises within the local centre which are currently available, but says that these are not suitable because they have *no on-site parking or opportunities to create a drive through facility, they clearly do not meet the developer's commercial requirements.*

The Assessment further gives consideration to potential sites on the edge of the local centre. The Assessment says that within 300m of the eastern and western edges of the local centres *there is no evidence to suggest any land is available within this area which is suitable of accommodating the proposed drive through coffee shop.*

The Assessment concludes by saying that:

*The sequential assessment has not identified any suitable and available sites within or to the edge of the designated centre within the area of search, and, accordingly, there are no sequentially preferable sites to which the proposed development could be directed to. On this basis and having regard to key case law relating to the application of the sequential test, it is considered that the requirements of the test have been satisfied and thus the test passed.*

The Planning Policy Officer has advised that:

*It is considered that the submitted Sequential Assessment provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development.*

The proposed coffee shop, in terms of potential impacts upon local centres, would accord with the relevant development plan policy (i.e. policy VC1). There are not any material considerations that indicate a decision should be made otherwise.

The table below provides a summary for the principle of the development.

<b>Proposed Development</b>	<b>Can be supported</b>	<b>Does not accord</b>
Industrial units	Accords with the relevant development plan policy, which seeks for the site to be developed for the proposed uses (policy EG2).	
Electric vehicle charging	Does not accord with the	

station	relevant development plan policy (EG2), but can be supported because of the material considerations found within the City Plan, Low Carbon Framework and Low Carbon Action Plan.	
Drive thru-coffee shop	Partly accords with the relevant development plan policy (VC1), because the impact upon the nearest local centre (Villette Road) would be acceptable as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development.	Partly does not accord with the relevant development plan policy, because a coffee shop has been proposed on land allocated for industrial uses (policy EG2).

The table above shows that the proposed development can be supported, other than the location of the proposed coffee shop on industrial land; which will need to be given consideration in the planning balance at the end of the report.

Amenity

The submitted Demolition Method Statement says that the building proposed for demolition:

*would be removed down to ground level and the site left clean as a brownfield site for future uses. It is not proposed to remove any existing hardstanding, floor slabs or structures below ground. Existing drainage and outfall connections are not proposed to be altered as part of the works*

The submitted Noise Impact Assessment says that measurements were taken at the nearest Noise Sensitive Receptors (Corporation Road and Lewis Crescent).

The Assessment says that during the daytime there would be a low impact; subject to the doors being closed. The Assessment continues by saying that there could be a significant adverse impact during nighttime if all the units were operational with loading bay doors open.

The Assessment recommends mitigation including the specifications of the proposed buildings; albeit noting that extent of these measures would be determined by the future occupiers and potential visual impacts. The Assessment also recommends limiting the noise level of any external plant.

The Environmental Health Officer has advised, in terms of air quality, that impacts during construction can be dealt with via a Construction Environment Management Plan (CEMP). The Environmental Health Officer has further advised that air quality impacts during the operational phase of the proposed development would be dependent upon the potential occupier and has recommended a condition ensuring the submission of mitigation measures to minimise the risk of nuisance or other adverse impacts.

The Environmental Health Officer, in terms of noise, has advised that:

*these matters can be satisfactorily addressed by conditions to ensure that future occupation of units is dependent upon the application of satisfactory noise mitigation measures to the building structures and appropriate design of external fixed plant to meet a noise rating limit based on no exceedance above existing measured background at the NSRs (Noise Sensitive Receptors).*

The Environmental Health Officer, in terms of odour, has advised that a suitable odour extraction and abatement system may be required for the proposed coffee shop and has recommended a condition to ensure the submission of a detailed design (such as odour abatement measures).

The proposed development, more generally, would not appear to lead to a material loss of daylight or privacy for the occupiers of nearby land and buildings.

Given the above, the proposed development would accord with the relevant development plan policies (policies HS1 – quality of life and amenity and HS2 – noise-sensitive development); subject to conditions covering air quality, construction, noise and odour. There are not any material considerations that indicate a decision should be made otherwise.

## Design

The proposed development would have a modern appearance and would sit comfortably within the local context which includes a railway line to the east, a multi storey office building to the south and a modern sports centre to the west.

The submitted Preliminary Ecological Assessment identifies that four trees to the front of the site would be retained and that the only trees proposed for felling are six *immature sycamore*. The submitted proposed masterplan shows the retention of these trees and the provision of some landscaping to the southern and western boundaries of the site.

The submitted Boundary Treatment Plan shows that the front of the site facing west would retain the existing fence next to the proposed industrial units and coffee shop (up to 0.9 metres) and would replace the palisade fence next to the proposed charging station and parking spaces for the coffee shop with a brick wall that ties into the existing site levels. The Plan shows that the south of the site facing Promenade would include the retention of the existing stone wall and the provision of a replacement fence near the railway line (up to 2.4 metres).

In terms of designing out crime, the advice from the Police Architectural Liaison will be repeated below:

*Northumbria Police are supportive of the proposed development but there are aspects of it that we would like to either make recommendations about and some that we would seek further clarification regarding.*



1. We note that Units 1 – 19 share the same design features, namely:
  - External glazed PPC aluminium main entrance shopfront
  - Sectional overhead door.
  - Floodlight over goods door with a light switch (IP56 rated) located adjacent to trade counter entrance
    - a. The site is adjacent to an area that has a historic issue with Burglary and in recent years we have seen vehicle borne attacks on similar commercial units in the south Sunderland area. Whilst such risk changes depending on the nature of the business occupying the units in general we would recommend that the glazed main entrances are vulnerable to attack and consideration should be given to including roller shutters in the design (LPS 1175: Issue 7 Security Rating 1, or LPS 1175: Issue 8 Security Rating A1, or STS 202 Burglary Resistance 1), or alternatively protecting the glazed areas with anti-ram bollards (Fixed or rising tested to PAS 68-1:2010 Performance specifications for vehicle security barriers)
    - b. We would recommend that Sectional overhead doors should ideally be certificated to a minimum of LPS 1175 Security Rating 2, or STS 202 Burglary Resistance 2, or Sold Secure – SS101 Gold.

2. We note the absence of a lighting plan for the development and have concerns regarding the indicative illustrations within the DAS (e.g. pages 25,31,36,44 and 45 of the DAS ) which suggest that the intention is to deploy lower lighting columns, which would tend to pool light and frustrate surveillance. We strongly recommend that the lighting strategy should ensure that the lighting design complies with current BS5489-1 and typically in an urban area such as this achieves an average level of illuminance of 20 lux. (Note: Uniformity :A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

3. Consideration should be given to inclusion of an ANPR camera in at least one luminaire (note: covert ANPR cameras are available built into luminaire heads).

4. In respect of the EV station design we would request further detailed information about the design, its robustness against risk of criminal damage and its security against metal theft.

We believe that the above recommendations are consistent with the context and locality and an assessment of the likely crime risk.

The first and third points raised by the Police can be included as advisory notes (informatives) and the second and fourth points can be included as conditions.

Given the above, the proposed development would accord with the relevant development plan policy (policies BH1 – design quality). There are not any material considerations that indicate a decision should be made otherwise.

### Drainage

The submitted Flood Risk Assessment says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding) and that the site is not at risk from the flooding mechanisms assessed in this document.

The submitted Drainage Strategy says that swales and detention basins were given consideration, but the area required to provide open SuDS within the sites constraints would significantly reduce the developable area and affect the overall feasibility of the project. The

Strategy continues by saying that the site would be drained via *filter drains, permeable pavements, gullies and linear drainage channels* and that *additional attenuation provided within the sub-base and over-sized pipework*. The Strategy further says that the drainage has been designed to achieve a green field run off rate.

The Strategy also says that source control would be provided by a permeable pavement and filter drain. The Strategy further says that foul flows will be discharged to the adopted combined sewer.

The Lead Local Flood Authority (LLFA) have advised that the *LLFA recommend approval of proposed drainage design*.

Given the above, the proposed development would accord with the relevant development plan policies (policies – WWE2: flood risk and coastal management, WWE3: water management, WWE4: water quality and WWE5: disposal of foul water); subject to a condition for verification of the proposed drainage scheme. There are not any material considerations that indicate a decision should be made otherwise.

## Ecology

The Unitary Development Plan allocates the site as forming part of a *Wildlife Corridor*.

The submitted Preliminary Ecological Assessment identifies that the front of the site comprises a small area of semi improved grassland, which includes three mature cherry trees, one apple tree, an early mature sycamore tree and a six immature sycamore trees. The Assessment identifies that the balance of the site includes short ephemeral, hardstanding and buildings.

In terms of habitats, the Assessment says that the impact would be *limited to the construction phase in the form of disturbance*.

In terms of bats, the Assessment continues by saying that the site offers some potential for bats to forage, but *more suitable, optimum foraging habitat is available close by and more likely to be used by bats in the local area*. The Assessment says that the warehouse on the site was *classified as having negligible suitability for bats* and that *to enhance the area for the species... bat boxes should be installed to buildings*.

In terms of birds, the Assessment says that the habitats *on site are likely to support small populations of typically common garden birds* and for *ground nesting birds such as waders and gulls*. The Assessment says that the *scope of the proposed and completed works are very unlikely to have any effect on the local bird population due to the overall size of the site*.

The Agent has also submitted a separate Breeding Bird Survey Report which says that the site *supports an assemblage of farmland birds, a range of urban and garden, and woodland and scrub species all confirmed / likely to use the site for breeding*. The Report also says that *no impacts upon the species for which the SPA (Special Protection Area) is designated are... anticipated as a result of the proposed works* and that *no other impacts upon designated sites designated for supporting important bird assemblages are anticipated*.

The Report concludes by saying that *some habitats will be lost to achieve the design* and that *these habitats (primarily bare earth and hardstanding) are to be replaced / mitigated for with several small areas of grassland with additional trees planting... and will provide a higher level of interest for the majority of birds observed during this study*.

The Report includes recommendations, such as protecting trees during construction and enhancing the site for nesting birds.

In terms of great crested newt, the Assessment says that the *site provides very limited habitat for amphibians with the lack of any water bodies* and that *great crested newt will not be affected by the site proposals*.

In terms of other habitats, the Assessment says the site does *provide some foraging opportunities for hedgehog and other small mammals, however no evidence of any mammal species was recorded during the survey* and that the proposals would *not likely have any adverse effect on the local mammal population*.

The Assessment makes a series of recommendations relating to bats, birds, trees and other habitats.

The Agent has also submitted a Biodiversity Net Gain Assessment which says that the *development proposals would likely result in a net gain of 0.19 habitat units (24.47%)*. The Assessment says that the post-development habitats would include semi-improved grassland.

The Agent has further submitted a Habitats Regulations Assessment (HRA) which identifies that the site lies within 1.2km of a Special Protection Area and Special Area of Conservation (Durham Coast). The HRA says that *no direct disturbance effects on the qualifying species associated with the SPA or habitats associated with the SAC during the construction or operational phases are anticipated* and that *no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated*. The HRA also says that *potential indirect impact of the proposed change of use are considered to be limited to the low potential to attract increased numbers of visitors to the coast*.

Natural England have advised that they have *no objection subject to securing appropriate mitigation*. The suggested mitigation suggested relates to a financial contribution via the Council's Recreation Mitigation Strategy.

The Council's Ecologist has recently been re-consulted and an update will be provided in the near future.

## Fire

The Tyne and Wear Fire and Rescue Service have advised that they *have no objections to this proposal, subject to the provisions detailed in the enclosed report*.

The enclosed report comprises an excerpt from the Building Regulations.

The Fire Service have asked whether the buildings would be timber framed construction. The construction materials for the frame of the buildings would be a matter for Building Control, rather than planning. The Fire Service have also advised that *further comment will be made on receipt of a Building Regulations submission*.

## Groundworks

The submitted Desk Top Study and Coal Mining Risk Assessment says that the site *is not thought to be at risk from potential future surface stability issues that can arise from shallow coal mining activities*. The Assessment continues by saying the geotechnical risk would be low to moderate, the ground contamination risk for human health would be low to moderate and the

risk to contaminated water would be low. The Assessment concludes by recommending that further ground investigation works should be undertaken.

The Council's Land Contamination Officer has advised that they consider the *proposed phase 2 works are acceptable* and recommends conditions covering site characterisation, remediation, verification and unexpected contamination.

Given the above, the proposed development would accord with the relevant development plan policies (policy HS3: contaminated land); subject to the suggested conditions. There are not any material considerations that indicate a decision should be made otherwise.

### Health

The Core Strategy, at policy SP7 (healthy and safe communities), says that

*The council will seek to improve health and wellbeing in Sunderland by... ensuring that new developments... submit a Health Impact Assessment (HIA) as part of any application for large-scale development*

The supporting wording for the policy says that

*For clarity, development within the context of this policy is considered to be residential schemes for 100 dwelling or more, student accommodation schemes for 100 bed spaces or more, or any other form of development which has the potential to have a significant impact on health*

The Applicant has submitted a range of detailed reports which include consideration of matters which could have an impact upon health; such as active travel (Transport Assessment) and noise (Noise Impact Assessment). The relevant consultees have given consideration to these reports (such as Environmental Health).

Given the above, the submitted reports combined with the advice from the relevant consultees ensures that the impacts upon health have been given consideration.

### Health and Safety

The Health and Safety Executive (HSE) have advised that the site lies *within at least one Consultation Distance....* The HSE have, however, continued by advising that they *do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission.* The proposed development would therefore accord with the relevant development plan policy (HS4: Health and safety executive area and hazardous substances) and there are not any material considerations that indicate a decision should be made otherwise.

### Heritage

There are not any heritage assets either on the site or nearby whose setting could be affected by the proposed development.

The Tyne and Wear Archaeologist has advised that:

*I have checked the application site against the Historic Environment Record and historic Ordnance Survey maps and it was previously the site of the Blue House football ground (HER 16926), the first ground of Sunderland Association Football Club from 1879, which was in use*

*from 1845 to 1914. The ground was named after the nearby Blue House public house (not on same site as current Blue House pub) which served as its dressing rooms. In 1881 Sunderland AFC moved to Groves Field in Ashbrooke, because it couldn't afford the £10 annual rent at Blue House. Following the First World War, the site was occupied by allotments until it became the site of light commercial warehousing.*

*However, this later activity is likely to have truncated any earlier deposits and structures. I therefore consider the site to have low archaeological potential, and no archaeological work is required.*

Given the above, the proposed development would accord with the relevant development plan policies (policies BH7: historic environment, BH8: heritage assets and BH9: Archaeology and recording of heritage assets). There are not any material considerations that indicate a decision should be made otherwise.

### Highway

The submitted Transport Assessment says that the site *is situated in a sustainable location and offers opportunities for access by sustainable modes of travel other than a car.* The Assessment continues by saying that the *highway network in the area can accommodate the anticipated trip generation and that the safe and suitable access to the site can be achieved for all users.* The Assessment concludes by saying that the development *will have no material impact onto the highway network.*

The Agent has also submitted a Travel Plan which seeks to *promote sustainable travel awareness and sustainable travel choices.* The Plan says that the *overall responsibility for the TP (Travel Plan) will be managed and operated by the Travel Plan CHAMPION (TPCh) who will liaise with individual (occupant / tenant / operator) Travel Plan Coordinators (TPC).*

Active Travel England have advised that:

*Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application*

The Standing Advice noted within the consultation response from Active Travel England generally draws attention to active travel; including suitability for walking and cycling and access to amenities and public transport. The site would be within a sustainable location that could be accessed by foot or cycle and there are amenities and public transport nearby. The proposed development would therefore be in accordance with the Standing Advice issued by Active Travel England.

National Highways have advised that they *Offer no objection.*

The Local Highway Authority have recently been re-consulted and an update will be provided in the near future.

### Landscape

The Landscape Character Assessment identifies that the site lies within the *Limestone Coast.* The Assessment says that the key characteristics include a narrow coastal landscape, eroded clay cliffs and *coastal development including the extensive harbour works at the mouth of the Wear and leisure development further north.*

The Assessment further identifies that the site lies within an area termed *Sunderland Harbour and Docks*. The Assessment says the area includes *extensive disused railway sidings, industrial areas and derelict land between the coast and the A1018 Commercial Road* and recommends *positive re-use and repair of vacant and underused land, both within the port and adjacent industrial estates*.

The proposed development, as an industrial scheme with electric vehicle charging and a coffee shop, would be consistent with the setting of *extensive harbour works*, which has been identified within the Landscape Character Assessment. The proposed development would also be consistent with the detailed recommendations made within the Assessment for the *Harbour and Docks* area by providing a *positive re-use and repair of vacant and underused land*.

Given the above, the proposed development would accord with the relevant development plan policies (policy NE9 – landscape character). There are not any material considerations that indicate a decision should be made otherwise.

### Railway

A railway runs to the east of the site. Network Rail has advised that they have *no objection in principle to the proposed development*, subject to conditions relating to the construction and drainage. The proposed development would therefore not harm the operation of the railway and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended construction condition.

The suggested condition relating to drainage says that:

*It is expected that the preparation and implementation of a surface water drainage strategy addressing these above points will be conditioned as part of any approval.*

The Applicant has submitted a detailed drainage scheme which has the support of the Lead Local Flood Authority. These drawings can be included within a condition listing the plans suggested for approval.

Network Rail has provided further detailed guidance relating to the construction phase and drainage, which can be included as an informative.

### Sustainability

The Core Strategy, at policy, BH2 (sustainable design and construction) says that *sustainable design and construction should be integral to development*. The Applicant has recently submitted amended roof plans showing the provision of solar panels on the roofs of the proposed industrial units and the roofs of the canopies for the proposed charging station would also include solar panels. The proposed industrial units further include roof lights which would reduce the need for electric lighting. The proposed electric vehicle charging station would also facilitate the use of lower carbon forms of transport. The proposal would therefore make a contribution towards policy BH2 and there are not any material considerations that indicate a decision should be made otherwise.

### Summary

The table below provides a summary for the principle of the proposed development.

<b>Proposed Development</b>	<b>Can be supported</b>	<b>Does not accord</b>
Industrial units	Accords with the relevant development plan policy, which seeks for the site to be developed for the proposed uses (policy EG2).	
Electric vehicle charging station	Does not accord with the relevant development plan policy (EG2), but can be supported because of the material considerations found within the City Plan, Low Carbon Framework and Low Carbon Action Plan.	
Drive thru-coffee shop	Partly accords with the relevant development plan policy (VC1), because the impact upon the nearest local centre (Villette Road) would be acceptable as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development.	Partly does not accord with the relevant development plan policy, because a coffee shop has been proposed on land allocated for industrial uses (policy EG2).

The proposed development accords with the relevant policies within the development plan for the detailed impacts around amenity, design, drainage, fire, groundworks, health, health and safety, heritage, landscape and railway.

An update will be provided in the near future for the detailed impacts around ecology and highways.

### Conclusion

If, as is anticipated, the consultation responses are positive from the Council's Ecologist and Local Highway Authority are positive, then the proposed development would accord with the relevant policies within the development plan; other than the construction of the proposed coffee shop on land allocated for industrial purposes.

The matter will be given consideration below, with both the adverse and beneficial impacts given consideration using a scale of minor, moderate, significant and substantial.

The proposed coffee shop would partly accord with the development plan as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development and also in terms of detailed impacts. The proposed coffee shop would occupy a relatively small area of the site, when compared to the balance being used for the proposed electric vehicle charging station and the industrial units. The proposed coffee shop would also provide a facility that could be complementary to the proposed development, in the sense of providing somewhere to visit whilst charging an electric vehicle or more generally for staff and visitors to the proposed industrial units. The impact of the coffee shop, in terms of being sited upon land allocated for industrial purposes, would therefore be **minor adverse**.

The balance of the proposed development would either accord with the development plan (industrial units) or there are material considerations that indicate the scheme can be supported (electric vehicle charging station). The balance of the proposed development would be provided on the majority of the site and would contribute towards the ambitions of the City Plan by supporting *more and better jobs* as part of a *dynamic smart city*. The proposed charging station would also contribute towards the Low Carbon Framework and Low Carbon Action Plan, by providing a facility for the charging of electric vehicles. The impact of the balance of the proposed development would therefore be **moderate beneficial**.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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



it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

## **RECOMMENDATION**

Given that the moderate benefit arising from the balance of the proposed development outweighs the minor adverse impacts from the proposed coffee shop being provided on land allocated for industrial purposes, the recommendation would be to GRANT CONSENT under the Town and Country Planning (General Regulations), subject to:

- The draft conditions below.
- The receipt of positive consultation responses from the Council's Ecologist and Local Highway Authority (including any additional / amended conditions and contributions made via legal agreement).

## **Conditions:**

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Site Plan - Masterplan - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006, Revision P03)
  - Proposed Levels Plan (Drawing Number S3170-BDN-XX-XX-DR-C-100, Revision P1)
  - Boundary Treatment Plan (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0016, Revision P01)
  - Site Elevations - Proposed - 2 of 2 (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0009, Revision P01)
  - Site Elevations - Proposed - 1 of 2 (Drawing S3170-BDN-XX-XX-DR-A-(05)0008, Revision P01)
  - Site Sections - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0010, Revision P01)

- Site Demolition Plan (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0011, Revision P01)
- Site Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0070, Revision P01)
- Ground Floor Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0071, Revision P01)
- Elevations - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0073, Revision P01)
- Sections - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0074 P01, Revision 01)
- Roof Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0072, Revision P01)
- Site Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0060, Revision P01)
- Ground Floor Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0061, Revision P01)
- Elevations & Section - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0063, Revision P01)
- Roof Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0062, Revision P01)
- Site Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0020, Revision P01)
- Ground Floor Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0021, Revision P01)
- Elevations 01 - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0023, Revision P02)
- Elevations 02 - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0024, Revision P01)
- Sections - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0025, Revision P01)
- Roof Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)002, Revision P02)
- Site Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0030, Revision P01)
- Ground Floor Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0031, Revision P01)
- Elevations 01 - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0033, Revision P02)
- Elevations 02 - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0034, Revision P01)
- Sections - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0035, Revision P01)
- Roof Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0032, Revision P02)
- Site Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0040, Revision P01)
- Ground Floor Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-

- (05)0041, Revision P01)
- Elevations - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0043, Revision P02)
- Section - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0044, Revision P01)
- Roof Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0042, Revision P02)
  
- Site Plan - Unit 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0050, Revision P01)
- Ground Floor Plan - Unit 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0051, Revision P01)
- Elevations 01 - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0053, Revision P02)
- Sections - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0054, Revision P01)
- Roof Plan - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0052, Revision P02)
  
- Proposed Drainage Arrangement (Drawing Number S3170-BDN-XX-XX-DR-C-101, Revision P1)
- Proposed Drainage Arrangements (Drawing Number S3170-BDN-XX-XX-DR-C-102, Revision P1)
- Typical Filter Drain Detail, as found within Appendix C of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Private Car Parking Bays (Permeable Paving), as found within Appendix C of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Hydro-Brake Specification, as found within Appendix G of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Aquatreat Retention Information, as found within Appendix H of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)

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

3. The drive-thru coffee shop (as shown on Site Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0070, Revision P01)) hereby approved shall only be used for purposes falling within Use Class E(a) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To ensure that the development hereby approved accords with the submitted details.

4. The units proposed for general industrial, storage and distribution or light industrial shall only be used for purposes falling within Use Classes B2, B8 and E(g)(ii) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To ensure that the development hereby approved accords with the submitted details and to ensure accord with policy EG2 of the Core Strategy.

5. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should identify all potential environmental impacts arising from demolition,

site clearance, preparation and construction where they may adversely affect the local environment and nearby occupiers. The plan must also specify the mitigation measures to be applied to prevent or minimise those impacts.

The CEMP shall identify whether the piling works would be undertaken, together with justification of the selected technique, an assessment of noise and vibration, and identification of mitigation measures.

The CEMP shall include:

- mitigation measures to control dust on site (including a dust risk assessment), informed by the IAQM publication “Guidance on the assessment of dust from demolition and construction sites”.
- identification of all sensitive receptors including the local environment and nearby occupiers.
- site access and HGV routes.
- site compound and storage areas.
- dust management and control of other air pollutants.
- Specific attention must be applied to the excavation, handling and transport of any ground contaminants that may be expected to be present or are encountered during works. Measures should be applied to prevent or minimise any emissions to the environment of contaminated dusts, tracked materials or volatiles and odours.
- noise and vibration control.
- details of any intended piling and appropriate mitigation measures.
- site lighting.
- communication process for liaison with nearby occupiers.

The construction phase of the development shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure that the construction phase preserves amenity and highways safety, in accordance with policies HS1, ST2 and ST3 of the Core Strategy.

6. Development shall not commence until demolition and construction methodology has been submitted to and approved in writing by the Local Authority. The demolition and construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The construction phase of the development shall thereafter be carried out in accordance with the approved construction methodology.

Reason: The safety, operational needs and integrity of the railway.

7. Development, other than demolition, shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:

- o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

8. Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

9. Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified

person, and the extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority.

The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

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

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

10. No part of the development hereby approved shall be brought into first use until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include scale plan and elevation drawings. The approved lighting strategy shall thereafter be provided before the development is first brought into use.

Reason: To ensure, in accordance with policies HS1, BH1, ST2 and ST3, the development hereby approved preserves amenity, designs out crime and ensures the safety of the highway.

11. No building shall be brought into use until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the specific noise sources proposed within the building and noise arising from the operation of external fixed mechanical plant and equipment associated with the use of the building. The assessment shall further comply with guidance set out in BS4142:2014 and ensure that rated noise levels at the nearest sensitive receptors shall not exceed the typical measured daytime and night-time background noise LA90 values. The assessment shall also include scale plan and elevation drawings of any external fixed mechanical plant and / or mitigation measures. Where mitigation measures are required to meet that objective then they must be incorporated within the assessment and once approved by the Local Planning Authority must be implemented prior to occupation of each respective unit and retained thereafter.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any external fixed plant and / or mitigation has a high quality of design.

12. Prior to occupation of any industrial unit, where there is an intention to operate a process that results in the discharge of pollutants to the external atmosphere a suitable assessment of the discharge shall be submitted to the Local Planning Authority for approval. The assessment shall identify any adverse environmental impacts that may arise from the discharge and shall specify suitable abatement measures where appropriate. Any proposal to install a biomass boiler and associated equipment exceeding 50kW thermal input must be subject to an air quality assessment (or biomass screening assessment) carried out by a suitably qualified Air Quality Consultant in accordance with relevant national guidance. The assessment shall also include scale plan and elevation drawings of the proposed extraction equipment. Any process that falls

into a description within a schedule of the Environmental Permitting Regulations 2016 is excluded from this requirement but shall be notified to the Local Planning Authority. The respective industrial unit shall only be brought into first use once the approved abatement measure have been fully installed and they shall thereafter be retained for the lifetime of the development.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any abatement measures have a high quality of design.

13. The industrial units shall not be brought into first use until scale plan and elevation drawings of the proposed PV panels have been submitted to and approved in writing by the Local Planning Authority. The approved PV panels shall thereafter be provided before the industrial units are brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

14. No development shall take place above ground level for the electric vehicle charging station until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The charging station shall thereafter be constructed in accordance with the approved materials.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

15. No development shall take place above ground level for the electric vehicle charging station until scale plan and elevation drawings of the switchboard and transformer (as shown on Site Plan - Masterplan - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006, Revision P03)) have been submitted to and approved in writing by the Local Planning Authority. The approved switchboard and transformer shall thereafter be provided before the charging station has been brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

16. No development shall take place above ground level for the electric vehicle charging station until scale plan and elevation drawings of the proposed solar panels for the roofs of the canopies serving the electric vehicle charging station (as shown on Roof Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0062, Revision P01) have been submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall thereafter be provided before the charging station has been brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

17. Prior to the operation of any commercial kitchen an odour risk assessment shall be submitted to the Local Planning Authority for approval together with an appropriate scheme for the extraction and abatement of any cooking odours. The assessment shall also include scale plan and elevation drawings of the proposed extraction equipment. The agreed scheme shall be implemented and shall be maintained for the life of the use.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any extraction equipment has a high quality of design.

18. 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. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.

19. The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 174f and 183.



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**Reference No.:** 23/01773/VAR Variation of Condition

**Proposal:** **Variation of Condition 2 attached to planning approval 20/01754/FUL (amended via planning permission ref. 23/00865/VAR - residential development of 75 dwellings (Use Class C3) etc.), to amend approved scheme to add metal railings to turning heads of western boundary, add tarmac surface to footpaths, additional fencing and removal of section footpath to open space.**

**Location:** Land To The North Of Mount Lane, Springwell NE9 7UQ

**Ward:** Washington West  
**Applicant:** Esh Homes Ltd  
**Date Valid:** 11 August 2023  
**Target Date:** 10 November 2023

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## PROPOSAL

This application is being made under s73 of the Town and Country Planning Act 1990 (as amended) and relates to the variation of condition 2 of planning permission ref. 20/01754/FUL (amended by planning permission ref. 23/00865/VAR) to amend the approved scheme to add metal railings to turning heads of western boundary, add tarmac surface to footpaths and move position of garage to plot 60 by 400mm.

The extant planning permission is for a residential development of 75 dwellings, together with associated access, infrastructure and landscaping, on land to the north of Mount Lane, on the edge of Springwell village. The site was previously within the Tyne and Wear Green Belt but was removed from the Green Belt upon the adoption of the Council's Core Strategy and Development Plan (CSDP), which allocated the site for housing development instead.

Planning permission for the development on the site was approved on 7th May 2021, following the resolution of Members at the Planning and Highways (West) Committee meeting held on 2nd March 2021.

The original planning permission has been subject to a series of applications to vary conditions of the consent and to make non-material amendments to the approved development, as follows:

- o 21/01111/VAR (approved July 2021) - amendment to agreed sustainable drainage strategy for the development.

- o 22/00234/AM1 (approved May 2022) - non-material amendment to change stone type to garages at plots 20 and 53.
- o 22/01898/VAR (approved September 2022) - amendment to timing of submission of drainage verification report for the development
- o 23/00865/VAR (approved May 2023) - amendment to timing of delivery of the footpath link from the development.

Construction works at the site have commenced and have substantially progressed.

The current application seeks to vary condition 2 of the original planning permission, which requires the development to be undertaken in accordance with a list of approved plans and documents.

The application proposes to amend the list of approved plans within condition 2 to secure approval for minor changes to the approved development, namely:

- o the addition of 1.2m high wrought iron railings to road turning heads at the western boundary, replacing the approved timber fencing.
- o a tarmac surface to a footpath linking the estate road to the sustainable drainage basin, instead of approved compacted stone surface.
- o removal of short section of footpath to northern end of SuDS basin.
- o additional 600mm high 'birds' mouth' fencing along edge of public open space adjacent to sustainable drainage basin.

The application also initially included a proposal to move the position of the garage to plot 60 by 400mm, however this element of the proposal is no longer being taken forward by the applicant.

An application of this nature would normally be determined by officers under delegated powers; however, it has been referred to the Planning and Highways Committee at the request of Ward Councillor Warne.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Cllr Jimmy Warne  
Cllr Dorothy Trueman  
Cllr Henry Trueman  
Network Management  
Flood And Coastal Group Engineer

9 Wordsworth Crescent Springwell Gateshead NE9 7RB  
11 Wordsworth Crescent Springwell Gateshead NE9 7RB  
10 Wordsworth Crescent Springwell Gateshead NE9 7RB

Final Date for Receipt of Representations: **19.09.2023**

**REPRESENTATIONS:**

*Public consultation* - application has been advertised by way of neighbour consultation letters, site notice and a notice published in the Sunderland Echo newspaper. No representations have been received.

*Council's Flood and Coastal team (Lead Local Flood Authority)* - no comments to make.

*Council's Highways team* - no observations.

## **COMMENTS:**

The scope of the proposed amendments to the approved scheme is clearly very limited and they raise a very narrow set of planning considerations. On this basis, it is considered reasonable to only focus on the considerations relevant to the proposed changes to the scheme within this report.

Notwithstanding the above, it should be noted at this point that there are not considered to have been any changes in site circumstances, local and national planning policy or any other changes to material planning considerations which warrant a revisiting of the wider merits of the approved development which, as noted earlier, is currently being built out at the site. For details of the policy and other considerations relevant to the approval of the scheme as a whole, reference should be made to the Committee and delegated reports in respect of the original planning application and the subsequent variation applications.

In terms of policy considerations relevant to the proposed amendments to the approved development, the following policies of the Council's adopted Core Strategy and Development Plan (CSDP) are considered applicable:

HGA1 - guides the development of the 'South-West Springwell' Housing Growth Area site. It requires any proposals to, amongst other matters, relate appropriately to the surrounding Green Belt and provide high quality pedestrian connections.

BH1 - development should achieve high quality design which maintains acceptable levels of amenity for existing and future occupiers.

NE4 - requires new housing development to incorporate appropriate areas of open space and landscaping.

ST3 - development should, amongst other objectives, incorporate appropriate pedestrian and cycle links.

The proposed changes to the approved development are very minor in nature and do not give rise to any significant concerns. The addition of wrought iron railings to the road turning heads instead of fencing is considered to represent a visual improvement, whilst the removal of a short section of footpath and the use of tarmac for the surface of a retained footpath to the SuDS basin raises no visual amenity, accessibility or pedestrian safety issues. Similarly, the addition of 'birds' mouth' fencing to the western edge of the public open space adjacent to the SuDS basin is considered reasonable from a public safety perspective and simply uses a form of boundary treatment which is being used elsewhere within the development.

Overall, the proposed changes do not give rise to any concerns relative to visual and residential amenity or highway and pedestrian safety, as confirmed by the Council's Highways team. Nor are the changes considered to dilute the quality of the approved development.

There is not considered to be any conflict with the objectives of the abovementioned CSDP policies and consequently, it is recommended that Members approve the application, subject to the conditions below.

### **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** APPROVE, subject to conditions below:

## Conditions:

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

amended location plan, drawing no. ML-LP-001 A;  
amended proposed site plan, drawing no. SV-SLP-001 revision AC;  
amended proposed section plan, drawing no. ML-SS-001 C;  
amended plots 42-48 rear streetscape plan, drawing no. SV-SS-001;  
affordable homes plan, drawing no. SV-SLP-01 A;  
amended engineering plans, drawing nos. 20159 01 P10, 20159 02 P9, 20159 03 P4 and 20159 04 P3;  
amended general arrangement plan, drawing no. D233L 101 EXT G;  
hard surfaces and boundary treatment plan, drawing no. SV-HSP-001 B;  
enclosure details plan (wrought iron fencing), drawing no. ML-ED-001;  
public open space plan, drawing no. SV-POS-001 E;  
amended shrub and reed bed planting plan, drawing no. D233 P103 EXT D;  
amended tree and hedge plan, drawing no. D233 P102 EXT D;  
amended tree protection plan, drawing no. D233 L100 EXT D;  
standard tree pit detail D233.D.107;  
extra heavy standard tree pit detail D233.D.106;  
landscape specification D233/V1/AG/04.09.20;  
management company plan, drawing no. SV-MCP-001 E;  
maintenance activities schedule - POS footpath links, formal green space, landscape buffer & bund, trees, hedgerow, suds basins & swale and play equipment, dated 24/02/21;  
amended show home planting plan, drawing no. D233 P104 EXT A;  
Shrewsbury house plans, drawing no. SW-PD-001;  
Southwark house plans, drawing no. SK-PD-001;  
Southwark house plan right side elevation, drawing no. SK-S-53 Rev E  
Cypress house plans, drawing nos. CY-SD-001 and CY-MT-001;  
Rochester house plans, drawing no. RO2-PD-001;  
Beverley house plans, drawing no. BV-PD-001;  
Beverley standard house plan type right side elevation, drawing no. BV-S-53  
Richmond house plans, drawing no. RM-PD-001;  
Norwich house plans, drawing no. NO-PD-001;  
Lichfield house plans, drawing no. LD2-PD-001;  
Lancaster house plans, drawing no. LA-PD-001;  
Hornbeam house plans, drawing no. HB-PD-001;  
Durham house plans, drawing no. DH-PD-001;  
Arundel house plans, drawing no. AR2-PD-001;  
Ascot house plans, drawing no. AC-PD-001;  
garage plans, drawing no. DRL-GD-002  
Single Garage Design Rev B  
materials finishes plan, drawing no. SV-MFL-001 C, and accompanying materials 'mood board';  
amended construction management plan, drawing no. SV-CMP-01 E;  
construction traffic plan, drawing no. SV-CTP-001;  
'Response to Environmental Health comments', Homes By Esh;  
Flood Risk Assessment, document no. 20159 FRA, rev. 4 (23rd April 2021);  
Surface water management plan, document no. 20159 SWMP 01;  
SuDS maintenance plan, document no. 20159 SUDS 01;  
Temporary drainage works plan, drawing no. 20159 101 P3;  
Engineering layout plans, drawing nos. 20159 01 P15, 20159 02 P16 and 20159 03 P11;

Hydrobrake design drawing no. 20159, SHE-0149-1000-0800-1000;  
Flow control manhole details, drawing no. 20159 92 P3;  
SuDS pond plan and sections, drawing no. 20159 93 P3;

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

2 The external materials to be used in the construction of the dwellings hereby approved shall be those specified on the submitted materials finishes plan (drawing no. SV-MFL-001, rev. B) and materials 'mood board', unless the Local Planning Authority first agrees any variation in writing.

Reason: in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The development hereby approved shall be carried out in full accordance with the 'Environmental Health response' from Homes by Esh, received 12.02.2021, the Construction Management Plan drawing (no. SV-CMP-01, rev. D) and the Construction Traffic Plan (drawing no. SV-CTP-001).

Reason: in order to protect the amenity of the area during construction works and to comply with the objectives of policies HS1 and HS2 of the CSDP.

4 No individual dwelling shall be occupied until its in-curtilage parking space(s) have been constructed and made available for the use of the dwelling's occupiers. Within six months of the final dwelling within the development being occupied, all visitor parking provision for the development must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy ST3 of the CSDP.

5 The proposed footpath link from the north west corner of the housing development must be installed in accordance with the approved details and made available for the use of the public prior to the occupation of the final dwelling within the development.

Reason: in order to ensure that the footpath link is available at the earliest opportunity and to accord with the objectives of policies ST2 and ST3 of the CSDP.

6 The proposed section of new footway eastward from the southern end of the new access road along the north side of Mount Lane must be installed in accordance with the approved details and made available for the use of the public prior to the occupation of the first dwelling.

Reason: in order to ensure that the footpath link is available at an appropriate time and to accord with the objectives of policies ST2 and ST3 of the CSDP.

7 The car use reduction, monitoring and action plan measures set out in the submitted Framework Travel Plan (WYG, November 2020) must be adopted in full and in accordance with the timescales set out in the action plan (section 7 of the FTP).

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

8 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.

Reason: in the interests of visual amenity and to comply with policies BH1 and BH3 of the CSDP.

9 The development hereby approved shall be undertaken in complete accordance with the recommendations of the 'Tree Protection Scheme' and 'Arboricultural Method Statement', chapters 8 and 9 of the submitted 'Arboricultural Constraints, Protection Plan and Method Statement' (Ecosurv, September 2020), and the submitted tree protection plan, drawing no. D233 L100 EXT D.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

10 The play equipment for the development shall be installed in accordance with the submitted details (drawing no. D233.L.105 EXT A) prior to the occupation of the final dwelling within the development. The installed equipment must then be managed and maintained in accordance with the submitted Maintenance Agreement, Revision A (by Trust Green, dated 24.02.2021).

Reason: in order to ensure the development delivers appropriate outdoor play facilities and to comply with the objectives of policy NE4 of the Council's CSDP.

11 Development on the footpath link to the north shall not commence until a detailed Remediation Scheme to bring that area of the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

12 The Remediation Scheme approved pursuant to the discharge of condition 11 of this planning permission shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

13 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. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

14 No construction works, including the storage of materials, equipment etc. or use of the land for access for construction vehicles, shall take place on the land immediately to the west of the



application site boundary without a great crested newt method statement being submitted for the approval of the Local Planning Authority. The statement must set out proposed working practices etc to ensure any such works do not have an unacceptable negative impact on great crested newt. Any works within the land to the west must then be undertaken in complete accordance with the agreed statement.

Reason: in order to ensure a protected species is not unacceptably affected by the development and to comply with policy NE2 of the CSDP.

15 The landscaping and habitat creation proposals and recommendations set out in the approved landscaping scheme and the submitted Preliminary Ecological Appraisal, Bat Survey, Bird Survey (all by Penn Associates) and biodiversity net gain metric and calculations (by Ecosurv) must be implemented in full and managed in accordance with the details agreed pursuant to the discharge of condition no. 16 of this planning permission.

Reasons: in order to ensure biodiversity enhancements are delivered within the development and to accord with the objectives of policy NE2 of the CSDP.

16 Prior to the commencement of the approved landscaping and habitat creation works, a landscape and habitat creation and management plan must be submitted for the approval of the Council as Local Planning Authority. The submitted plan must include details of how proposed habitats will be created, a timetable for their creation and proposals for the ongoing monitoring of the landscape and habitat features, which must be maintained for at least 20 years and secured for in perpetuity. The landscaping and habitat measures must then be created, managed and maintained in accordance with the agreed details for the agreed time periods.

Reason: to ensure effective and long-lasting on-site biodiversity enhancements are delivered and to accord with the objectives of policy NE2 of the CSDP.

17 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no extensions to the rear elevations or rear roof slopes of the dwellings to plots 72-75 and no detached structures or outbuildings in the gardens beyond the rear elevations of the dwellings to plots 72-75 shall be erected without firstly obtaining planning permission from the Council as Local Planning Authority.

Reason: in order to ensure acceptable levels of amenity are maintained for the existing dwellings to the north of plots 72-75 and to comply with the objectives of policy BH1 of the CSDP.

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**Reference No.:** 23/01899/LP3 Local Authority (Reg 3 )

**Proposal:** **Internal arrangements to provide supported accommodation for up to 5no individuals**

**Location:** The Sheiling, Fatfield Road, Washington, NE38 7DT

**Ward:** Washington Central  
**Applicant:** Sunderland City Council  
**Date Valid:** 6 September 2023  
**Target Date:** 1 November 2023

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## INTRODUCTION

The application seeks planning permission for a change of use from a dwellinghouse (Use Class C3) to supported residential accommodation (Use Class C2 (Residential Institution)). Amendments to the existing internal arrangements are required to facilitate provision of the supported accommodation which would be for up to 5 no. individuals.

Support and staffing would be provided by Sunderland City Council's experienced, specialised partner Changing Lives.

## DESCRIPTION OF SITE AND SURROUNDINGS

The application property is located within a residential area of Biddick, at the junction of Biddick Villas and Fatfield Road in Washington. The site, as existing, comprises a two-storey semi-detached dwelling which is set within a triangular plot which, to the principal (northwest facing) elevation, fronts Fatfield Road. The side (northeast facing) elevation adjoins No. 46 Biddick Villas. The rear (southeast facing) elevation backs onto garden ground. The south site boundary bounds the curtilages of residential dwellings; specifically, Nos. 1 and 2 Ashley Close. The southwest and west portion of the site comprises an area of hardstanding which wholly covers the area forward of the principal elevation of the application property.

The application site, as noted, is situated within a residential area of similarly styled properties. While the application site is positioned within a residential setting, it is noted that Biddick Academy is situated to the south (with Ashley Close intervening).

## THE PROPOSED DEVELOPMENT

The proposed development for supported residential accommodation would utilise the existing footprint of the building. No external alterations are proposed and so the appearance of the

property would remain as existing. Only internal alterations would be required – to the first-floor landing, as well as to enable provision of a further 2 no. bathrooms.

The proposed supported residential accommodation would provide housing for up to 5 no. single females (aged 18-25) who find themselves homeless. They would come from a range of backgrounds. For example, some may move from unsuitable accommodation; some people may be leaving care or hospital; and others may be street homeless or sleeping rough. The project would support occupants to live safely and develop skills that would enable them to move on to living independently. As noted from the submitted Design and Access Statement, the scheme is likely to mean that occupants, in turn, would live at the application property for approximately 3-6 months.

The proposed development would be managed whereby a curfew would be in operation for residents between the hours of 23:00 hours and 07:30 hours. Residents would not be permitted to receive any visitors, unless by prior arrangement with support staff, and only during office hours.

The staffing arrangements for the proposed development would normally comprise 2no. on-site staff members (on occasion, 3no.) with a maximum of 6no. on site at any one time (noting the transient period for staff handover at the times of 8am and 8pm)). The staff would provide on-site support on a 24/7 basis, with shifts lasting up to 12 no. hours each between the times specified previous.

The proposed development would utilise the existing access off Fatfield Road, and application details state that the application site is capable of accommodating 5 no. vehicles.

## **PLANNING HISTORY**

There is no planning history of relevance to the determination of this planning application. However, previous planning history at the application site is as follows:

**Reference Number:** 88/01913/10

**Description:** Conversion of dwelling to rest home

**Status:** Refused

**Reference Number:** 89/00478/10

**Description:** Change of use to guest house.

**Status:** Refused

## **TYPE OF PUBLICITY:**

Site Notice Posted

Neighbour Notifications

## **CONSULTEES:**

Cllr Beth Jones

Cllr Dianne Snowdon

Cllr Linda Williams

Network Management

Environmental Health

Housing - People Services

Northumbria Police

Fellside 45 Biddick Villas Columbia Washington NE38 7DT  
Clovelly 46 Biddick Villas Columbia Washington NE38 7DT  
2 Ashley Close Biddick Washington NE38 7TP  
North Biddick Lodge Biddick Lane Fatfield Washington NE38 8AB  
1 Ashley Close Biddick Washington NE38 7TP

Final Date for Receipt of Representations: **13.10.2023**

## **REPRESENTATIONS:**

### **Publicity**

The occupiers of 5 no. properties in the vicinity of the application site (including those adjoining the curtilage of the subject dwelling) were sent neighbour notification letters. A site notice was also posted in the vicinity of the application site.

Application details state that the applicant has, at pre-application stage, engaged with the local community as part of the proposals.

Site notice expiry date: 04/10/2023

Neighbour notifications expiry date: 13/10/2023

Consultation expiry dates: 27/09/2023 and 11/10/2023

### **Neighbour Representations - Objections**

More than 200 representations have been received objecting to the planning application (with 2 objectors requesting to speak), as well as petitions. These are summarised as follows:

#### **Residential Amenity**

- Concern in respect of the proposal being overbearing
- Scope for overlooking
- Lack of distance of separation from application site
- Increased noise (smoke alarms, emergency vehicles, loud music, arguments between residents and carers)
- Increased comings and goings (traffic generation)
- Concern in regard to potential loss of privacy
- Concern regarding potential for encroachment

#### **Highway Safety**

- Increased comings and goings (traffic generation)
- Access arrangements insufficient
- Concern that the proposal compromises highway safety
- Concern that the parking arrangements are inadequate (risk of overspill to already saturated roads during term time)

#### **Siting/Amenity**

- Unsuitable location
- Inappropriate use
- Concern that the proposal would utilise a non-purpose built facility
- Other properties deemed more conducive to supporting the scheme
- Concern in respect of impact to residential character and community cohesion

### Fear of Crime / Antisocial Behaviour

- Concern in respect of security being compromised
- Fear of introducing crime (drugs, alcoholism, prostitution, theft, violence (from supposed abusive ex partners)) and antisocial behaviour into locality
- Proximity of Biddick Academy, St. Robert's, and Biddick Primary School to application site
- Compromising safeguarding standards in view of nearby schools
- Vulnerability of school children to occupiers of the scheme
- Adequacy of support to fully ensure 24/7 care
- Relations and acquaintances of occupiers visiting
- Risk of exposing children to drug and alcohol problems and crime, particularly while waiting at the bus stop located adjacent to the site entrance
- Lack of available policing

### Other Matters

- Effect on elderly population
- Ill health and impact to mental health
- Concern in respect of increased litter
- Loss of heritage
- Lack of clarity surrounding curfew arrangements (i.e., must residents be in room by 11pm or just on the premises?)
- Loss of value to property
- Objection to handling of the application
- Biddick Academy not notified
- Neighbour notification process not carried out adequately
- Access to healthcare (prospective occupiers and existing residents)
- Offender status unclear in proposals
- Citation of paragraph 2.39 of the adopted Core Strategy and Development Plan ('CSDP') which refers to the number of empty properties within Sunderland (noting a small number of long-term empty properties (over 6 months) which account for approximately 2% of the city's housing stock).
- Query in respect of how "challenging behaviour" be managed.
- Reference to previous applications at the site being refused

### **Neighbour Representations - Support**

6 no. representations have been received supporting the planning application. These are summarised as follows:

### Other Matters

- Drug and alcohol abuse is ever-present across society at all locations so proposals to ameliorate instances and support those who have struggled with drug and alcohol abuse should be supported

- Assurance of 24/7 staffing should satisfy concerns and ensure proposal is to the betterment of community as a whole
- There should be a presumption in favour of proposals to support reintegrating individuals into society and look after the community, rather than isolating individuals
- Staffing is sufficient and risk assessments will be carried out by suitably competent, professionals
- Residential area is most appropriate location for development of this nature in reducing sense of isolation occupants may otherwise feel
- Prospective occupants will have negligible effect on emergency service capacity; respondent cites that the new residential schemes within the locality will affect emergency services more so such points raised in respect of this proposal are misplaced

## **Consultees**

### **Ward Councillors**

No responses received.

### **Network Management**

No objection.

### **Environmental Health**

No objection, subject to informatives.

### **Housing - People Services**

No comments received.

### **Northumbria Police**

No objections.

Comments made as follows:

- Noted that a significant number of objections have been raised making particular reference to the application property housing occupants with drug and alcohol issues.
- Acknowledge that Northumbria Police have interest whereby proposals for care facilities would likely impact upon public amenity.
- It would be remiss to assume that there would be no impact at all but the principal means by which to assess the application is through appraising whether potential impact can be suitably addressed through appropriate management at the facility. The proposed level of on-site management including a curfew and restricting visitors is noted. Overall (in terms of the proposed management arrangements), Northumbria Police considers the proposal acceptable in terms of mitigation measures and notes that a link with the local policing team will be established.
- Given the level of on-site management and nature of the care provision, it is unlikely that drug detritus will originate from the property or be a problem in the locality because of the proposal.
- Representations express concern about the safety of pupils of the nearby comprehensive school. However, it is not clear that residents of the proposal would pose any risk to young people. In any case matters of placement would be agreed with the local authority and care provider, taking into account third party risk.

## Conclusion:

- Northumbria Police acknowledge the views expressed by residents, however experience has shown that the sort of negative behaviours identified are neither excusive to, or certain to occur, if a premises is well managed.
- Northumbria Police accept that there is a need for the premises and that such facilities should be provided where possible. Such facilities have a better chance of success if they are not in more challenged localities.
- Subject to the adoption of appropriate management, good communication and well-structured care, supported accommodation at this location poses very little risk.

## COMMENTS:

### PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998, the 'saved' and policies within the UDP Alteration No. 2 (Central Sunderland) adopted in 2007.

The National Planning Policy Framework ('NPPF') (5th September 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

### ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway and pedestrian safety;
5. Fear of crime / antisocial behaviour

#### **1. Principle of Development**

##### **Strategic and Land Designation Policies**

Policy SP1 'Development Strategy' of the adopted Core Strategy and Development Plan (CSDP) states that to meet people's needs, the Council, working with local communities, its partners, and key stakeholders will ensure that sufficient social infrastructure is delivered to meet identified needs. It states that the spatial strategy seeks to deliver this growth and sustainable patterns of development by delivering the majority of development in the existing urban area, in sustainable locations, close to transport hubs.

The overall aim of Policy SP3 'Washington' as set out in the adopted CSDP relates to enabling, in conjunction with other CSDP policies, sustainable mixed communities to thrive and drive economic growth for Sunderland.

Saved Policy EN10 of the adopted Unitary Development Plan (UDP) dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

The proposed development would be within the Existing Urban Area, in a sustainable location, close to public transport links, and make provision for social infrastructure wherein a need has been identified. On this basis, it would accord with Policy SP1 and Policy SP3 of the adopted CSDP.

The application site is not designated for any specific purpose within the Council's development plan. The site is therefore subject to saved Policy EN10 of the adopted UDP, which, as noted above, dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

Concerns raised in representations are noted in relating to the siting of the proposed development. However, the surrounding land uses are predominantly residential and the proposed development for a supported residential accommodation would broadly coalesce with the prevailing residential land uses in the locality. The character of this residential area would not be compromised as a result of this proposal for an alternative form of residential accommodation. It is considered that the proposed development, as a form of residential accommodation, would be compatible with existing patterns of land use. That said, to control the nature of the proposed development and any intensification, it is recommended that a condition be attached to any planning permission to ensure that the number of residents does not exceed 5 at any given time.

It is considered that the proposed change of use of the dwellinghouse (Use Class C3) to residential accommodation with support (Use Class C2) would accord with saved Policy EN10 of the adopted UDP.

### Housing

Policy H1 'Housing mix' of the adopted CSDP stipulates that development, where appropriate and justified, should seek to ensure there is a choice of suitable accommodation for those with special needs housing.

Policy H5 'Existing homes and loss of homes' of the adopted CSDP contains criteria which broadly seeks to prevent the loss of residential housing stock. Criterion 2 of Policy H5 of the adopted CSDP states that development which would result in the loss of residential housing stock, particularly family housing, through change of use or redevelopment will not be permitted unless it is demonstrated that:

- i. the dwelling(s) no longer provide accommodation of a satisfactory standard;
- ii. it is financially unviable to improve or adapt the existing dwelling(s); and
- iii. the locality and character of the surroundings are no longer appropriate for residential use.

As noted, Policy H1 'Housing mix' of the adopted CSDP stipulates that development, where appropriate and justified, should seek to ensure there is a choice of suitable accommodation for those with special needs housing. In this instance, it is considered that the proposed development would provide a form of accommodation which would seek to address a specific



continuous short-term need (supported living accommodation) over the lifetime of the development. On this basis it is considered that the proposed development would accord with Policy H1.

Whilst the proposed development would result in the loss of a family dwelling, it would still operate as a form of residential accommodation, albeit whereby the residents need support. It would also result in no material alterations to the property externally. Therefore, if, in the future, the proposed use ceased, the building could easily be converted back to a dwellinghouse. Although the proposed development would not strictly operate as a dwellinghouse in Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), given that it would result in a form of residential accommodation being retained, it is considered that it would not conflict with the objectives of Policy H5.

### Summary

In summary, the proposed development would be within the Existing Urban Area, in a sustainable location, and provide a specialist form of residential accommodation. On this basis, it is considered that it would accord with policies SP1, SP3 and H1 of the adopted CSDP, and saved Policy EN10 of the UDP. It would also not conflict with the objectives of Policy H5 of the adopted CSDP. It is therefore considered that the proposed development would be acceptable in principle.

### **2. Design and impact on visual amenity**

Policy BH1 'Design Quality' of the adopted CSDP stipulates that development should be of scale, massing, layout, appearance, and setting which respects and enhances the positive qualities of the locality.

The proposed development would not be in a sensitive location. No external works are proposed that would alter the appearance of the existing property. In these terms, it is considered that the proposed development would accord with Policy BH1 of the adopted CSDP.

### **3. Impact on residential amenity**

Policy HS1 'Quality of life and amenity' of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from noise and traffic.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

Concerns raised in representations are noted in relation to privacy / overlooking, the proposal being overbearing, and a lack of separation / encroachment. However, no external alterations are proposed to the existing application property. Moreover, no alterations are proposed to the existing scale (and, thus, no change to existing distance of separation), massing, and or mutual intervisibility (i.e., no new openings formed). By virtue of retaining the existing arrangement, the proposed development would have no unacceptable impacts on the amenities of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

Concerns raised in representations are noted in relation to increased noise / disturbance from comings and goings of residents and visitors. However, the Council's Environmental Health Officer has raised no objections to the proposed development in relation to such impacts. The proposed development would be a managed facility with a maximum of 5 no. residents and whereby 2no. (on occasion, 3no.) members of staff would be at the premises 24/7. Visitors to the property would be during office hours only and managed by staff, residents would be subject to a curfew, and any use of the outdoor space would be managed by staff. Therefore, the appropriate provisions have been made, to ensure that the proposed development would not generate any unacceptable noise / disturbances. The character of this residential area would not be compromised as a result of this proposal for an alternative form of residential accommodation. As previously stated, to control the nature of the proposed development and to ensure that the Local Planning Authority retains control over any intensification of the use, it is recommended that a condition be attached to any planning permission to ensure that the number of residents does not exceed 5 at any given time.

There would normally be only 2no. members of staff at the premises. On occasion there could be up to 3no. members of staff based at the premises, and so a maximum of 6no. members of staff for short periods of time during shift changeovers. However, any noise and disturbances associated with comings and goings of staff would not be materially greater than those that could be generated by a large household (with several vehicles). However, it is recommended that a condition be attached to any planning permission, to control that the number of staff at the application site associated with the care element of the development does not exceed 6 at times of shift changeover, and 3 at all other times, on any given day.

It is recommended that an informative be attached to any planning permission to remind the applicant to liaise with the Council's Environmental Health Officer in relation to any licensing requirements.

Overall, there is no evidence to suggest that a proposal of this nature would cause any adverse impacts in relation to noise from residents living at the premises, noise and disturbances associated with comings and goings of residents, visitors and staff, or in relation to any other impacts in relation to residential amenity. It is considered that the proposed development would therefore accord with Policy HS1 and Policy BH1 of the adopted CSDP.

#### **4. Impact on highway and pedestrian safety**

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals should have safe and adequate means of access, egress and internal circulation / turning arrangements; they should be assessed and determined against current standards for the category of road; they should have safe and convenient access for sustainable transport modes; and they should not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users.

Concerns raised in representations are noted in relation to the comings and goings of residents / staff generating traffic, problems associated with access arrangements, parking congestion being to the detriment of highway safety, and highway safety issues in general. However, the

proposed development would utilise the existing in-curtilage parking provision (5no. spaces) to allow parking spaces for staff and prior agreed visitors. Application details state that residents would not utilise personal vehicles and instead would rely upon public transport, notably, the bus. The application site benefits from a bus stop on Biddick Lane, positioned immediately adjacent to the application site. On this basis the Council's Transportation Development (the Local Highway Authority) have raised no objections to the proposed development in relation to its impact on highway safety, including the in-curtilage capacity of the application site to accommodate vehicles for the proposed development.

As stated, it is recommended that a condition be attached to any planning permission, to control that the number of staff at the application site associated with the care element of the development does not exceed 6 at times of shift changeover, and 3 at all other times, on any given day. This is to ensure that there would be satisfactory parking at the site and in the interests of highway safety.

Given the comments from the Council's Local Highway Authority, it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. It is therefore considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

## **5. Fear of Crime / Antisocial Behaviour**

Policy SP7 of the CSDP, in broad terms, seeks to improve health and wellbeing in Sunderland including by ensuring that new developments would be safe.

Paragraph 130 (f) of the NPPF requires (amongst other provisions) that planning policies and decisions should ensure that developments create places that are safe; achieve a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Concerns raised in representations relate to the proposed development having an adverse impact in relation to crime and anti-social behaviour, in relation to the service capacity of Northumbria Police, and how the management of the facility can be guaranteed over the lifetime of the development. Concerns are further heightened by the fact there are schools in reasonably close proximity to the application site.

Northumbria Police have considered the proposed development as well as representations raising concerns in relation to crime and anti-social behaviour. However, they have raised no objections. Whilst comments are based on genuine concerns, experience has shown that the sort of negative behaviours identified in representations is neither exclusive to, or certain to occur, if a premises is well managed. In this case, the proposed development would be managed 24/7 by professional members of staff, and so there is no evidence to suggest that a proposal of this nature would give rise to undue, unacceptable risk to safety to the immediate and surrounding locale (and, by extension, the safety, health and wellbeing of its residents and members of the public of whom frequent the area).

Northumbria Police have raised no objections to the proposed development in respect of impact on their service capacity and fulfilling any requisite requirements pertaining to provision. It should instead be noted that Northumbria Police have stated that strong links with the local policing team will be established with the applicant.

The applicant has confirmed that there will be a minimum of 2no. members of staff on site at all times in what would be a fully managed facility. Furthermore, the applicant has, subject to there being appetite for such a proposal, offered to provide a single point of contact for the scheme through which the public can report concerns to. CCTV would be in operation (covering the public highway surrounding the application property) and a suite of parties (including, but not limited to Northumbria Police, Probation, Change Grow Live, Adult Social Care, and the Council's Anti Social Behaviour Team) shall continue to be involved in the management of occupiers.

The applicant has confirmed that all staff would be able to proactively deal at source with any issues that arise with risk assessments undertaken by the support staff and rigorous training in how to deal with difficult situations if they occurred. During the hours of 23:00 hours and 07.30 hours, the applicant has confirmed that the occupiers would be required to be on the premises, and the management of the facility would ensure that any use of the outdoor space would have no adverse impacts on residential amenity.

There is no evidence to suggest that a proposed development of this nature, managed 24/7, would have any unacceptable impacts on schools in the nearby vicinity.

Given the managed nature of the proposed development (a care facility providing supporting living), there is no evidence to suggest that a proposed development of this nature would have any unacceptable impacts in relation to crime and anti-social behaviour. Crime and antisocial behaviour is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management. On this basis, and given that Northumbria Police have raised no objections, it is considered that the proposed development would comply with Policy SP7 of the adopted CSDP in relation to safety, and guidance within Paragraph 130 (f) of the NPPF.

## **6. Other Matters**

Other matters raised in representations not considered above are addressed as follows:

- The Local Planning Authority can only assess the merits of the proposed development subject of the application. Whether or not any other sites have been considered by the applicant is not of relevance to the determination of this planning application.
- The number of alternative empty premises within the City of Sunderland is not of relevance to the determination of this planning application, which simply relates to the acceptability of the proposed development at the application site.
- Loss of property values is not a material planning consideration.
- Concern raised that the application site does not constitute a formal purpose-built facility are noted. However, the proposed internal alterations would suitably serve to ensure that the premises are, upon completion of associated works, acceptable for the proposed end use.
- No external alterations are proposed to the building. The proposed development would therefore have no impacts on any historic assets.
- The planning application has been publicised in accordance with statutory requirements (letters were sent to nearest residential properties and a site notice was posted). There was no requirement to notify Biddick Academy. However, it is understood that the applicant liaised with the school prior to the submission of the planning application.
- The planning application has been available to publicly view online throughout the whole assessment process. Any 'pre' application consultation undertaken by an applicant, in

this case the Council, is completely independent to the statutory publicity / consultation that the Local Planning Authority (LPA) must adhere to.

- There is no evidence to suggest that a proposed development of this nature would have any adverse impacts on the elderly or mental health of nearby residents.
- There is no evidence to suggest that a proposed development of this nature would have any impacts on access to healthcare provision in the vicinity.
- Previous planning history at the application site (summarised elsewhere in this report) is not of direct relevance to the determination of this planning application).
- The nature of the proposed occupants has been summarised in the description of the proposed development above. The assertion that there will be 'offenders' at the premises is not correct.

## **Conclusions**

The proposed development would be within the Existing Urban Area, in a sustainable location, and provide a specialist form of residential accommodation. It would result in the loss of a dwelling, but retain a form of residential accommodation at the application site. It is therefore considered that the proposed development would be acceptable in principle at this location.

It is appreciated that local residents have genuine concerns about the potential for an increase in crime and anti-social behaviour. However, Northumbria Police have raised no objections to the proposed development. It is therefore considered that there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities, would be attributed to residents of the facility. Crime and anti-social behaviour is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management. In this case, the proposed development is for supported living and would be appropriately managed 24/7.

The Council's Environmental Health Officer has raised no objections in relation to noise and general disturbances. Whilst concerns raised in representations are noted in relation to noise and general disturbances, given that the proposed development would be appropriately managed 24/7, it is considered that it would have no unacceptable impacts in relation to residential amenity.

No external alterations are proposed and so the proposed development would have no unacceptable impacts on visual amenity, and the Council's Transportation Department (the Local Highway Authority) has raised no objections to the proposed development in relation to parking provision and highway safety.

To control the nature of the proposed development and to prevent the intensification of use at the premises, conditions are recommended to control the maximum number of residents and staff that can be at the premises at any given time.

It is considered that the proposed change of use of the dwelling to residential accommodation with support would have no unacceptable impacts. The proposed development would cater to a specific housing need in which there is demand for within the Local Authority area. For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and the National Planning Policy

Framework (September 2023). It is therefore considered to be an acceptable form of development, subject to the compliance with the recommended conditions.

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** For the reasons given in this report it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), Members GRANT CONSENT for the proposal subject to the conditions listed below.

**Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- o Drawing No. S4196-BDN-XX-XX-DR-A-0000 (Location Plan), received 31/08/2023
- o Drawing No. S4196-BDN-XX-XX-DR-A-0001 (Existing Floor Plans), received 31/08/2023
- o Drawing No. S4196-BDN-XX-XX-DR-A-0002 (Existing and Proposed Elevations), received 31/08/2023
- o Drawing No. S4196-BDN-XX-XX-DR-A-0003 (Existing Site Plan), received 31/08/2023
- o Drawing No. S4196-BDN-XX-XX-DR-A-0004 (Proposed Floor Plans), received 31/08/2023
- o Drawing No. S4196-BDN-XX-XX-DR-A-0005 (Proposed Site Plan), received 31/08/2023

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

3 The number of residents to be accommodated at the development hereby permitted shall not exceed 5 at any one time.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1 and Policy BH1 of the adopted Core Strategy and Development Plan.

4 The number of staff at the application site associated with the care element of the development hereby permitted shall not exceed 6 at times of shift changeover, and 3 at all other times, on any given day.

To ensure a satisfactory form of development, to prevent the intensification of use at the premises, in the interests of residential amenity and highway safety, and to accord with saved Policy EN10 of the adopted Unitary Development Plan, and Policy HS1, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.





ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE PLANNING AND HIGHWAYS COMMITTEE

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>23/00475/FUL</b>	<b>O'Briens</b>	Siting of 95no. storage containers within carpark area and installation of lighting on site. (retrospective)	14/09/2023	14/12/2023
<b>Castle</b>	Tennon HouseFerryboat LaneSunderlandSR5 3JN			Time extension agreed
<b>23/01653/OUT</b>	<b>Vestbrown Limited</b>	Outline Planning Permission for the construction of up to 215 no. residential dwellings (Use Class C3) and associated access arrangements (all other matters reserved).	22/08/2023	21/11/2023
<b>Copt Hill</b>	Land South Of The Philadelphia Complex PhiladelphiaHoughton-le-SpringDH4 4UG			Time extension agreed

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>20/01442/VA3</b>	<b>Sunderland City Council</b>	Variation of Condition 2 (Plans) attached to planning application : 18/02071/LP3, to allow reduction in window sizes, additional railings to top of shelter, removal of seats on top of shelter and footpath changes for refuse collection.(Additional information regarding roof alterations received 17.09.20)	17/08/2020	12/10/2020 Time extension agreed <b>30/06/2023</b>
<b>Fulwell</b>	Bay Shelter Whitburn Bents Road SeaburnSR6 8AD			
<b>18/01820/FUL</b>	<b>Persimmon Homes Durham</b>	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019 Time extension agreed <b>30/06/2021</b>
<b>Hendon</b>	Former Paper MillOcean RoadSunderland			

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>22/00931/FUL</b>	<b>Fielding Park Projects</b>	Erection of 6 townhouses and 16 apartments with associated parking and landscaping.	11/08/2023	10/11/2023
<b>Hendon</b>	Land At Egerton Street Sunderland			Time extension agreed
<b>23/00270/MAW</b>	<b>Tradebe Solvent Recycling Ltd</b>	Installation of a distillation column and 5no. storage tanks	27/02/2023	03/06/2023
<b>Hendon</b>	Tradebe Solvent Recycling Limited Hendon Dock Barrack Street Sunderland SR1 2BU			Time extension agreed <b>28/11/2023</b>

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>22/00970/FUL</b>	<b>Thirteen Housing Group Limited</b>	Erection of 103no. affordable residential dwellings (Class C3) with associated access, landscaping and infrastructure (further amendments received 13.10.23)	13/05/2022	12/08/2022
<b>Hendon</b>	Land At Harrogate Street And Amberley Street Sunderland			Time extension agreed <b>31/01/2024</b>
<b>21/00561/REM</b>	<b>Mr C Ford</b>	Reserved matters approval for appearance, layout, design and landscaping in relation to planning application 12/01125/OUT (Proposed residential development comprising 40 no. residential dwellings with associated landscaping and access.) (amended layout with turning facility received).	19/03/2021	18/06/2021
<b>Hetton</b>	Coal Bank Farm Hetton-le-Hole Houghton-le-Spring DH5 0DX			Time extension agreed

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>21/00603/FUL</b>	<b>Persimmon Homes (Durham)</b>	Construction of 243 dwellings (use class C3) with associated access, landscaping and infrastructure.	22/04/2021	12/08/2021
<b>Hetton</b>	Land East Of North Road Hetton-le-Hole Houghton-le-Spring			Time extension agreed <b>29/02/2024</b>
<b>23/00747/FUL</b>	<b>Aldi Stores Limited</b>	Erection of discount food store (1,867 sq.m GEA / 1,786 sq.m GIA) (Use Class E) with associated access, car parking, hard and soft landscaping and associated works. (Amended dated 09.08.2023).	24/03/2023	23/06/2023
<b>Hetton</b>	Land To The South Of Colliery Lane Hetton Le Hole DH5 0HU			Time extension agreed <b>31/10/2023</b>

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>17/00589/FUL</b>	<b>Persimmon Homes Durham</b>	Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 252 no residential dwellings with associated access, landscaping and infrastructure (AMENDED DESCRIPTION - FEBRUARY 2019).	21/03/2017	20/06/2017
<b>Houghton</b>	Land AtLambton LaneHoughton-le- Spring			Time extension agreed <b>30/09/2021</b>
<b>19/01743/MAW</b>	<b>The Durham Company Ltd</b>	Part retrospective application for the erection of a picking station for sorting recyclable materials.	13/12/2019	13/03/2020
<b>Houghton</b>	The Durham CompanyHawthorn HouseBlackthorn WaySedgeleth Industrial EstateHoughton-le-			Time extension agreed <b>30/09/2020</b>

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
11/00917/OUT	<b>Cowie Properties LLP And Landid Property (Sunderland) LIM</b>	Outline planning application with all matters reserved to provide for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure; Class A1-A5 retail; and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations. (Amended plans received 29 May 2013 and 25 June 2013).	22/03/2011	21/06/2011
<b>Millfield</b>	Former Cornings SiteDeptford TerraceSunderlandSR4 6DD			Time extension agreed

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>23/00393/FU4</b>	<b>Shah and Colman</b>	Change of use to mixed use retail and student accommodation, to include demolition of existing rear extensions and erection of replacement five storey rear extension, 2no.dormer windows to front roof and new shop front.	30/06/2023	29/09/2023
<b>Millfield</b>	61 - 63 Fawcett Street City Centre Sunderland SR1 1SE			Time extension agreed <b>31/10/2023</b>
<b>22/01123/FU4</b>	<b>Jomast Developments Limited And Cowie Properties LLP</b>	Erection of 6 no. general industrial (Use Class B2) or storage and distribution (Use Class B8) units; 7 no. trade warehouses with ancillary trade counters (Use Class B8) or light industrial (Use Class E (g) ii and iii) units; drive thru coffee shop (Use Class E); an EV charging station with retail kiosk (Sui Generis); and associated access, parking, servicing, landscaping and outfall structure and pipe. (amended Phase 1 Desk Study received 27.09.2023)	15/06/2022	14/09/2022
<b>Millfield</b>	Land At Deptford Terrace Sunderland			Time extension agreed <b>01/12/2023</b>



<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>17/02430/OU4</b>	<b>O&amp;H Properties</b>	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
<b>Pallion</b>	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			Time extension agreed <b>31/08/2021</b>
<b>23/01981/FUL</b>	<b>Newton Energi</b>	Erection of battery energy storage facility.	18/09/2023	18/12/2023
<b>Shiney Row</b>	Land At Foxcover Road Sunderland			Time extension agreed

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>21/01001/FU4</b>	<b>Bernicia</b>	Erection of 65 no. affordable homes with associated infrastructure and landscaping.	26/04/2021	26/07/2021
<b>Silksworth</b>	Land East Of Primate Road Sunderland			Time extension agreed
<b>23/00950/FUL</b>	<b>JT Consultancy Limited</b>	Conversion of existing offices on third and fourth floors of building to 16 no. apartments, and construction of new fifth story to existing roof to provide 8 no. apartments	08/08/2023	07/11/2023
<b>Washington Central</b>	Derwent House Washington Town Centre Washington			Time extension agreed <b>01/12/2023</b>
<b>22/00294/FU4</b>	<b>Taylor Wimpey (North East)</b>	Erection of 190 no. dwellings with associated access, landscaping and boundary treatment	04/03/2022	03/06/2022
<b>Washington North</b>	Former Usworth Sixth Form Centre Stephenson Road Stephenson Washington NE37 2NH			Time extension agreed <b>30/11/2023</b>

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>23/01547/FUL</b>	<b>Nissan Motor Manufacturing UK Limited</b>	Removal of existing tent structure, erection of new tent structure for storage purposes, and associated works.	23/08/2023	22/11/2023
<b>Washington North</b>	Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland SR5 3NS			Time extension agreed
<b>23/01341/FUL</b>	<b>Nissan Motor Manufacturing UK</b>	Extension to existing vehicle manufacturing plant comprising 2 No. linked modular warehouse buildings for storage purposes, reconfiguration of existing car park, installation of fence and associated work (amended Flood Risk Assessment and Drainage Strategy received 13.10.2023)	19/09/2023	19/12/2023
<b>Washington North</b>	Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland SR5 3NS			Time extension agreed

<b>Application Ref and Ward</b>	<b>Applicant and Address</b>	<b>Proposal</b>	<b>Date Valid</b>	<b>Determination Date</b>
<b>22/02803/FU4</b>	<b>Boom Power Ltd</b>	Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays together with substation, tower connection, transformer stations, switchroom, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	18/01/2023	19/04/2023
<b>Washington West</b>	Land AtUsworth House FarmPeareth Hall RoadSpringwellGatesh eadNE9 7NT			Time extension agreed <b>09/02/2024</b>
<b>23/01864/MAW</b>	<b>Thompsons Of Prudhoe Ltd</b>	The construction of a 2.5m high bund to be constructed along the eastern perimeter of the Springwell Quarry Site.	12/09/2023	12/12/2023
<b>Washington West</b>	Thompsons Of PrudhoeSpringwell QuarrySpringwell RoadSpringwellGatesh ead			Time extension agreed