

DEVELOPMENT PLAN

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

Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.	21/02627/FUL
Proposal	Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping, and new pedestrian access onto Silksworth Lane) (as amended)
Location	The Cavalier Silksworth Lane Sunderland SR3 1AQ
Ward	Silksworth
Applicant	CJ Taverns
Date Valid	10 January 2022
Target Date	11 April 2022

Members may recall that Officers presented the above application to an earlier meeting of the Planning & Highways Committee (19 June 23). Members voted to defer consideration of the application, so that a site visit could be undertaken.

Officers would also draw to attention that after the meeting the Agent submitted amended plans and further representations have been received from Cllr Tye and the occupiers of neighbouring properties. These will be described in more detail below.

The application seeks full planning permission for

Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane)

at The Cavalier / Hunters Lodge, Silksworth Lane Sunderland SR3 1AQ

The site lies towards the southwest of the City, to the south east of the A690. The surrounding land uses include dwelling houses to the east, a residential development currently under construction to the south and apartments to the west. The site itself, containing a public house with associated access and car park, has an irregular plan form and covers around 0.9 hectares.

The proposed development would involve the demolition of the existing public house and the construction of 14 dwelling houses and a three-storey building to provide five apartments: including a new pedestrian access onto Silksworth Lane. The existing vehicular access would be retained.

The Agent has submitted additional / amended information throughout the determination of the application. The Agent, a few weeks after the previous meeting, submitted amended plans showing the removal of the second-floor windows facing south from the proposed apartments. The application will be determined based on these amended plans.

Publicity

Neighbour notification letters were sent to nearby properties (11 January 22, 15 August 22 and 11 July 23)

Press notice displayed in the local newspaper (Sunderland Echo, 18 January 22).

Site notices were displayed on Silksworth Lane (11 January 22)

Consultees

Ward Councillors (Washington North)

The most recent representation from Cllr Tye will be repeated below:

Both myself and Mrs Prater are removing our objection to the development, one question that we both have is the close proximity of the trees they are in Mrs Praters land, how do they protect the roots, so the trees do not become damaged or is there no such thing seen as the on the roots are on their land.

Ambulance

No response received.

Ecology

Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals.

Education

No response received.

Fire & 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.

Land contamination consultant

A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice

Lead Local Flood Authority

I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

Local Highway Authority

Comments relating to access / visibility splay, pedestrian provision / safety, Transport Statement, trip generation, accident data, car parking, cycle storage, electric vehicles, Autotrack / servicing, highway drainage / surface water run-off, SUDS, adoptable standard, private development, retaining walls, Section 278 agreement and Construction Environment Management Plan.

Housing

No response received.

National Highways

Offer no objection.

Natural England

Further information required to determine impacts on designated sites.

As submitted, the application could have potential significant effects on the:

- *Northumbria Coast Special Protection Area (SPA)*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *A Habitats Regulations Assessment*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained

Northumbrian Water

We request that the following approval condition is attached to a planning approval,

Police Architectural Liaison

Overall we have no objection to the proposal although we would like to make the following comments

- *We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.*
- *The plans lack detail as to the security of communal spaces in the Type E, apartments block*

Representations

A neighbour who previously submitted representations has recently said that:

I can confirm I am withdrawing my objections to the apartment's following the revised plans shared last week and on the basis that once started the proposed separation distances are adhered too as a minimum.

The remaining representations will be summarised below.

Principle

Loss of public house with a garden would be contrary to policy VC5.

The proposal would be excellent for the local area

Amenity

Loss of trees would reduce the privacy for occupiers of Ski View.

Cumulative

Other developments have reduced the amount of green space in the local area.

Drainage

Access to existing septic tank.

Ecology

Felling of trees will have impact upon local wildlife.

Groundworks

Stability of existing retaining walls.

Trees

Loss of trees.

Request for trees to be pruned which are close to a neighbouring property.

Planning History

The most relevant planning applications will be repeated below, together with a commentary.

91/02123/1 Residential development
APPROVED (OUTLINE).

91/00913/1 Housing development for 7 no. detached dwellings & 7 no. terraced town houses.
WITHDRAWN.

93/00854/40 Erection of 6 no. residential units.
APPROVED

The three applications above should be given very little weight by the decision taker given that they date from around 30 years ago.

10/01350/OUT Outline application (all Matters Reserved) for the demolition of public house and the erection of 7 dwellings
WITHDRAWN

11/00767/OUT Resubmission of outline application for the demolition of public house and the erection of 7 dwellings (all matters reserved).
WITHDRAWN

The two applications above should be given very little weight by the decision taker given that they were both withdrawn.

15/02345/OUT Outline application for demolition of existing public house and removal of existing trees to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).
APPROVED.

The above application should be given very little weight by the decision taker given that the planning permission has now expired.

19/00006/OUT Proposed new residential development consisting of up to 14 dwelling houses and up to 8 apartments with associated parking
MINDED TO GRANT PLANNING PERMISSION; SUBJECT TO THE

COMPLETION OF A LEGAL AGREEMENT.

The above application should be given limited weight by the decision taker given that the committee report relied on the fallback position offered by an earlier grant of outline planning permission which has now expired (15/02345/OUT).

Policies

Core Strategy and Development Plan (2015-2033)

Draft Allocations and Designations Plan (December 2020)

The Council undertook consultation around two years ago for the Draft Allocations and Designations Plan (A & D Plan). The representations received are currently being logged and taken into consideration. There has recently been an appeal decision which said that *Given the stage of the ADP this carries very little weight as planning policy* (ref: APP/J4525/W/21/3270321). The A & D Plan should therefore only be given very limited weight by the decision taker.

Material Considerations

City Plan (2023-2035)

Low Carbon Framework (including associated Low Carbon Action Plan)

Supplementary Planning Documents:

- Development Management (including the Residential Design Guide)
- Planning Obligations.

Officer Comments

Principle

The Glossary within the Core Strategy defines a community facility as

A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres.

The current use of the site as a public house would fall within the above category of *community facility*. The most relevant policy within the development plan would therefore be policy VC5 (Protection and delivery of community facilities and local services) of the Core Strategy; which will be repeated below

Community facilities and local services will be protected and enhanced by:

- 1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses;*
- 2. supporting development of new and extended community facilities. Developments for new community facilities should be located in accessible neighbourhood and centre locations; and*
- 3. supporting the shared use of facilities, provided that it can be demonstrated that such shared use will not adversely affect the level of social and community provision.*

The supporting text to policy VC5 clarifies, when considering the loss of a community facility, that:

It is important to protect viable facilities so far as is practicable, unless there is an overriding justification for their loss or exceptional benefits deriving from alternative forms of development. The council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss. The applicant will be required to provide written evidence that they have marketed the facility for at least 24 months and consulted with the Local Voluntary and Community Sector and advertised in the local press. The level of detail will depend upon the nature of the proposal; the applicant should contact the council at the earliest stage to discuss this.

The Applicant has not undertaken a marketing exercise in accordance with the paragraph immediately above.

The Applicant has, however, submitted a commentary; which will be repeated below

The client prior to the pandemic and lockdowns was suffering a financial loss as there is a large decline in the use of public houses, business was very slow and then the lockdown caused major financial issues.

Pub numbers in the UK have been in steady decline. The data, taken from the British Beer and Pub Association (BBPA), and the Office for National Statistics (ONS), shows this decline varies regionally, and according to the type of pub ownership.

The ONS data is used for the regional statistics. Its count includes the numbers of pubs and bars around the UK.

A 2014 report by the Institute of Economic Affairs (IEA) found that the fall in pub numbers was due to:

- Regulations such as the 2007 smoking ban.*
- Economic factors such as the 2008 recession.*
- Increased taxation.*
- Reduced alcohol consumption. Studies show that increasing numbers of 16 to 24-year-olds are choosing not to drink alcohol.*

In essence the above factors had already led to a decline in business prior to the pandemic. Therefore, the client submitted and had approved a planning application for residential development on the site from 2015.

There are an abundance of other public houses / bars, social club's, or other drinking establishments, 18 in total within a 1-mile radius. This is walkable distance within around 15 mins for the average person from the proposed site in Silksworth.

In terms of material considerations, there has been an objection from the Campaign for Real Ale, which will be repeated below

The Cavalier Public House, is currently a community facility used by members of the public resident in Sunderland. The garden in particular is regarded as one of the "best pub gardens" in the city.

Application (21/02627/FUL) has been made after the implementation by Sunderland City Council of policy VC5 "Protection & delivery of community facilities & local services" part of Sunderland City Council's Core Strategy & Development Plan (2015-2033) (Dated Jan 2020.)

My organisation is concerned by the worrying loss of public houses acting as valuable community facilities particularly in suburban parts of the city. We would like assurance from the planning department that VC5 will be taken into account when this new planning application is decided.

Furthermore, we object should any "principle(s) of using the site for residential development" established prior to the current "Sunderland City Council's Core Strategy & Development Plan (2015-2033) (Dated Jan 2020.)" be accepted in any new application.

The proposal, in terms of the loss of a community facility in the form of a public house, would therefore be contrary to the relevant policy within the development plan and the representation received from CAMRA.

There also needs to be consideration given to the sustainability of the proposed site for a residential development, which will be presented below.

The Core Strategy, at policy SP1 (development strategy), says that:

1. To support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will:
 - i. *delivers at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure...*
 - v. *ensures that sufficient physical, social and environment infrastructure is delivered to meet identified needs.*
2. *The spatial strategy seeks to deliver this growth and sustainable patterns of development by:*
 - i. *supporting the sustainability of existing communities through the growth and regeneration of Sunderland's sub areas including: the Urban Core (Policy SP2); Washington (Policy SP3); North Sunderland (Policy SP4); South Sunderland (Policy SP5); and the Coalfield (Policy SP6);*
 - ii. *delivering the majority of development in the Existing Urban Area.*
 - iii. *emphasising the need to develop in sustainable locations in close proximity to transport hubs...*
 - iv. *delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.*
 - v. *protecting Sunderland's character and environmental assets including Settlement Breaks, greenspaces, Open Countryside and Green Belt; and*
 - vi. *minimising and mitigating the likely effects of climate change.*

The proposed development would contribute towards the above policy by providing 19 apartments and dwelling houses (point 1i) and the impacts upon physical, social and environmental infrastructure will be given consideration in the relevant detailed sections below (point 1v).

The proposed development would provide growth within both South Sunderland and the Existing Urban Area (points 2i and 2ii), would be within a sustainable location close to bus services (point 2iii) and would deliver homes (points 2iii and 2iv).

The impacts of the proposed development upon the character of the City, environmental assets and climate change will be given consideration in the relevant detailed sections below (point 2v and 2vi).

The Core Strategy, at policy SP5 (South Sunderland), says that

South Sunderland will continue to grow and become a spatial priority for housing and economic development. In order to achieve this:

- 1. economic growth will be focused in identified Employment Areas (Policies EG1 and EG2) and at the Port of Sunderland (Policy SS5);*
- 2. South Sunderland Growth Area (Policy SS6) is allocated as a new sustainable community.*
- 3. the council and its partners will work to secure regeneration and renewal at Hendon, Millfield and Pennywell; and*
- 4. the Settlement Breaks will be protected.*

The proposed development would contribute towards the above policy by providing apartments and dwelling houses in an area identified as a spatial priority for housing.

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

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

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

The proposed development would contribute towards the above policy by developing a small windfall site for housing (points 5 and 6).

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

- 1. Residential development should create mixed and sustainable communities by:*
 - i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council's SHMA or other evidence.*
 - ii. providing a mix of house types, tenures and sizes which is appropriate to its location.*
 - iii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and*
 - iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 - accessible and adaptable dwellings.*
- 2. Development where appropriate and justified, should also seek to:*
 - i. provide larger detached dwellings; and*
 - ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.*
- 3. Development should consider the inclusion of self-build and custom house building plots.*

The proposed development would make a contribution towards the above policy by contributing to meeting affordable housing needs (point 1i), providing a mix of house types (point 1ii) and providing detached dwellings (point 2i). The density of the proposed development will be given consideration in the detailed sections of the report below (point 1iii).

The Core Strategy, at policy H2 (affordable homes), says that:

All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. This affordable housing should:

1. *be provided on-site in order to help achieve mixed and balanced communities. However, exceptionally, off site provision or a financial contribution made in lieu may be considered acceptable where it can be justified.*
2. *be retained in affordable use in perpetuity.*
3. *when part of a mixed housing scheme should be grouped in clusters throughout the site.*
4. *be indistinguishable in terms of appearance from the market housing; and*
5. *reflect the latest available evidence with regards the tenure split and size of dwellings.*

A viability assessment should be submitted in line with the requirements of the PPG where it is not proposed to deliver the affordable housing requirement in full.

The proposed development would make a contribution towards the above policy as the submitted Affordable Housing Statement says that an *initial target of 15% provision of affordable housing should be sought* and that *will be achieved by the supply of 3no. two-bedroom apartments on the development as affordable.* The policy seeks 15%, which equates to three units; such an amendment could be sought via the associated legal agreement.

The Core Strategy, at policies ID1 (Delivering Infrastructure) and ID2 (Planning Obligations) says that *development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms, including affordable housing and local improvement to mitigate the direct or cumulative impact of development... in accordance with Planning Obligations SPD.*

The Planning Obligations Supplementary Planning Document says that residential development of more than ten dwelling houses should contribute towards:

Equipped Play Space - £704 per dwelling house.

Open Space (amenity green space) - £68.22 per bedspace

Allotments - £85.5 per dwelling house.

A legal agreement could ensure the above payments to provide for the infrastructure sought by policies ID1 and ID2. The detailed sections below will identify if any further infrastructure payments would be necessary.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a *Low Carbon Framework*. The Framework *establishes a high-level strategy for meeting our commitments under the Paris Agreement, EU Covenant of Mayors and our declaration of a climate emergency.* The Framework says that *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 specifically says that:

local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy

The determination of the application using the policies within the Core Strategy therefore means that the recommendation aligns with the Low Carbon Framework.

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 provides *Strategic Priorities* which will be given consideration in the relevant sections below (such as drainage).

In terms of the Low Carbon Action Plan, the proposed development would make a contribution towards Action Reference 5.06, which recommends to that the Council should *continue to concentrate new development at sustainable / accessible locations in the city*.

In summary, matters relating to the construction of the proposed apartments and dwelling houses would make a contribution towards the relevant policies found within the development plan and the relevant parts of the Low Carbon Framework and the associated Low Carbon Action Plan. The proposal would, however, also involve the loss of a community facility in the form of a public house; contrary to the relevant policy within the development plan and the concerns expressed in the representation from CAMRA. The principle of the proposed development will therefore be given further consideration in the planning balance at the end of the report.

Amenity

The submitted Noise Impact Assessment says that *noise levels affected the proposed development from road traffic have been measures and that if windows are required to be open for long periods of time, the resulting internal ambient noise levels in habitable rooms exceed the guidance upper limits*. The Assessment also says that *noise levels in most of proposed gardens are calculated to exceed the guideline upper limit*. The Assessment recommends mitigation in the form of glazing for the proposed buildings (including the potential for mechanical extract) and noise barriers to the southeast and middle of the site.

The Environmental Health Officer (EHO) has advised that

Road traffic noise was identified as the primary noise source affecting the development site, and consequently, noise levels were assessed during day and night hours with the data being compared to the desirable standards for internal and external noise climates set out in BS8233:2014 and World Health Community Noise guidelines.

The methodology and conclusions of the report are accepted.

Mitigation measures to achieve acceptable standards are set out in Table 1 and Figure 1 of the acoustic report.

Table 1 sets out suitable options for glazing and ventilation systems, and Figure 1 identifies the relevant building facades requiring treatment together with the locations of noise barriers on the site. The noise barriers may be either a solid close boarded timber fence of minimum surface density 10kg/m² or a brick wall - both of a height of at least 1.8m.

The final development design must specify the exact scheme that is selected to achieve the sound reductions recommended within the report. Applicant is advised to refer to Table 1 and Figure 1.

A condition is proposed to ensure a suitable design and its implementation.

The EHO has also recommended a condition for the submission of a Construction Environment Management Plan (CEMP).

The impact of the proposed development upon the amenity of the surrounding dwelling houses will be given consideration below:

North - the nearest proposed dwelling houses would be sited on plots 1 and 2 with a separation distance from the proposed rear elevation to the edge of the site of around 23.5 metres.

East - the nearest proposed dwelling house would be sited on plot 1 with a distance from the proposed side elevation to the side elevation of the existing dwelling house of around 20 metres. The next nearest would be sited on plot 11 with an angled distance from the proposed rear elevation to the back of the existing dwelling house of around 27.9 metres. The proposed dwelling houses would also be facing uphill.

South - the nearest proposed building would be the proposed three storey apartment block sited towards the southeast of the site with a distance from the proposed rear elevation to the back elevation of the existing dwelling house of around 31.3 metres. The Agent has estimated the finished floor levels to be 88.65m for the proposed apartments and 89.9m for the existing dwelling house.

West - the proposed apartments and dwelling houses would overlook Silksworth Road and the green space immediately thereafter.

The proposed development, in terms of the impact of the proposed apartments and dwelling houses upon the occupiers of existing properties nearby, would therefore accord with the relevant space standards described at paragraph 5.23 of the adopted Residential Design Guide, as found within the Development Management Supplementary Planning Document (SPD).

In terms of material considerations, there has been a representation submitted from the occupier of the dwelling house immediately opposite the proposed three storey apartment block which says that:

I can confirm I am withdrawing my objections to the apartment's following the revised plans shared last week and on the basis that once started the proposed separation distances are adhered too as a minimum.

In response, the Agent has submitted an amended site plan which accurately plots the position of both the existing dwelling house and the proposed apartment block, including an estimation of floor levels. The separation standard within the SPD, for a three-storey building facing an existing dwelling house, would be 26 metres.

The SPD also says that for each 1 metre increase in ground levels, 2 metres should be added to the separation distance. The difference in finished floor levels between the existing dwelling house and the proposed apartment block has been estimated by the Agent to be 1.25 metres, which means 2.5 metres should be added onto the separation distance. The total separation distance should therefore be 28.5 metres.

The amended plan shows that the separation distance would be 31.3 metres, greater than the minimum separation distance sought by the SPD.

There are some instances where the proposed dwelling houses within the site do not accord with the separation distances found within the SPD. These will be given consideration within the planning balance at the end of the report.

In terms of further material considerations, there has been a representation submitted on the basis that the proposed loss of trees would reduce the privacy for occupiers of Ski View. In response, the separation distances to these existing dwelling houses would exceed the space standards provided within the SPD.

In terms of further material considerations, there has been a representation submitted on the basis that other developments in the local area have reduced the amount of green space in the local area. In response, the site at the current point in time comprises a public house with associated access and car parking, albeit with some green space in the form of a play area and an open area near Ski View. The proposed development would leave an area to the north of the site open and free of development.

In summary, the detailed matters relating to amenity would accord with the relevant policy within the development plan, namely HS2 (noise-sensitive development), subject to the recommended conditions.

In terms of material considerations, the separation distances from the proposed development to the existing dwelling houses accord with the separation standards provided within the *Residential Design Guide*.

The exception to the above would be the proposed reliance on mechanical ventilation and the separation distances between the proposed dwelling houses. These will be given consideration in the planning balance at the end of the report.

Design

The layout of the surrounding area includes low density residential to the north (Silksworth Close), medium density residential to the east and south (Ski View and Cavalier Way) and high density to the west (the tower blocks at Amsterdam Road). The density of the proposed development, as 14 dwelling houses (including detached, semi-detached and a short terrace of three units) and a three-storey block, would therefore be consistent with the prevailing pattern of development.

The design of the surrounding area includes substantial two storey detached dwelling houses (such as Silksworth Close to the north), a mix of suburban housing to the east at Ski View and the tower blocks opposite at Amsterdam Road. The design of the proposed development, with a maximum height of three storeys and a contemporary appearance (constructed from red or buff brick, dark grey upvc windows and dark grey or red concrete tiles), would therefore be consistent with the design of the surrounding area.

The main public view of the site would be from the road fronting the site, when travelling along Silksworth Road. The proposed development seeks to retain most of the trees to the front of the site; other than those which would be felled for the proposed apartments. There would also be an acoustic barrier for the apartments and a widened access. The views from the road would therefore remain quite similar in the sense of a site fronted by trees with an access towards the middle.

There would also be medium range views of the site from Amsterdam Road, opposite the site. The views of the site during the winter are somewhat open when the trees are not in leaf; whereas during the summer the trees provide a green frontage which effectively screens views of the site. The proposed development, especially during the winter months, would lead to a different view between the retained trees as currently open land would be filled with the dwelling houses. The view would, however, be seen within the context of dwelling houses either side of the site and,

more generally, within the context of a generally urban area. The view would also be substantially screened during the summer months when the retained trees are in full leaf.

The proposed development would therefore be consistent with the density, design and landscape of the local area.

The advice from the Police Architectural Liaison will be repeated below:

Overall we have no objection to the proposal although we would like to make the following comments

- *We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.*
- *The plans lack detail as to the security of communal spaces in the Type E, apartments block*

In response, the two points above could be covered by a planning condition.

In terms of material considerations, the Council has an adopted *Development Management Supplementary Planning Document* (SPD); which forms a material consideration when determining the application. The SPD includes a *Residential Design Guide* which provides includes detailed chapters such as *urban design principles, designing streets and detailed design aspects of residential developments*. For the reasons given above, Officers consider that the proposed development would be consistent with the density, design and landscape of the local area.

In summary, the design of the proposed development would accord with the relevant policies found within the development plan, namely BH1 (Design Quality), NE9 (landscape character) and NE11 (creating and protecting views) and the advice found within the material consideration of the SPD, subject to the recommended conditions.

Drainage

The submitted Flood Risk Assessment and Drainage Strategy says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Strategy continues by saying that *an infiltration test done on site suggested that there is limited scope for infiltration*, discounts discharge to the nearest watercourses as not a viable option and proposes discharge into the existing sewer network. The Strategy includes a drawing showing an *indicative drainage strategy* including permeable paving and *cellular storage* (i.e. an underground tank). The Strategy also says that there would be *adequate treatment to surface water passing through the proposed site* and that foul flows would connect to the existing sewer system.

The Lead Local Flood Authority (LLFA) have advised that:

I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

Northumbrian Water have advised that:

We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4507 and ensure that surface water discharges to the combined sewer at manhole 4507.

The surface water discharge rate shall not exceed the available capacity of 2.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

In terms of material considerations, there would be a contribution towards Strategic Priority 2 of the Low Carbon Action Plan, which has an action of *minimising all types of flood risk*

In terms of further material considerations, there has been a representation received saying that the proposed development would prevent access to an existing septic tank.

In response, the Agent has submitted an amended existing site plan which shows the indicative location of the septic tank towards the southwest of the site. The amended Design & Access Statement says that:

The neighbour's septic tank is on the land of the Cavalier, underground. It is adjacent to the neighbour's house to the back of the existing car park. This will remain and legal access will be granted for any maintenance.

In summary, the detailed matters relating to drainage would accord with the relevant policies found within the development plan, namely WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) and the relevant Strategic Priority of the Low Carbon Action Plan, subject to the recommended conditions.

Ecology

The submitted Ecology Survey and Risk Assessment says that on site the *main habitats identified were deciduous woodland, scrub, ruderals and improved grassland*. The Assessment considers that the *habitats were considered important at a parish level, with the woodland and scrub considered to have the greater ecological value*. The Assessment says the proposed development would lead to *loss of areas of bramble scrub, improved grassland and a few trees from the deciduous woodland*.

The Assessment, in terms of protected species, says that:

Bats - no impact on any bat roost or hibernation site and that bat foraging habitat will be maintained.

Badgers - no impact on badgers

Breeding birds - some disturbance to birds during the construction period.

Amphibians - no evidence from site surveys or records of amphibians and there is a negligible risk that the development would have any negative impact on amphibian populations

Reptiles - no evidence of reptiles and there is a negligible risk of the development having any negative impacts on any species of reptile.

Small Mammals - removal of the scrub and the development of the site will have an impact on the small mammal population as there will be a decrease in available habitat.

Invertebrates - loss of areas of scrub and ruderals may have an impact on the range of invertebrates using the area.

The Assessment recommends mitigation including advice during construction works, *bird boxes and bug hotels will be erected in the woodland and the new landscape scheme will include plants that provide a good nectar source and / or feeding habitat for birds.*

The submitted Defra Metric indicates that there would be a Biodiversity Net Gain of 17.1%

The Council's Ecologist has advised that

The most recent iteration of the supporting ecological report specifies a number of mitigation measures that are required to ensure the proposals do not result in significant harm to biodiversity. These can be secured by condition.

In addition, the provision of detailed landscaping plans, in general conformity with the submitted plans will need to be secured.

The Council's Ecologist has undertaken a net gain calculation which shows that there would be a *net loss of 0.79 habitat biodiversity units, equivalent to 16.67% loss.* The Ecologist considers the figure to be more realistic than the 17.1% net gain shown within the metric submitted by the applicant. The Ecologist has advised that, in order to provide a 1.15% net gain, there should be *enhancement of 0.3 ha of broadleaved woodland from moderate to good condition in an offsite location* and that the management could take place on woodland within the ownership of the Council.

The Council's Ecologist has further advised that the site lies within the 7.2km buffer from protected coastal European site. The Ecologist has recommended that the application will therefore need to make a financial contribution towards the Sunderland Recreation Mitigation Strategy, at a rate of £557.14 per apartment / dwelling house. The contribution would ensure mitigation of increased recreational pressures, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Council's Ecologist has concluded by saying that

Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals.

The conditions relate to measures to be undertaken during the construction phase (such as accordance with Arboricultural Method Statement), built into the development (such as bird nest boxes) and management arrangements thereafter (such as a woodland management plan).

Natural England have advised that:

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on the:

- *Northumbria Coast Special Protection Area (SPA)*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *A Habitats Regulations Assessment*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

In response, the Council's Ecologist has advised that mitigation for any impacts upon the protected coastline can be secured via a financial contribution towards the Sunderland Recreation Mitigation Strategy. The Council's Ecologist has advised that such a contribution would ensure accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

In terms of material considerations, there has been a representation expressing concern that the felling of trees will have an impact upon local wildlife. In response, the Council's Ecologist has recommended conditions and a legal agreement which will ensure a small biodiversity net gain.

In summary, the detailed matters relating to ecology would accord with the relevant policies found within the development plan, namely NE2 (biodiversity and geodiversity); subject to the recommended conditions and financial contributions.

The above also demonstrates that the Council, as a public body, has given consideration to the proposed development in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006; which states that:

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

Fire

The advice from the Fire & Rescue Service will be repeated below.

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.

In response, whether the building would be timber framed would be a matter for consideration via the Building Regulations. The report noted in the second paragraph of the response relates to the Building Regulations.

Groundworks

The submitted Phase I Geoenvironmental Desk Study says that the site has been developed *since at least 1914 with one large building and several smaller structures around the site. These were demolished and the site redeveloped by 1968 into its current form.*

The Study says that a Phase 2 Ground Investigation should be undertaken and that *the potential for widespread gross contamination is considered highly unlikely, contamination, if present, is*

likely to be highly localised within near surface soils. The Study also says that a potentially elevated risk of EO (explosive ordnance) may be present for redevelopment workers.

The Council's land contamination consultant has advised that

At this stage, following the review of the submitted report, we can confirm that we are in general agreement with the findings of the report.

The proposed Phase 2 ground investigation should be undertaken. This should include investigation of the areas previously considered to be occupied by former quarries to confirm DBS Environmental's interpretation of these features and to confirm that significant thicknesses of Made Ground are not present in these areas.

A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice

In terms of material considerations, there has been a representation submitted expressing concern at the impact of the proposed development upon the stability of existing retaining walls. In response, these matters would require consideration via the Party Wall Act; rather than being a significant material planning consideration.

In summary, the detailed matters relating to groundworks would accord with the relevant policies found within the development plan, namely HS3 (contaminated land); subject to the recommended conditions.

Highways

The submitted Transport Statement says that *the existing access and egress arrangements of the site would be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians and that the existing accident record does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals.* The Statement further says that *it is considered that the site is well located to allow for journeys by walk, cycle and public transport to be undertaken.* The Statement concludes by saying that *it is considered that there are no outstanding reasons why the proposed development should not be granted planning permission on highways grounds.*

The advice from the Local Highway Authority will be repeated below; together with an Officer comment thereafter.

ACCESS / VISIBILITY SPLAY

It is noted that the existing site access would be retained for the proposed development and that the access route would be widened to 5.5m with a separate pedestrian footway provided. Given the existing speed limit of the road, (40mph) the applicant is proposing a visibility splay of 2.4m x 63m, which is considered satisfactory. It is proposed as part of the site access works that any verge areas obstructing the vertical element of the junction visibility splays would be corrected to ensure the appropriate provision of visibility.

Officer comment

These works are shown on a drawing within the Transport Statement. The drawing says *any verge areas above 0.6m of access to be cut-back / retained.* The Local Highway Authority have advised that that if these proposed works were constructed to an adoptable standard, then the area where the works have been undertaken can be adopted via the Highway Act.

PEDESTRIAN PROVISION / SAFETY

There is no footway on the east side of Silksworth Lane therefore the applicant is proposing a new uncontrolled pedestrian crossing point. This crossing point should be in the form of a zebra crossing; the proposed crossing and footway will subsequently connect to the development. The zebra crossing, footway, appropriate signing and road markings would form part of the Section 278 works. For avoidance of doubt the applicant must undertake the works prior to occupation of the site.

Officer comment

The type of pedestrian crossing can be given further consideration as part of the agreement via Section 278 of the Highway Act.

TRANSPORT STATEMENT

The site currently benefits from an access and egress point located to the west of the development from Silksworth Lane. The existing access and egress arrangements of the site are to be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians

Officer comment

These works are shown on a drawing within the Transport Statement (Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle). A planning condition can be attached to ensure that these works are undertaken before the occupation of the first apartment / dwelling house.

TRIP GENERATION

The TRICS database has been utilised to generate anticipated vehicle movements associated with the proposed development. It is anticipated that in the busiest peak hour there would be around nine trips resulting from the development equating to less than one vehicle movement every six minutes. The assessment shows that this is similar in character to the approved residential development on site, whilst there would be more than a two times reduction in daily vehicle movements compared to the current use of the site. The vehicle trip generation is therefore considered satisfactory.

Officer comment

Noted.

ACCIDENT DATA

It is noted that the applicant has obtained accident data (five-years data) including the site access point and the adjacent Silksworth Lane. It would appear that during the study period no accidents have been recorded within the vicinity of the site access on Silksworth Lane.

Officer comment:

Noted.

INTERNAL LAYOUT

CAR PARKING

It is noted that a total of 28 car parking spaces are provided for the 14 dwellings with an additional four visitor spaces also provided. The apartment block provides a total of six car parking spaces plus one visitor space. The car parking and visitor parking is considered satisfactory.

Officer comment

A condition could be attached to ensure that the spaces are provided before the occupation of each respective apartment / dwelling house.

CYCLE STORAGE

It is advised that secure, covered cycle storage is utilised for the development.

Officer comment

A condition could be attached to ensure that cycle storage would be provided before the occupation of each respective apartment / dwelling house.

ELECTRIC VEHICLES

It is advised that provision is provided for electric vehicles.

Officer comment

The supporting text for policy ST3 (development and transport) says that residential scheme of more than 50 dwelling houses will be expected to make provision for the installation of home charging apparatus.

AUTOTRACK / SERVICING

The Autotrack drawing should demonstrate the turning manoeuvres of an 11.2m pantehnicon, however the submitted drawing only illustrates the turning manoeuvres of an 8.17m vehicle; applicant to clarify.

Officer comment

The Agent has recently submitted a Swept Path Analysis (April 23) showing the turning for a pantehnicon. The Local Highway Authority have advised that these are considered acceptable.

HIGHWAY DRAINAGE/ SURFACE WATER RUN-OFF

No surface water discharge would be allowable onto Silksworth Lane.

Officer comment

The submitted Flood Risk Assessment and Drainage Strategy says that surface water would be discharged into the existing sewer network.

SUDS

The SUDS proposals will be commented upon at the Detailed Design Stage when additional design information is available, all enquires to Paul Armin, Flooding and Coastal Section.

Email: Paul.Armin@sunderland.gov.uk

Officer comment

The Lead Local Flood Authority have advised that they recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

ADOPTABLE STANDARD

The submitted TS confirms that the access road into the site has an initial gradient of 10% increasing to 12% as it enters the site. Normally a carriageway longitudinal gradient of 5% should be taken as the maximum. Where conditions necessitate, a departure from the standard will be considered to allow a maximum gradient of 7% for shared surface type, category 3 roads and 10% for other categories of road. In the case of category 1 and 2 roads a departure will only be considered for sections of road where no junctions are proposed. At junctions, the gradient of the side road should not exceed 5% when rising or 4% when falling to the main road for a

distance equivalent to twice the kerb radius at the junction, measured along the centreline of the side road from the channel line of the main carriageway. Normally for footways and footpaths a longitudinal gradient of 5% should be taken as a maximum. Where site conditions necessitate, a departure from the standard will be considered to allow a maximum gradient of 10%. Taking the above into account it is considered that the access road and footway do not meet the necessary standards to be adopted under a Section 38 Agreement. The development will therefore have to remain private.

Officer comment

The access remaining private will need to be given consideration in the planning balance.

PRIVATE DEVELOPMENT

For private developments the road maintenance, street lighting and footway maintenance would be the responsibility of the house owners fronting the road unless there is a bespoke agreement between the residents and the landowner; applicant to clarify. The construction works would not be supervised by Sunderland City Council.

Officer comment

A condition could be attached to ensure the submission of a management plan before the occupation of the first apartment / dwelling house.

ADDITIONAL HIGHWAY COMMENTS

RETAINING WALLS

The applicant should contact Graham Yates, with regard to existing and proposed retaining walls adjacent to the proposed adopted highway. Email: Graham.Yates@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

SECTION 278 AGREEMENT

The proposal will entail alterations to existing highways, the applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

SECTION 38 AGREEMENT

The proposed connecting footway to the south of the site access will require dedication as footway under a Section 38 agreement. The applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk.

Officer comment

These comments could be included as an informative.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

A CEMP is required.

Officer comment

A condition can be attached for the submission of a CEMP.

There has also been a response from National Highways, operator of trunk roads (such as the A19), advising that they *offer no objection*.

In summary, the detailed matters relating to highways would accord with the relevant policies found within the development plan, namely ST2 (Local road network) and ST3 (Development and transport); subject to the recommended conditions.

Sustainability

The Agent has submitted detailed *Sustainability Statement*, which says that there would be a *fabric first energy strategy which will achieve significant reductions in CO2 emissions*. The Statement says the strategy would include an improvement upon existing building regulation standards for insulation, 100% energy efficient lights and water conservation measures. The Statement concludes by saying that the proposed apartments and dwelling houses would be *highly insulated, energy efficient and constructed above current Building Regulations standards*.

In terms of material considerations, there would also be contribution towards Strategic Priority 3 of the Low Carbon Framework; which seeks to create an *energy efficient built environment*. There would also be a contribution towards the Low Carbon Action Plan which, at Action References 3.03 and 3.05, seek the *enabling the delivery of new low carbon homes across the city and for a push for higher quality energy and low carbon design standards in all new and renovated development across the city*.

In summary, the detailed matters relating to sustainability would accord with the relevant policies found within the development plan, namely BH2 (Sustainable design and construction), the relevant Strategic Priority of the Low Carbon Framework and the relevant Action Reference of the Low Carbon Action Plan; subject to the recommended conditions.

Trees

The submitted Tree Survey identifies that the trees on site are protected by a Tree Preservation Order (TPO); namely *Tree Preservation Order No. 88 at The Cavalier Public House, Silksworth Lane, Sunderland*.

The Survey presents four categories for trees, namely:

Category A - Trees of high quality with long term future potential

Category B - Trees of moderate quality, medium term future potential

Category C - Trees of low quality, short term future potential

Category U - Trees in such condition they cannot be realistically be retained for longer than ten years

The Survey identifies that the proposed development would require the removal of 15 trees within Category U, 4 within Category C, 11 within Category B and none within Category C.

The Survey also says that the *group G4 on the Arbtech survey has been predominantly removed although a small area of saplings which are below the size limit for inclusion are still present close to the existing public house building*.

The above paragraph refers to an earlier Arboricultural Impact Assessment, which categorised a group of trees towards the middle of the site as category B2.

The Survey makes recommendations for the construction phase, including a plan showing the provision of protective fencing and arboricultural supervision during the excavation of foundations within the root protection area of retained trees.

The Survey concludes by saying that the *majority of perimeter trees and woodland around the site will be retained this will ensure that the visual amenity of the area is not compromised and that there is sufficient space within the survey area to plant replacement trees as mitigation for trees being removed.* The Survey also concludes that *trees being recommended for retention through the period of proposed development can easily be protected.*

The submitted Noise Impact Assessment proposes two noise barriers which would be within the canopy of trees shown as being retained. The Agent has advised that these barriers would replace an existing fence with posts, so there would not be an affect on the existing trees.

In terms of material considerations, the most recent representation from Cllr Tye will be repeated below

Both myself and Mrs Prater are removing our objection to the development, one question that we both have is the close proximity of the trees they are in Mrs Praters land, how do they protect the roots, so the trees do not become damaged or is there no such thing seen as the on the roots are on their land.

In response, the Agent has submitted a Tree Survey, which shows that there are six existing trees between the southern elevation of the proposed apartments and the northern boundary of no. 1 Cavalier Way. The Survey proposes retaining two of these trees (Holly), a crown reduction of 2.5m for another tree (Sycamore) and removing three (two Leyland Cypress and one Ash). The trees which the Survey proposes for retention would be protected during the proposed construction phase by a protective fence.

In terms of further material considerations, there has been a representation submitted expressing concern at the loss of trees. In response, the proposed loss of trees will need to be given consideration in the planning balance at the end of the report.

There has been a further representation which asks if the trees to the rear of a neighbouring property could be pruned, on the basis of their size and potentially being dangerous. In response, the submitted Tree Survey identifies the two beech trees closest to the property in question as being of moderate quality and recommends maintenance (such as the removal of ivy). Officers would advise that any future proposed works to these trees should be given consideration as a separate matter, rather than as part of the current application.

In summary, the detailed matters relating to trees do not accord with the relevant policies found within the development plan, namely NE3 (woodlands / hedgerows and trees) and the representation received relating to the loss of trees. The matter will be given consideration in the planning balance at the end of the report.

Summary

The table below provides a summary of the relevant planning considerations, taking into account any mitigation which could be secured via planning condition or legal agreement. The magnitude of the likely significant effects will be described in bold using a scale of neutral, negligible, minor, moderate, significant and substantial. The reason for the significance of each item will be explained after the table.

	Adverse	Neutral / Negligible	Benefit
Economic			<u>Principle</u> Provision of housing Moderate Short term jobs during construction Minor
Environmental	<u>Amenity</u> Proposed apartments and dwelling houses may require mechanical ventilation. Minor Separation distances between the proposed dwelling houses do not meet the space standards within the Residential Design Guide. Minor <u>Highway</u> The access cannot be constructed to adoptable standards. Moderate <u>Trees</u> The proposed development would require the felling of protected trees, including 11 of moderate quality. There would also be two acoustic barriers within the canopy of trees shown as being retained. Moderate	<u>Amenity</u> The internal and external noise levels would meet the relevant standards. The separation distances to the existing dwelling houses would meet the space standards within the Residential Design Guide. <u>Design</u> The density and design of the proposed development would accord with the relevant policies within the development plan and the Residential Design Guide. <u>Drainage</u> The proposed development would provide attenuation, to the satisfaction of both the Lead Local Flood Authority and Northumbrian Water. <u>Groundworks</u> The Council's land contamination consultant has advised that the outstanding concerns can be dealt with via planning condition.	<u>Sustainability</u> The proposed development would be constructed above Building Regulation Standards. Minor

Social	<u>Principle</u> Loss of public house. Moderate		
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The submitted Noise Impact Assessment says that mitigation may take the form of mechanical extract equipment. The provision of mechanical extract would consume energy and potentially rely on windows being closed at certain times. These arrangements would slightly reduce the amenity for the occupiers of the proposed apartments and dwelling houses and are therefore given consideration as being **minor adverse**.

The separation distances between some of the proposed dwelling houses do not meet the space standards within the Residential Design Guide. The initial point to consider would be that the separation distances to the existing dwelling houses are in accordance with the Residential Design Guide. The distances between the proposed dwelling houses are generally only 2 or 3 metres less than sought by the separation standards, which would limit the potential impact. There would also be an element of "buyer beware" given that the concern only relates to the distances between the proposed dwelling houses. These arrangements mean that the impact would be limited and are therefore given consideration as being **minor adverse**.

The proposed development would involve the felling of 15 protected trees, including 11 of moderate quality. The trees do, however, lie within private land; which can only be accessed by a private access of Silksworth Road. These access arrangements reduce the impact slightly and can therefore be given consideration as **moderate adverse**.

The proposed development would involve the loss of a public house, which would be contrary to both policy VC5 of the Core Strategy and the representation from CAMRA. The Agent has, however, submitted an amended Design & Access Statement which draws to attention that there are other public houses within Silksworth and other within a one mile radius, including East Herrington and Ryhope. The availability of other public houses means that the impact would be reduced slightly and can be given consideration as **moderate adverse**.

The proposed development would provide housing, in the form of 14 dwelling houses and five apartments. The Core Strategy, at policy SP8, says that the Council will seek to exceed the minimum target of 745 net additional dwellings per year. These provisions within the Core Strategy mean the impact can be given consideration as being **moderate beneficial**.

The proposed development would provide jobs during the construction period. Given that these jobs would be for a relatively short period of time the impact can be given consideration as being **minor beneficial**.

The submitted Sustainability Statement says that the development would be constructed to a standard above the current Building Regulations. These arrangements can be given consideration as **minor beneficial**.

The proposed development would provide a level of affordable housing which would be in accordance with policy H2 (affordable homes). Given that the requirements of the policy would be met, the impact can be given consideration as **minor beneficial**.

In summary, the most significant adverse impacts are generally environmental and social; including the loss of a public house, the access being private and felling of protected trees (including 11 of moderate quality) and can be given consideration as **moderate adverse**.

The most significant beneficial impacts are generally the provision of housing and can be given consideration as **moderate beneficial**.

In conclusion, the impacts arising from the proposed development are both moderate beneficial and moderate adverse.

In terms of deciding which should be given the most weight, consideration should be given to the provisions of the recently updated City Plan which says that as part of a *dynamic smart city we will have... more and better housing*.

The most recent Housing Strategy for Sunderland (2017-2022) says a strategic housing priority would be *maximising housing growth and increasing the choice of housing, including increasing the supply of available housing land*.

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

The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year.

Given the provisions of the City Plan, the most recent Housing Strategy and policy SP8 of the Core Strategy, the moderate economic and social benefit of providing housing outweighs the minor and moderate environmental and social harm described in the table above.

Recommendation: Grant planning permission subject to the successful completion of a Section 106 Agreement and the draft conditions below

Section 106 contributions

Provision of three affordable units on site.

Financial contributions towards

- allotments (£85.5 per dwelling house)
- biodiversity net gain (£15,000)
- equipped play space (£704 per dwelling house)
- mitigation for the protected coastline (£557.14 per dwelling house)
- open space (£68.22 per bedspace)

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: Grant planning permission subject to the successful completion of a Section 106 Agreement and the draft conditions below

Conditions

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted.

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:

- Indicative Drainage Strategy (115345/2001 B)
- Construction Details Sheet 1 (115345/2004 A)
- Proposed site plan (AL (90) 0200 A)
- House Type A Proposed Plans (AL (90) 0100)

- House Type A Proposed Elevations (AL (00) 0110)
- House Type B Proposed Plans (AL (00) 0200)
- House Type B Proposed Elevations (AL (00) 0210)
- House Type C Proposed Plans (AL (00) 0300)
- House Type C Proposed Elevations (AL (00) 0310)
- House Type D Proposed Plan (AL (00) 0400)
- House Type D Proposed Elevations (AL (00) 0410)
- House Type E Proposed Level 00 Plan (AL (00) 0500)
- House Type E Proposed Level 01 Plan (AL (00) 0501)
- House Type E Proposed Level 02 Plan (AL (00) 0502 **A**)
- House Type E Proposed Elevations (AL (00) 0510)
- House Type E Proposed Elevations (AL (00) 0520 **A**)
- Existing and Proposed Site Sections 1 (AL (90) 0050)
- Proposed Site Sections (AL (00) 0060)

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 construction phase of the development hereby approved shall be undertaken in accordance with the plans and reports below:

- Tree Protection Plan, as found at Appendix 7.5 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)
- Protective Fencing Details, as found at Appendix 7.6 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)
- Preliminary Management Recommendations, as found at Appendix 7.7 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)

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.

4 No development shall commence until a Stage 2 detailed Unexploded Ordinance Assessment has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be undertaken in accordance with any recommended mitigation.

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 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.

5 No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from those works and sets out the mitigation measures to be implemented to protect nearby occupiers and the local environment. The CEMP shall further address working hours, noise and vibration, vehicle routing, air pollution from plant, prohibition of burning of vegetation and waste and site

lighting. The CEMP shall also include measures to minimise carry over of mud and dusty materials onto the public highway. The construction phase of the development hereby approved shall thereafter be undertaken with the approved CEMP.

Reason: To ensure, in accordance with policy HS1, ST2 and ST3 of the Core Strategy, the construction phase would be undertaken in the interests of amenity and highway safety.

- 6 No development shall take place until an ecological design strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

- installation of 12 bird nest boxes (including 2 for treecreeper) within retained woodland
- installation of integral bat boxes within each dwelling
- details of the boundary treatments used to ensure hedgehog access to residential gardens
- installation of hedgehog hibernacula in retained woodland,
- invertebrate hibernacula in retained woodland

The strategy shall also include:

- Purpose and conservation objectives for the proposed ecological works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. make and model of features to be installed.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.

The construction phase shall thereafter be undertaken in accordance with the design and strategy and the approved features shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity.

- 7 Development 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:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;

- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- 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 170, 178, 179, 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 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 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.

- 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.
- Confirmation that foul flows discharge to the combined sewer at manhole 4507 and that surface water discharges to the combined sewer at manhole 4507.
- Confirmation that the surface water discharge rate does not exceed the available capacity of 2.5 l/sec.

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 development shall take place above damp proof course until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the noise attenuation measures to be included within each apartment and dwelling house. The scheme shall identify specifications of the noise barriers on site. For the avoidance of doubt, the submitted details shall refer to Table 1 and Figure 1 of the submitted Noise Impact Assessment. The development hereby approved shall not be occupied until the approved noise attenuation measures have been provided within the apartments and dwelling houses and on site. The approved noise attenuation measures shall thereafter be retained for lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy HS2 of the Core Strategy, the development hereby approved includes noise mitigation.

- 11 No development shall take place above damp proof course until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed from the approved materials.

Reason: To ensure, in accordance with policy BH1 of the Core Strategy, the development hereby approved has high quality design.

- 12 No development shall take place above damp proof course until details of the proposed means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be fully provided before the occupation of the first apartment / dwelling house.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

- 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 apartment or dwelling house shall be occupied until a lighting design strategy for the roadway within the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

No apartment or dwelling house shall therefore be occupied until the approved lighting design has been fully provided on site. The approved lighting shall thereafter be retained for the lifetime of the development hereby approved.

15 No apartment or dwelling house shall be occupied until a woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the creation of habitat piles from arisings of any necessary tree works.

The plan shall further include

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward for the lifetime of the development).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The woodland management plan shall also

- detail 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.
- set out (where the results from monitoring show that conservation aims and objectives of the plan 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 management plan shall thereafter be fully implemented for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity.

- 16 No apartment shall be occupied until details of the security measures for the communal spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be fully provided before the occupation of the first apartment.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

- 17 No apartment or dwelling house shall be occupied until the works to the access and visibility splay, shown on the submitted Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle (DTP/3704819/SK001 A), have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

- 18 No apartment or dwelling house shall be occupied until the access road, footway and parking spaces, as shown on the Proposed site plan (AL (90) 0200 A), have been fully provided on site.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

- 19 No apartment or dwelling house shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The respective apartment and dwelling house shall not be occupied until the approved cycle parking has been provided. The cycle parking shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes cycle parking.

- 20 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 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

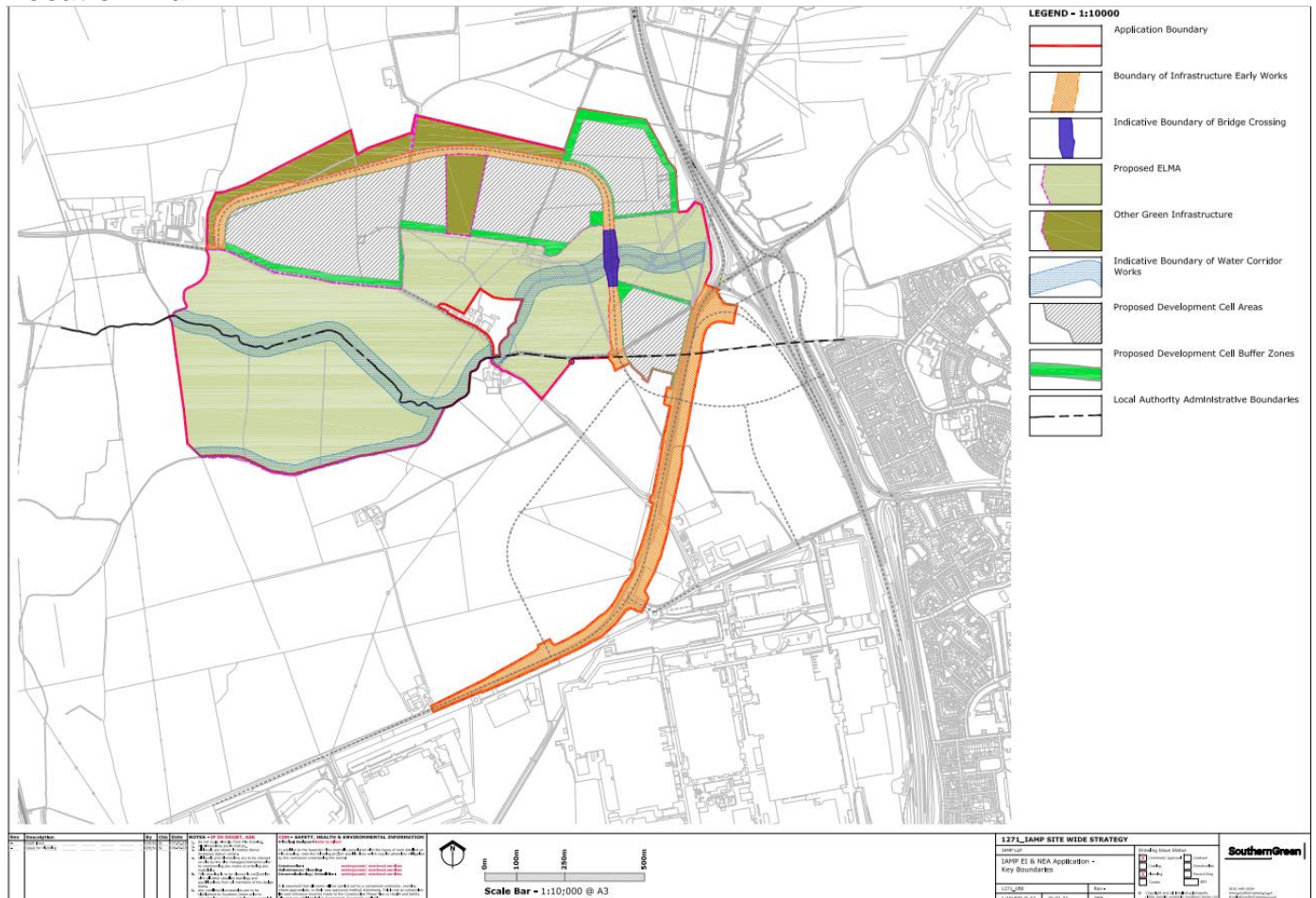
unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

Reference: 21/02807/HE4

Proposal: Hybrid planning application including demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)) with ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (Outline, All Matters Reserved); and dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works (Detailed). (Cross Boundary Planning Application with South Tyneside Council). (Amended and Additional Information received 4th and 8th November 2022 and 3rd April 2023). | Land North / East And South Of International Drive Washington.

Location: Land North / East and South Of International Drive Washington.
Ward: Washington North
Applicant: IAMP LLP
Date Valid: 21 April 2022
Target Date: 30 September 2023

Location Plan:



1 APPLICATION SITE AND SURROUNDINGS

General Context

The application detailed within this Committee Report consists of a cross-boundary planning application which includes development within the jurisdiction of Sunderland City Council and South Tyneside Council. The overall Proposal is described earlier in this Committee Report. However, Sunderland City Council's jurisdiction is to determine the development only within their administrative boundary. In order to provide the wider context to the development within the jurisdiction of Sunderland City Council, this Report will explain the development subject to the overall planning application as well as making clear the development which are to be determined by Sunderland City Council Local Planning Authority.

The Relationship to Wider IAMP, IAMP ONE & IAMP TWO

The application site for this Early Infrastructure and Northern Employment Area (NEA) (the 'proposed development') falls within the wider IAMP boundary (the 'IAMP'), that is allocated within the adopted IAMP Area Action Plan¹ (AAP) for the Principal Uses of production, supply chain and distribution activities directly related to the Automotive and Advanced Manufacturing sectors and related Supporting Uses.

The IAMP is split into two employment areas, as defined by the IAMP AAP: A Northern Employment Area; and A Southern Employment Area.

The application site abuts the boundary of the approved and implemented IAMP ONE site (first phase of the Wider IAMP), which obtained both outline and full (hybrid planning application) planning permission in May 2018 for industrial units, a new distributor road (known as International Drive), associated development and mitigation land (LPA Ref: 18/00092/HE4).

This application is being made in relation to land within the footprint of IAMP TWO. IAMP TWO is currently the subject of a direction made by the Secretary of State under section 35 of the Planning Act 2008 (the 2008 Act) that it is a project of national significance (the Direction). However, it is important to note that IAMP LLP (the Applicant) applied to the Secretary of State for that direction to be revoked. In April 2022, the Secretary of State revoked the Directions under section 233(2) of the Planning Act 2008 (as amended) so that the proposed project is no longer to be treated as development for which development consent is required.

Site Details and Surrounding Area

As shown on the accompanying Hybrid Application Parameters Plan (Drawing Number 1167-URBED-Z0-ZZ-DR-U) only part of the application site for the proposed development falls within Sunderland City Council's administrative area. The majority of the proposed new industrial units and associated application site land will be situated within South Tyneside.

The application site is split by the River Don, which runs in a west to east direction across the site towards the A19. The Usworth Burn is also evident on the southern boundary of the application site.

¹ The AAP was adopted on 30 November 2017 by Sunderland City Council and South Tyneside Council.

An area of brownfield land is situated within the application site, albeit in the jurisdiction of South Tyneside Council, which is the remains of the former Hylton Grove Farm. Demolition consent for the previous buildings at Elliscope Farm was approved by South Tyneside Council in August 2021 (ST/1013/20/FUL).

As shown on the accompanying drawings the nearest residential and commercial properties to the application site comprise: Hylton Bridge Farm; Hylton Grove Farm; and Strother House Farm.

Follingsby Lane and Downhill Lane cross the application site; and West Pastures (a single carriageway route) extends north from Follingsby Lane. A footpath (No B22) connects West Pastures with Follingsby Lane. Hedgerow field boundaries and ditches separate the large farmland field and larger woodland groups are evident to the north of the site by Elliscope Farm (now demolished) and along the eastern section of the River Don.

In terms of cultural heritage designations, the Grade II listed Hylton Grove Bridge is located between Hylton Bridge Farm and Hylton Grove Farm where Follingsby Lane crosses the River Don.

The application site does not lie within or adjacent to any statutory designated sites. Twenty Local Nature Reserves (LNR), 21 Sites of Special Scientific Interest (SSSI), one Ramsar site, one Special Protected Area (SPA) and one Special Area of Conservation (SAC) are all located within 10km of the application site. These are set out in detail within the Ecological Impact Assessment (March 2023) report which accompanied the planning application.

A portion of land including and alongside the A1290 road extends the irregular shaped application site towards the south. The A1290 is a single carriageway tarmac road with a relatively open aspect and a high voltage power line running along its western side and a footway on its eastern side. Works to upgrade the A19 / A1290 Downhill Lane junction completed in summer 2022 by National Highways.

According to the Environment Agency's (EA's) flood map, the majority of the application site is located within Flood Zone 1. There are areas of fluvial Flood Zone 2 and fluvial Flood Zone 3 within the application boundary, which are mainly focussed along the River Don and the Usworth Burn. There are areas of Flood Zone 2 and 3 that extend away from the river channels but these are mainly located on land forming part of the strategy for the Ecological and Landscape Mitigation Area ('ELMA').

PLANNING HISTORY

The table below sets out the planning applications which are considered to be potentially directly or indirectly relevant to the current proposal. The list is not exhaustive as it does not include associated applications for reserved matters approval or to discharge conditions. Further details can be found through the 'Public Access' facility on the Council's website at: [Simple Search \(sunderland.gov.uk\)](http://sunderland.gov.uk)

Reference	Site	Proposal	Status	Decision Issued
23/01097/FU4	Land At International Advanced Manufacturing Park (IAMP) Sunderland	Erection of switching station with security fencing and landscaping, with associated earth works and engineering operations.	Pending determination	N/A
22/02384/FU4	Land North Of International Drive Sunderland SR5 3FH	Erection of a 275kV substation and 66kV substation with associated infrastructure.	Pending determination	N/A
22/00642/FUL	Land At International Drive Sunderland	Use of land as a site compound in connection with construction activities associated with the erection of the nearby battery plant, including portacabins with access from International Drive, for a temporary period of two and a half years.	Approved	May 2022
21/01764/HE4	Land To The North Of Washington Road And West Of International Drive	Erection of industrial unit to be used for the manufacture of batteries for vehicles with ancillary office / welfare floorspace and associated infrastructure provision, accesses, parking, drainage and landscaping.	Approved	October 2021
21/01670/S37	Land At International Advanced Manufacturing Park (IAMP) Sunderland	National Grid ZZA overhead line diversion.	Consented	October 2021

Reference	Site	Proposal	Status	Decision Issued
20/00556/OU4	IAMP One Phase Two Washington Road Usworth Sunderland	Erection of industrial units (up to 98,937.2sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class B1(c), B2 and B8) with ancillary office and research & development floorspace (Class B1(a) and B1(b) with internal accesses, parking, service yards, electricity sub-stations, attenuation basins and associated infrastructure, earthworks and landscaping, as well as the demolition of the existing buildings at West Moor Farm. (All matters are Reserved)	Approved	June 2020
20/01915/FUL	1 To 5 Usworth Cottages And Chalet Washington Road Sunderland	Demolition of numbers 1 to 5 Usworth Cottages and the Chalet, including associated garages and outbuildings.	Approved	November 2020
19/01504/FUL	Plot 5 IAMP One International Drive Sunderland SR5 3FH	Erection of GRP enclosure around a HV sub-station.	Approved	November 2019
19/01005/FU4	International Advanced Manufacturing Park One Sunderland, SR5 3FH	Erection of primary sub-station comprising three buildings in a compound with securing fencing, site access from the internal IAMP spine road, landscaping and associated earth works and engineering operations.	Approved	August 2019
19/01183/FUL	International Advanced Manufacturing Park	Installation of a drain to provide a connection between the attenuation basin in IAMP ONE and the existing drainage system, with associated engineering works.	Approved	September 2019
19/00280/REM Plot 5 and 6	Land To The North And West Of The A1290, And North Of Nissan, Washington, Sunderland	Reserved matters approval for the access, layout, scale, appearance and landscaping of the development for Plots 5 and 6 of hybrid planning application 18/00092/HE4.	Approved	April 2019
19/00245/REM Plot 4	Plot 4 Land To The North And West Of The A1290, And North Of Nissan, Washington, Sunderland	Reserved matters approval for the access, layout, scale, appearance and landscaping of the development for Plot 4 of hybrid planning application 18/00092/HE4.	Approved	May 2019

Reference	Site	Proposal	Status	Decision Issued
18/00092/HE4	Land To The North And West Of The A1290, And North Of Nissan, Washington, Sunderland	Hybrid planning application seeking: Full planning permission for one industrial unit on Plot 3 (21,856sqm) (Gross Internal Area (GIA)) for light industrial, general industrial and storage & distribution (Class B1(c), B2 and B8), with ancillary office and research & development floorspace (Class B1(a) and B1(b)) with associated access, parking, service yards and attenuation basins, as well as the temporary construction route, internal spine road, utility diversions, with two accesses onto the A1290 and associated infrastructure, earth works and landscaping; and Outline planning permission for the erection of industrial units (134,984sqm) (GIA) for light industrial, general industrial and storage & distribution (Class B1(c), B2 and B8) with ancillary office and research & development floorspace (Class B1(a) and B1(b)) with internal accesses, parking, service yards, attenuation basins, electricity substations, foul pumping station, realignment of the access road to North Moor Farm and associated infrastructure, earthworks and landscaping. All matters are reserved for determination at a later stage. (Amended plans and an addendum to the Environment Statement)	Approved	May 2018

Table 2.1 Relevant Planning Applications

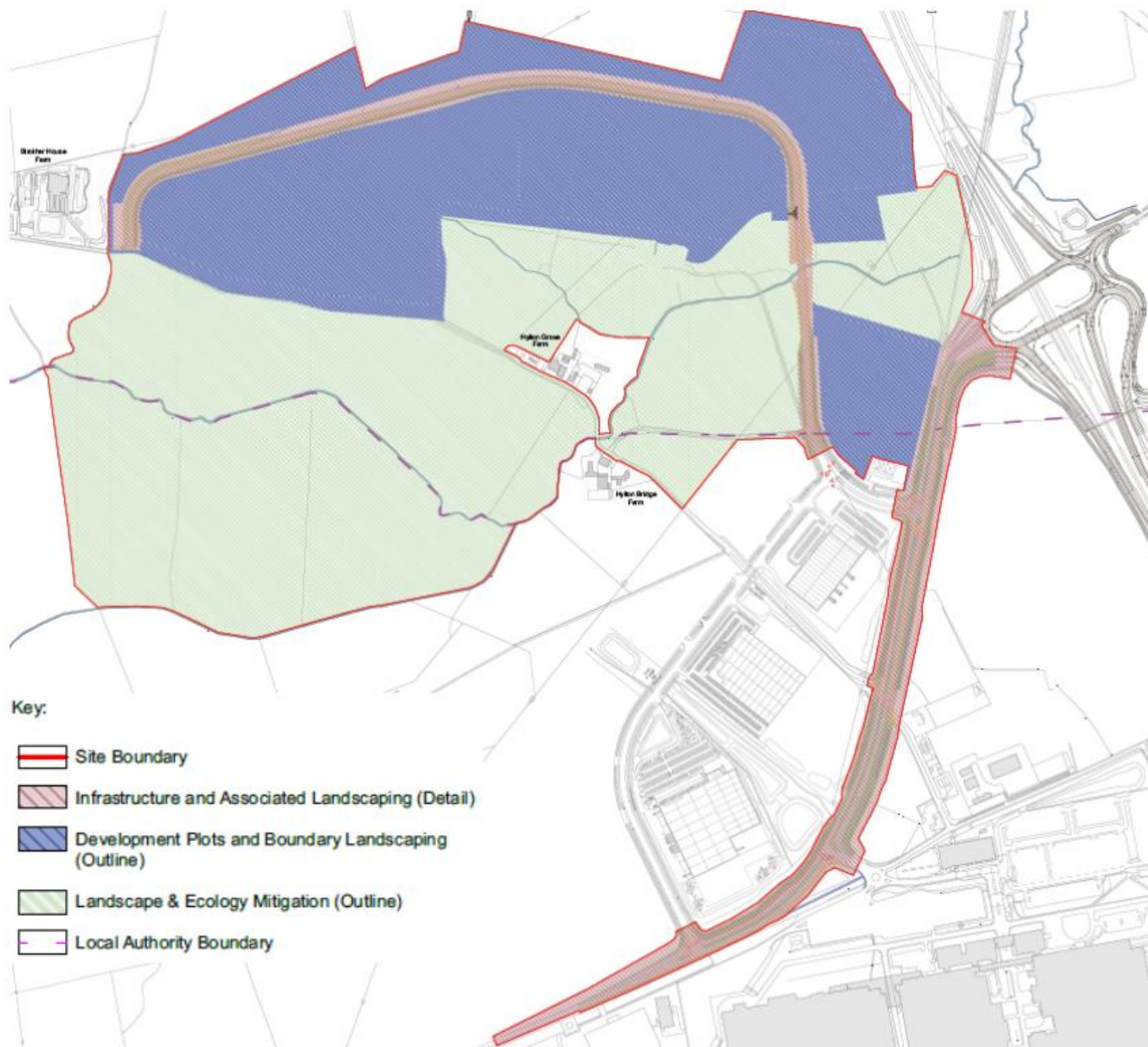
PROPOSAL

Hybrid Application Elements

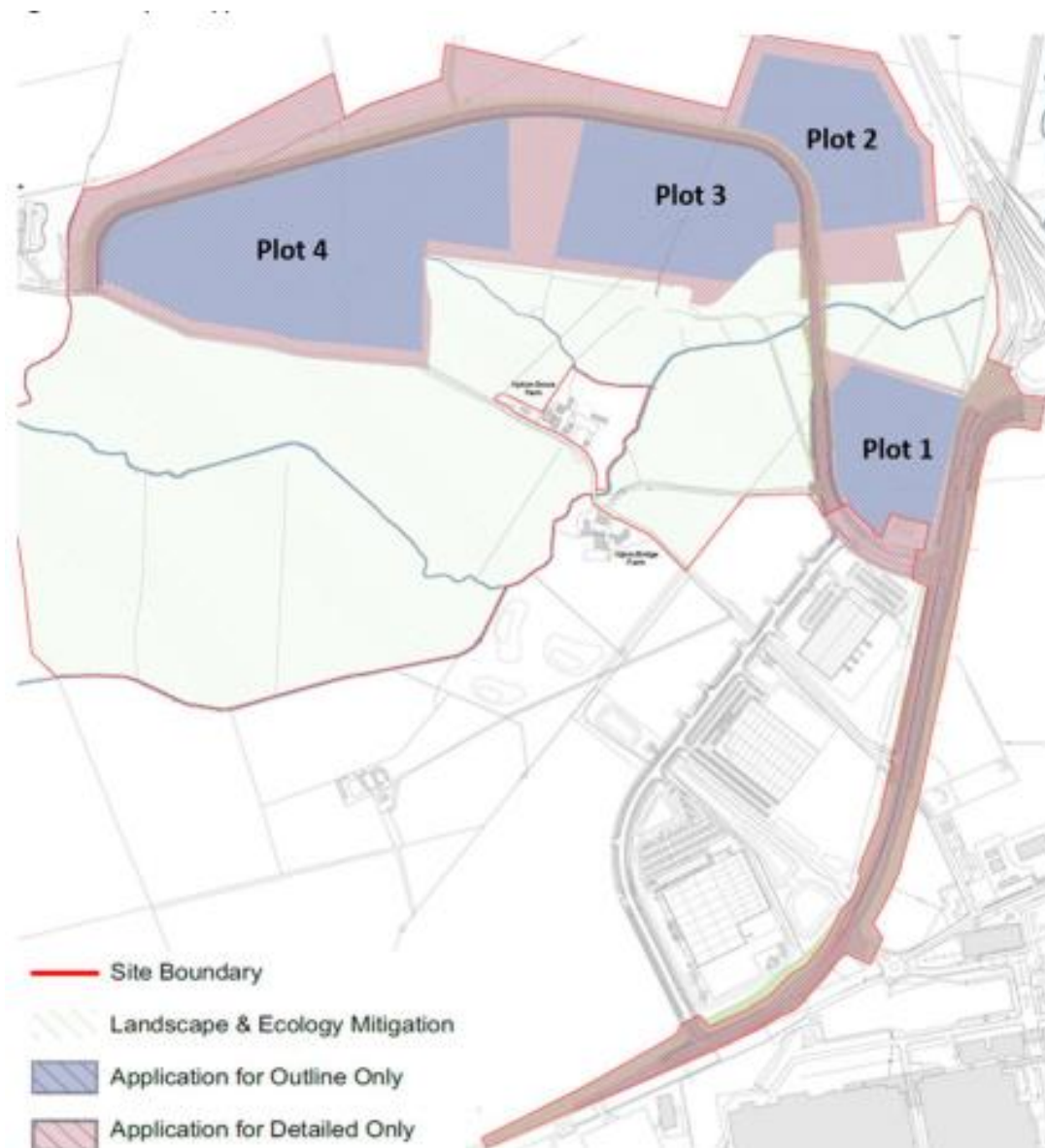
The hybrid planning application subject to this Committee Report is seeking:

- Outline planning permission for demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)) with ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (All Matters Reserved); and
- Full planning permission for the dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works

Figure 3.1 Hybrid Application Zones



Source: Urbed - Hybrid Application Parameter Plan
Figure 3.2 Hybrid Application Plots



Source: Urbed - Hybrid Application Parameter Plan / Lichfields annotations

As noted earlier in this Report, the hybrid application is a cross boundary planning application between Sunderland City Council and South Tyneside Council. This Report is focussed on the elements of the proposed development within Sunderland City Council's administrative boundary, which comprise:

Detailed Part of Application

A1290 Road

- Partial improvement/widening of an existing single carriageway road by dualling of the A1290 (at least 2 lanes in either direction, occasionally widening locally to provide flared three lane approaches to junctions) between the A19/A1290 Downhill Lane Junction and the southern access into IAMP ONE from International Drive.
- Northbound and southbound carriageways will be separated by a central

reservation.

- A shared use 3m wide footway/cycleway is to be provided along the eastern side of the road.
- New junctions to be created on the A1290 to provide access to IAMP ONE that will be signal controlled and include pedestrian crossing provisions with refuge islands as necessary and new Pegasus crossing on the A1290
- Street lighting will be provided on both sides of the carriageway

New Single Carriageway

- Construction of a new single carriageway road on existing agricultural land, which will run through IAMP, providing a link to/from IAMP One and the A1290 to the south east through to Follingsby Lane to the north west where a new junction will be created.

Drainage

- The proposed development will include new surface drainage systems
- In terms of foul water, The Proposed Development NEA parcels will be served by a new foul sewer system and sewage pumping station that will transfer sewage via a new rising main alongside the NEA road and A1290 to an existing combined trunk sewer at Seven Houses.

Infrastructure Landscaping

- The detailed element of the application includes a proposed landscaping scheme along the new infrastructure route
- Further details are shown on the accompanying 'Infrastructure Landscape Proposals' drawings

Outline Element

IAMP Development Unit/ Plot

- A small section of the application site within Sunderland City Council's administrative boundary includes land within Plot 1 of the proposed development, earmarked for an IAMP development unit;
- The description of the proposal upon the application form states that the proposed use classes (Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) within the plot include:
 - light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)
 - ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii))
- The layout of the building/s within the plots will be decided through Reserved Matters applications at a later date;

- The accompanying Planning Statement to the application confirms that the proposed development parameters for the plot of land (Plot 1) to accommodate the proposed use are:
 - Number of Units – minimum of 1 / maximum of 2;
 - Ground Levels (m+AOD) – minimum 35.2 / maximum 37.4; and
 - Maximum building height (m+AOD) 67.4

Landscape and Ecology Mitigation land

- IAMP AAP requires the creation of the ELMA to provide new wildlife habitats, with extensive landscaping and tree planting to provide mitigation; and
- As illustrated on the accompanying IAMP site wide landscape strategy drawing (Drawing number: 1271_100), the proposed landscape and ecology mitigation elements within Sunderland City Council's administrative area comprises:
 - native woodland/ carr; individual tree/ groups; hedgerows; river corridor modifications/ enhancements; meadow grassland; and proposed wetland areas

Construction Works

The accompanying Environmental Statement includes the following details in relation to planned construction works for the proposed development, applicable to this Report:

A1290 Dualling

- 1 Working from West Moor Farm area north eastwards towards the Nissan Access, works will be undertaken offline to remove all soil down to formation level. Construction of the new road to base course, including installation of kerbs, drainage and services.
- 2 Working from the A1290/Downhill Lane tie-in, moving southwards towards the Nissan Access, and working offline to remove all soil down to formation level. Construction of new road to base course, including installation of kerbs, drainage and services.
- 3 Removal of all traffic islands from the existing junctions and temporarily reinstate the road as a carriageway.
- 4 Complete surfacing to all offline sections to top of the binder course/underside of the wearing course, and tie new construction into existing.
- 5 Using temporary and variable traffic management, move the live traffic lanes around on the widened carriageway to allow construction of the central reservation and traffic islands.
- 6 Install and commission traffic signals, street lighting, street furniture and signage.
- 7 Install all highway landscaping.
- 8 Finalise all carriageway surfacing and road markings.

Northern Spine Road

- .1 Working from the existing International Drive (Road 4) northwards towards the River Don, removal of soil down to formation level and construction of the new pavement to base course, including installation of kerbs, drainage and services.

Utility, drainage and sewerage provisions for the future IAMP development plots have been designed into the proposal and, where possible, will be provided as part of the on-site construction works.

Plant and Equipment

The types of construction plant and equipment expected to be used during the course of construction of the Early Infrastructure Works, across the wider application site, includes:

- Excavators (back actors and 360)
- Bulldozers
- Dump Trucks
- Fork Lifts and Tele-handlers
- Crane
- Piling rig
- Vehicle mounted lifting systems (HIAB)
- Heavy Goods Vehicles (HGVs)
- Light Transit Vehicles (LGVs)
- Concrete delivery HGV's
- Rollers (Deadweight and Vibratory)
- Paver
- Generators
- Pumps
- Compressors

It is important to clarify that the above list covers the whole of the application site for the proposed development and that not all of the construction plant and equipment will be applicable to the development within Sunderland City Council's administrative area. For example, the ES confirms that the only location identified for piling is to the Rive Don bridge abutment(s), which falls outside of Sunderland City Council's administrative boundary. The above list should be read alongside the submitted Construction Equipment Modelled Locations Plan, which illustrates where the plant is likely to be used.

Hours of Work

The anticipated construction working hours will be as follows:

- Construction (excluding deliveries): Mon – Fri: 07:00 to 18:00; Sat: 08:00 to 17:00;
- Deliveries: Mon – Sat: 08:00 to 14:30 C4.11

No working on Sundays, Bank or Public Holidays without prior agreement with Sunderland City Council.

Construction Environmental Management Plan (CEMP)

The contractor(s) will be required to produce and agree a CEMP (incorporating any relevant environmental requirements) to address construction effects of the Proposed

Development or specific phases on the environment, existing surrounding communities, businesses and residents of the area.

SUBMISSION

The Proposed Development has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”) and is accompanied by an Environmental Statement (an “ES”) including addendums.

The ES confirms that the Proposed Development is one to which the 2017 EIA Regulations Ref 1 are relevant because it falls within Parts 10(a) and (f) of Schedule 2 of those same regulations. Part 10(a) includes industrial estate development projects with a site area exceeding 0.5 ha; and Part 10(f) includes development involving the construction of roads on an area of works exceeding 1ha. For Schedule 2 developments, the Regulations require that an EIA be undertaken where the development is “*likely to have significant effects on the environment by virtue of factors such as its nature, size or location*”.

It is important to confirm that the ES has considered the potential environmental effects of the proposed development (i.e. the likely significant effects of the development on the environment, including any cumulative effects), and where considered necessary, has recommended appropriate mitigation measures for the environmental effects of the proposals.

It is stated within the Introduction of the ES that it “*contains all of the information required in Schedule 4 of the updated 2017 Regulations which is necessary to assess the environmental effects of the Proposed Development and also accords with the details specified in regulation 18(3), 18(4) and 18(5) which defines what comprises an ES*”.

The following documents and drawings have been submitted to support the planning application:

Documents

- Application Form and Certificates;
- Planning Statement (December 2021);
- Initial Public Transport Strategy (November 2021);
- Sustainability Statement (November 2021);
- Environmental Statement (including technical appendices and drawings/ plans) (December 2021);
- Environmental Statement – Non Technical Summary (December 2021);
- Landscape Strategy (November 2021);
- Statement of Community Involvement (December 2021);
- Design Code report (December 2021);
- Arboricultural Impact Assessment (November 2021);
- Design and Access Statement (December 2021);
- Health Impact Assessment (December 2021); and
- Letter from Department for Levelling Up, Housing and Communities in relation to request for revocation under section 233(2) of the planning act 2008 (as amended) of directions made under section 35 of the planning act 2008 (as amended) and

the infrastructure planning (business or commercial projects) regulations 2013:
Letter dated 13 April 2022

Drawings

- Site Location Plan;
- Site Location – Wider Context Plan;
- Existing Site Plan;
- Drainage General Arrangement drawings – zones 1 to 10;
- Proposed Street Lighting drawings V1 to V8;
- Highways General Arrangement drawings – zones 1 to 10;
- Infrastructure landscape proposals drawings;
- Landscape Parameters Plan;
- Indicative Early Infrastructure and NEA Masterplan;
- Hybrid Application Parameters Plan;
- IAMP illustrative Masterplan;
- Extent of Development Parameters Plan;
- Access Parameters Plan;
- Buildings Heights Parameters Plan;
- River Don Bridge General Arrangement Drawings;
- Long sections – Road 4;
- Long sections – A1290;
- Contours Plan – Road 4;
- Cross sections drawings – Road 4;
- Contours Plans A1290;
- Existing Plan – Make Me Rich Farm;
- Existing Highways Infrastructure Plans;
- Highway Control Strings Plan; and
- Crossing Section A1290.

Further Environmental Information

The documents and plans are available as required through the 'Public Access' facility on the Council's website. Following the various responses received from statutory consultees, further information was provided by the applicant and some minor updates have been made in relation to the proposed development. This resulted in the submission of the following package of further information:

Documents

- Response letter to Northern Gas Networks (May 2022)
- Noise response to South Tyneside Council's Environmental Health Officer Comments (June 2022);
- Environmental Statement Addendum – Main Report and Appendices (November 2022);
- Environmental Statement Addendum – Updated Non-Technical Summary (November 2022);
- Covering Letter (November 2022);
- Updated Planning Statement (November 2022);
- Biodiversity Net Gain Assessment (November 2022);
- Updated Design Code Report (November 2022);

- Updated Health Impact Assessment (November 2022);
- Updated Landscape Strategy Report (October 2022);
- Transport Note – Response to Gateshead Council (November 2022);
- Transport Note – Response to National Highways (November 2022);
- Updated Ecological Impact Assessment (December 2022); and
- Drainage Calculation Sheet

Drawings

- Construction Equipment Modelled Locations;
- Infrastructure Landscape Proposals drawings;
- Illustrative Masterplan drawing;
- Indicative Early Infrastructure NEA Masterplan;
- Illustrative zonal landscape plan;
- Attenuation Pond 3 Layout and Details;
- Attenuation Features Cross-sections road side swales for A1290; and
- Attenuation Features – Road 4 Layouts and cross-sections.

Further Environmental Information

Following on from further consultation and engagement with the applicant and consulted parties, further information was provided by the applicant in March 2023 which comprised of:

Documents

- Environmental Statement Addendum (March 2023);
- Environmental Statement Addendum – Updated Non-Technical Summary (March 2023);
- Cover Letter (March 2023);
- Response Letter to Town End Farm Partnership (March 2023);
- Transport Note - Local Highway Authority (LHA) Consultee Response (March 2023);
- Transport Note – West Pastures (March 2023);
- Updated Landscape Strategy document (March 2023);
- Updated Biodiversity Net Gain Assessment (March 2023);
- Updated Ecological Impact Assessment (March 2023);
- Biodiversity Net Gain Metric Outline Area;
- Biodiversity Net Gain Metric Full Area;
- Biodiversity Net Gain Clarification Response letter (July 2023);
- Biodiversity Metric (Excel file 12.07.23);
- IAMP Metric Revisions 12.07.23 - Manual Calculations

Drawings

- Site Wide Landscape Strategy drawing;
- Illustrative zonal landscape plan;
- Key boundaries drawing;
- Farmland bird mitigation drawing;
- Road lighting design drawings;

- Infrastructure landscape proposals plans;
- Highways general arrangement drawings – Zones 1 to 4
- Farmland Bird Habitat Compensation Areas

CONSULTATIONS

The below provides a summary of all of the responses which have been received from statutory and non-statutory consultations. Further details can be found through the 'Public Access' facility on the Council's website at: [Simple Search \(sunderland.gov.uk\)](https://www.sunderland.gov.uk)

Environmental Impact Assessment Requirements

In accordance with Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations"), a copy of the Environmental Statement and planning application with associated documentation were sent to the National Planning Casework Unit, on behalf of the Secretary of State, and the consultation bodies referred to below on 13th April 2022.

Statutory consultees were sent copies of the information received pursuant to Regulation 25 of the EIA Regulations on 13th April 2022.

First Round of Consultation

On the 13th April 2022 a consultation period commenced following the application for the proposed development.

Statutory Consultees

The **Environment Agency** (EA) confirmed in their response (26th May 2022) that they have no objection to the planning application as submitted subject to the inclusion of suggested planning conditions.

Historic England (HE) responded (25th April 2022) advising Sunderland City Council (SCC) that on the basis of the information available to date, in their view SCC do not need to notify or consult HE on this application under the relevant statutory provisions.

Natural England (NE) responded the 18th May 2022 confirming no objection. In their response, NE stated that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

In a response dated 19th May 2022, **National Highways** confirmed their view that there are aspects of the submitted Transport Assessment (TA) where clarification and further information is required and recommended that the application not be determined for a period of 6-months, to permit time for the matters to be addressed.

To validate the original origin and destination trip distribution predictions for IAMP, SCC Highways has asked for a comparison to be made against staff surveys undertaken as part of the travel planning for occupied plots.

SCC Highways has advised that there are historic issues associated with Ferryboat Lane, including non-compliance with speed limits. SCC Highways requested that consideration be given to introducing a traffic management scheme along Ferryboat Lane to help mitigate predicted impacts.

Sunderland City Council's Planning Policy Team provided comments on the proposed development. The consultation response confirms that the site is located predominately within the northern area of the IAMP with one of the units located within the southern employment area. It is noted that the majority of the redline area is located in South Tyneside with one of the industrial units located within Sunderland.

IAMP AAP Policy S1: Spatial Strategy for Comprehensive Development sets out the broad strategy for the IAMP site. Alongside this, IAMP AAP Policy S2: Land Uses indicates that development within the employment areas must be for the principal 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. It is noted the supporting Planning Statement indicates (at paragraph 3.21) that the proposed units would be for the principal uses outlined in IAMP AAP Policy S2.

IAMP AAP Policy S3: Scale and Quantum of Principal and Supporting Uses sets out a maximum threshold for Principal Uses of 356,000 square metres of B1(c), B2 and B8 development. It is noted that the development would equate to 168,000 square metres of floorspace for Principal Uses. The recently adopted IAMP Interim Position Statement indicates that a total of 166,518 square metres for floorspace has either been permitted or already completed at the IAMP. It should also be noted that the permitted/completed floorspace identified above will include a component of floorspace for secondary uses. Therefore, the proposal would result in 334,518 square metres of floorspace which would be in alignment with the maximum threshold set out with Policy S3.

Design

The Planning Policy Officer notes in their response that IAMP AAP Policy D1: Masterplan Design sets out a range of design principles which development should comply with. This includes orientating buildings along the boulevard and primary routes to follow a common building line fronting on to the road, with buildings along the River Don corridor facing towards the river and landscaping uses where possible. Also, at Criterion B, indicates that proposals must be accompanied by a Design Code. It is noted that the application includes a Design Code.

IAMP AAP Policy D2: Public Realm indicates that development proposals should provide a Public Realm Strategy and include the range of principles set out within the policy.

Transport

The Policy Officer notes that the detailed aspect of the application includes the delivery of highway infrastructure including dualling of the A1290 (between the A19/A1290 Downhill Lane Junction and the southern access from International Drive) as well as the provision of new access road to the Northern Employment Area including a new bridge over the River Don. IAMP AAP Policy T1: Highways Infrastructure sets out strategic transport infrastructure which is required to be delivered. This includes both upgrading capacity to the A1290 as well as a new bridge over the River Don to allow access to the Northern Employment Area.

In addition to the above, IAMP AAP Policy T1: Highways Infrastructure sets out the principle that a public realm strategy for the IAMP is required to accompany development proposals. It is noted that consideration of the public realm is outlined within the supporting Design and Access Statement. Criterion B requires development proposals to include a Transport Assessment which is aimed to 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. In relation to this, it is noted that the supporting Cover Letter indicates this has been submitted. Also, at Criterion C, the policy sets out that development proposals must be supported by the submission of a Travel Plan designed to ensure that the development is acceptable in transport sustainability and accessibility terms. It is also noted that according to the supporting Cover Letter this has been submitted. Furthermore, Criterion D, states that consent shall not be granted for development which would adversely affects the safe and efficient operation of the local / strategic highway networks; or compromise either the delivery of the highway improvements (set out in criterion A); or prejudice the comprehensive development and delivery of the IAMP as a whole.

IAMP AAP Policy T2: Walking, Cycling and Horse Riding provides policy criteria in relation to pedestrian links, cycling and horse riding. Amongst other matters, it sets out that development must ensure that roads and spaces are designed to consider the needs of all types of users so that conflict between road users and vulnerable users is minimised. It also sets out that development must include appropriate cycling facilities such as parking, showers and storage as part of new developments.

IAMP AAP Policy T3: Public Transport indicates that development must include provision of enhanced bus services, as detailed in the policy, alongside other criteria.

IAMP AAP Policy T4: Parking sets out development must ensure that appropriate provision for car parking is provided in accordance with the Councils' standards. Amongst other matters, the policy also sets out that development must ensure that 25% of the total car parking provision is for the use of car-sharing only, as well as making provision for disabled badge parking spaces and car and bicycle charging points.

Site access and highways impact matters as they relate to South Tyneside should also be considered against Criterion G of Development Management Policies DPD Policy DM1: Management of Development. Criterion G sets out that in determining planning applications we will ensure that the impact of development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts.

Landscape and Visual Impact

The consultation response highlights IAMP AAP Policy EN1: Landscape which sets out criteria in relation to landscape impact. The broad aim of the policy is to minimise the impact on landscape character and visual amenity, seek landscape enhancements, as well as to integrate building into the surrounding landscape. At Criterion B, the policy indicates that development proposals must include a Landscape and Visual Impact Assessment which demonstrates an understanding of the likely significant effects of the proposed development. A Landscape and Visual Impact Assessment has been submitted as part of the Environmental Statement.

Ecology and Biodiversity

In terms of ecology and biodiversity, the consultation response notes that IAMP AAP Policy EN2 sets out criteria in relation to ecology. Amongst other matters, it sets out that in order to enhance biodiversity, development must (inter alia) avoid, minimise and mitigate or compensate any adverse impacts on biodiversity and provide net gains where possible. Criterion B sets out the need for development to be accompanied by an Ecological Impact Assessment as part of an Environmental Impact Assessment. An Ecological Report has been submitted as part of the Environmental Statement.

Green Infrastructure, Trees and Hedgerows

There are existing trees on site. Therefore, Development Management Policies DPD Policy DM1: Management of Development is considered relevant. It sets out at Criterion C that we will ensure that where relevant the development protects existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary.

IAMP AAP Policy EN3: Green Infrastructure sets out criteria in relation to green infrastructure. This includes that development must create green linkages along main roads through the provision of tree-lined streets and landscaped areas for public rights of way.

Amenity

In terms of amenity, the policy response refers to IAMP AAP Policy EN4: Amenity sets out the principle that proposal should not adversely impact the amenity of neighbouring occupiers and residents.

Infrastructure

It is noted in the consultation response that the proposal also involves the delivery of various forms of infrastructure including the provision of electricity sub-stations, pumping station and drainage infrastructure. IAMP AAP Policy IN1: Infrastructure Provision sets out criteria in relation to infrastructure provision. It sets out that development proposals must show how various forms of infrastructure will be provided.

The Policy Officer states that as the proposal would provide a new bridge over the River Don. IAMP AAP Policy IN2: Flood Risk and Drainage is considered relevant in relation to the new bridge proposed over the River Don. It indicates (at Criterion A) that a new bridge will be required over the River Don the design of which must demonstrate that there will be no net loss in flood plain storage capacity nor an increase in maximum flood levels within adjoining properties as a consequence of the proposed works.

Flood Risk and Drainage

The consultation response notes that IAMP AAP Policy IN2: Flood Risk and Drainage is also relevant in relation to wider aspects of flood risk. At Criterion B, the policy indicates that 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 a detailed Flood Risk Assessment, Water Framework Directive Assessment and a Surface Water Management Plan. It is noted that according to the supporting Cover Letter, a Flood Risk Assessment (where surface water is outlined) and a Water Framework Assessment have been provided. In addition,

proposals should provide 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.

IAMP Interim Position Statement

The decision maker should also consider the IAMP Interim Position Statement, which was prepared by the Agent on behalf of Sunderland City Council and South Tyneside Council, which is considered a material consideration in the decision-making process having been recently endorsed by both Councils. The Interim Position Statement was prepared to review baseline information and market demand, and consider whether the IAMP AAP (adopted November 2017) is still relevant as an overarching policy tool.

The consultation response concludes that “the outline aspect of development would provide industrial units which would fall within the principal uses set out within IAMP AAP Policy S2. Moreover, when accounting for the scale of completions and consented schemes on the IAMP site, the proposals would not exceed the permitted upper threshold for employment space set out in IAMP AAP Policy S2. In relation to the detailed aspect of the development which relates to various forms of infrastructure, these are considered acceptable. The widening of the A1290 is considered priorities as set out in IAMP AAP Policy T1: Highways Infrastructure. In relation to technical matters, it is considered that the design, amenity, landscape, visual, heritage, ecology, biodiversity, access, highways and public transport impacts should be considered. In addition, the impact of the proposal on existing trees should also be considered”.

The Lead Local Flood Authority (LLFA) firstly responded to the consultation on the 16th May 2022 providing comments on the submitted information. In their second response (dated 17th June 2022) they provided an updated response sheet and confirmed that the proposals are now acceptable from a flood risk point of view.

The Council's **Conservation Team** responded on the 19th May 2022 confirming no objections to the proposal. In their response, they advised that this proposal has some potential for an indirect impact on views to and from and in turn the setting of Penshaw Monument that is located some 5km south of the application site.

In response to the submitted Environmental Statement, the consultation response concludes that *“the overall impact of the proposed development on the setting of Penshaw Monument, and the contribution its setting makes to its significance, is therefore also considered to be negligible. The conclusions of the Cultural Heritage Chapter that the proposals will have a neutral impact on the significance of the Monument are thus accepted”.*

The **Tyne and Wear Archaeology Officer** responded on the 24th May 2022 providing suggested wording for recommended conditions.

In a response dated 25th May 2022, **Sunderland City Council's Public Health Lead** confirmed that the submitted information is *“an honest and realistic assessment of the likely scope and duration of health impacts both positive and negative. Negative impacts are mostly minor and limited to the construction phase, whilst the positive impacts are longer term. The mitigations appear to be appropriate and reasonable. Examples of longer-term positive actions include amongst other things employment opportunities, training, and significant enhancement of open space including walking, cycling and*

bridleways". The response also offered some advice on how the applicant could further address health.

South Tyneside Environmental Health responded on the 1st June 2022 raising initial points for clarification in relation to the submitted noise assessment.

Gateshead Council's Built & Natural Environment (Transport) responded to the consultation on the 15th June 2022 recommending that permission should be subject to conditions/amendments and requested further information in relation to: progress with public Transport Strategy; trip distribution; cluster analysis is undertaken on the accident data; and junction assessments west of Whitemare Pool.

Gateshead Council's Built & Natural Environment (Ecology) responded on the 20th June 2022 advising that *"inadequate information is currently provided regarding the mitigation of impacts both during construction and operationally, and the long-term management and maintenance to demonstrate that potential impacts can be adequately minimised/mitigated for. The proposals are considered to be incompatible with the ecological interest and value of the site and adjoining areas (including Follingsby Wildlife Corridors) and its associated priority/notable species, and are therefore considered unacceptable. In addition to addressing issues raised above, a Lighting Design Strategy for Biodiversity should be developed for the site. The strategy should identify those areas/features on site that are particularly sensitive and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that potential impacts have been minimised"*.

A consultation response was received from **Sunderland's Land Contamination Consultant** (dated 18th May 2022) making comments on the submitted Preliminary Environmental Risk Assessment report and Environmental Statement Ground Conditions Chapter. In their response, the Land Contamination consultant *"recommended that as part of any Detailed Planning Application submissions, the Applicant shall submit (secured by suitable Planning Condition) a plot specific ground investigation report providing an environmental risk assessment together with any additional ground investigation deemed necessary. Specifically (but not limited to) this should include a detailed assessment of ground gas risk in accordance with relevant guidance and Standards"*.

The **Health and Safety Executive (HSE)** confirmed that they do not advise, on safety grounds, against the granting of planning permission for the proposed development.

Northern Gas Networks responded on the 27th April 2022, objecting to the proposed development. The responses included a plan showing their plant in the area of Land North / East and South of International Drive Washington. The consultation response confirmed that they object to the planning application on the grounds that the protection given to their plant may be diminished by the proposed works.

The Coal Authority responded (4 May 2022) confirming that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Non-Statutory Consultees

The Designing Out crime Officer from **Northumbria Police** responded on the 25th May 2022 with advice to help the applicant achieve the Secured By Design aims.

Nexus' responded to the consultation and provided comments in relation to: transport strategy; public transport working group; active travel; travel plan and information; and travel ticketing.

Newcastle International Airport responded on the 27th April 2022 providing advice in relation to proposed SUDS ponds and requested to be consulted on any future detailed planning application in order to assess the potential impacts of solar arrays from a glint and glare perspective.

Tyne and Wear Fire and Rescue responded on 3rd May 2022 confirming no objections, but seeking additional information on whether it is to be timber framed construction.

Northern Powergrid responded to the consultation (dated 25th April 2022) confirming no objection providing their rights are not affected and rights of access to their apparatus

Second Round of Consultation

On the 10th November 2022, the Local Planning Authority (LPA) gave notice to statutory consultees under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information and evidence respecting the Environmental Statement had been submitted to the LPA by the applicant. The further information submitted by the applicant is set out in section 4.0 of this Committee Report.

The submission of further information was also advertised in the Sunderland Echo on the 15th November 2022.

The responses that were received during this second round of consultation are set out below:

Statutory Consultees

Historic England responded on the 10th November 2022 advising that they do not need to be notified or consulted on this application under the relevant statutory provisions.

National Highways responded to this second round of consultation (response dated 11th November 2022) recommending that planning permission not be granted for a specified period. The response acknowledged receiving new information directly from Systra and formal consultation from the Council, dated 10th November 2022. Notwithstanding this, the response confirmed that the matters detailed within their initial consultation response of 19th May 2022 *“have yet to be addressed to National Highways’ satisfaction and, accordingly, it remains our recommendation that the application should not be determined at this time”*.

In their second response (dated 29th November 2022) to this second round of consultation, **National Highways** confirmed that *“whilst the Systra response addresses the majority of the assessment matters outlined in National Highways’ initial response to the application, dated 19 May 2022, detailed matters associated with the development’s delivery remain to be resolved”*.

The **Environment Agency** responded on 1st December 2022 confirming that their previous response of 26th May 2022 still applies including the recommended conditions: Implementation of Flood Risk Assessment (FRA) and Construction Environmental Management Plan (CEMP). However, this response included an additional planning condition in relation to a River Restoration Scheme and Ecological Management Plan.

In their response (dated 5th December 2022) to this second round of consultation, **Natural England** confirmed that the advice provided in their previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Sunderland City Council's Highway Authority responded to this round of consultation, making comments in relation to: submitted Transport Assessment; Road Safety; Pedestrian and Cycling Accessibility; Public Transport; Initial Public Transport Strategy; Framework Travel Plan; Highway Operational Management Plan (HOMP); Highway Design and Delivery; Southern Employment Area Plot; West Pastures; Construction Phase and Site Traffic; Local Plan and Full IAMP Sensitivity Scenario Testing.

In summary, the response stated that *“upgrading this section of the A1290 westwards from the A19 / Downhill Lane junction to a point past the eastern junction with International Drive and the main point of access to the Nissan plant is supported. This improvement will provide the necessary capacity to ensure traffic during peak periods of demand can be accommodated and mitigate any capacity or safety concerns at key junctions on the local road network. It is recommended that suitable worded planning conditions be included in relation to the quantum of development to be delivered, travel planning, the highway operational management plan and a construction traffic management plan”*.

Sunderland City Council's Landscape Services responded to this round of consultation on the 19th December 2022. In summary, the main points raised in the response included:

- *“The Strategy for the ELMA site needs to be revised in accordance with Ecologist's requirements. Sourcing of seeds and seed harvesting from local provenance*
- *Existing landscape features – hedges woodland and trees – these should be identified and recorded and further strategies put in place either for their retention 'in situ' or translocation. Current information is insufficient.*
- *Buffer zones – review*
- *Road Corridors and seeding – non-local provenance seeding specified – review*
- *Other details need to be clarified / strengthened – such as 'grassland', lighting specifications, acceptable SuDs details, use of chemicals for maintenance.*
- *Eco-credentials – given the ground breaking nature of the IAMP site – higher targets should be expected and put in place in relation to green roofs, SuDS, quality and richness of the landscape around the buildings, habitat, etc”*.

Sunderland City Council's Planning Policy Team provided comments on the 6th December 2022 and advised that they do not have any additional comments to make on the additional information provided.

In their response (dated 17th November 2022) the **Coal Authority** advised that they considered the notification to consultation on the planning application was sent to them

incorrectly, as the “*application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted*”.

In their response (dated 23 November 2022) the **Marine Management Organisation** (MMO) advising that “*any works within the marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark*”.

The **LLFA** responded on the 28th November 2022 referring to their previous comments in response to the application dated the 17th June 2022, and confirmed that they have no further comments to add. All previous SuDS verification conditions are still to apply.

In a response dated 9th December 2022 the **Tyne and Wear Archaeology Officer** and advised that previous comments remain applicable. In particular, the response states that “*in section 14.20 and 14.21 of the updated IAMP planning statement (4th November 2022, pages 22-23), the archaeological conditions requested on the 24th May 2022 are acknowledged and the applicant provides confirmation of their agreement to these conditions. The archaeological comments submitted on the 24th May 2022, provide an initial list of the investigations that are required in association with the applications if approved. Additional works to those already identified may be required depending on the results of the evaluation investigations*”.

Non-Statutory Consultees

Northumbrian Water responded (dated 21st November 2022) confirming no additional comments to make.

Northern Powergrid responded to this second round of consultation on 10th November 2022 providing Mains Records of approximate locations of known apparatus in the area.

The Designing Out crime Officer from **Northumbria Police** responded on 11th November 2022 stating that having given the matter due consideration they don’t consider the amendments materially alter their past comments with regard to IAMP.

Third Round of Consultation

On the 13th April 2023, the LPA gave notice again to the statutory consultees under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The submission of further additional information was also advertised in the Sunderland Echo on the 18th April 2023 and a site notice (dated 13th April 2023) was put up.

Statutory Consultees

National Highways responded on the 5th May 2023, recommending that the application should not be determined until 4th August 2023 “*to permit time for such agreement to be reached, or earlier should agreement be reached prior than this date*”.

The consultation response included:

- West Pastures Protocol Framework Technical Note; and
- Technical Memorandum TM006, which discusses the conditions identified as required in response to the application from National Highways' perspective.

The consultation response notes that given the need to agree the conditions outlined within the TM006 with both Planning Authorities, then National Highways will be maintaining the current recommendations in response to both planning applications, until consensus regarding these draft conditions is reached.

Sunderland City Council's Landscape Services responded to this round of consultation on the 18th May 2023 confirming that *"as identified in the previous landscape comments for this application there are 3 main landscape components: ELMA (area for biodiversity net gain), individual plots and the road corridor and its associated infrastructure"*.

The full response can be found through the 'Public Access' facility on the Council's website, but in summary, the consultation response concludes that *"the revisions to the ELMA provide a suitable strategy to work to, the detail for the road corridor in terms of layout are satisfactory and the strategy for the individual plots can be developed further to provide appropriate landscape designs within the plots. There are still several significant landscape aspects absent from the application which should be addressed (potentially through conditions?)"*.

A record of existing landscape features – this is a large-scale site and as such an assessment should be undertaken of the existing landscape features, trees, hedgerows, copses, and their form and quality should be captured through plans and a photographic record, together with a strategy for potential translocation. The current application only records trees and hedgerow at a basic level within the arboricultural assessment, but it does not record the landscape value or potential for relocation. This strategy should be undertaken as soon as possible so that any proposals for translocation can be planned and preparatory operations such as coppicing and undercutting of roots can be carried out in advance and in the right season.

- *Soil handling and management strategy – should be provided for the road infrastructure works to identify soil types, quantities, protection zones, stripping and stockpiling. Information should be captured in a Soil Resources Plan*
- *Maintenance Schedule and Biodiversity goals – revise the schedule to include an ecological input in the decision-making process, to ensure that operations such as tree thinning are carried in a way which will improve habitat creation and meet biodiversity goals. Identify what and how ecological goals will be met and provide greater detail on specific landscape operations.*
 - *Review use of herbicides for establishment and maintenance. Update schedules to enable other operational methods to be included*
 - *Provenance of seed for road corridor - recommended that there is a review of the provenance of the proposed seed mix and whether locally collected seed could be arranged or whether encouraging the natural seed bank within the soil to develop is an option. This is to provide further consideration to whether it is appropriate to use non-local seed on a site adjacent to the ELMA".*

Sunderland City Council's Environmental Health Team responded on the 4th May 2023 stating that *"the original environmental statement (December 2021) was considered acceptable in that it properly addressed the scheme wide impacts appropriately with*

certain qualifications in relation to noise mitigation measures on an individual development unit basis, dependent upon the final end occupation”.

The consultation response also includes a number of comments *“on relevant issues and suggested revised conditions proposed in relation to noise and air quality considerations related to individual industrial units”.*

In their response (dated 4th May 2023) **Sunderland City Council’s Planning Policy Team** *“note the additional information provided on the 3rd April which relates to various technical matters, including ecology and landscaping (as it relates to the ELMA) as well as changes to the highway design. The revised technical reports relating to these matters are also acknowledged. The planning policy team do not have any additional comments to make on the additional information provided”.*

The **LLFA** responded on the 25th April 2023 stating that with reference to the minor amendments made to the positioning of the swale draining sections of the highway, they can confirm at this stage that they have no further comments to add. All previous SuDS verification conditions are still to apply.

The **Principal Conservation Officer** responded to this third round of consultation confirming *“no comments on the additional information submitted”.*

The **Tyne and Wear Archaeology Officer** responded on the 10th May 2023 advising that they no comments on the amended and additional information, and previous comments on the archaeological impacts of the proposals remain valid.

Northern Gas Networks responded on the 3rd May 2023 confirming that they do not have any concerns about the changes proposed.

Sunderland City Council’s Ecology Team provided a consultation response on the 19th July 2023. In this response, the Ecology Team addressed both the outline and full elements of the proposed development and provided commentary on designated sites and species which could be affected by the proposed development. The response concluded that, with the imposition of appropriate planning conditions, the Ecology Team are satisfied that the proposed development can be delivered whilst preventing significant harm to biodiversity and achieving policy compliant biodiversity net gain.

Non-Statutory Consultees

Northumbria Police responded on the 25th April 2023 stating that they have noted the detail provided in the Amended and Additional Information and other than affirm their commitment to providing support to the IAMP project as acknowledge by the Applicant in Chapter 8 of the Planning Update report, they have no other crime prevention concerns.

In their response (dated 10th May 2023) the **Tyne and Wear Fire and Rescue Service** confirmed that they have no objections to this proposal, subject to the provisions detailed in their response, which included:

- Building regulations – access and facilities for the fire service;
- Advisory recommendation which will improve fire safety in the premises – *“Sprinklers Sprinkler systems and other type of automatic suppression systems*

have proven to be a cost effective method of sustaining occupant safety and protecting property in the event of a fire. This Service strongly recommends the provision of an automatic sprinkler/suppression system for this building”.

REPRESENTATIONS

Upon receipt, this application has been publicised by the Local Planning Authority, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015; the Planning (Listed Building and Conservation Areas) Act 1990; and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and the Council’s Statement of Community Involvement (June 2020) by means of:

- Site notices posted in 7no. locations on 29th April 2022;
- Press notices published in the Sunderland Echo on: 29th April 2022; and
- letters posted to 32 no. individual properties on 25th April 2022

Following the receipt of further information from the Applicant, as set out in section 4.0 of this Committee Report, additional publicity (in accordance with Regulation 25(3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) on the application was carried out in the form of:

- Site notices posted in 7no. locations on 13th April 2023;
- Press notices published in the Sunderland Echo on: 15th November 2022; and 18th April 2023; and
- letters posted to 32no. individual properties on 13 April 2023

The below provides a summary of all of the representations which have been received. Further details can be found through the ‘Public Access’ facility on the Council’s website.

Church Commissioners for England (CCE) (5th July 2022)

- CCE support the principle of IAMP;
- review to date suggests the EIA is indeed robust and sound. The parameters on which the assessment is based appear acceptable (heights etc.);
- seeking clarification in terms of the ELMA calculation and means by which it will be secured. It is considered that Sunderland City Council will be engaging in s106 legal agreement negotiations in respect of matters such as Green Travel / Transport and as a major landowner would expect to be party to those. Alongside that CCE would hope to review any draft conditions, notably pre commencement and those requiring ongoing management or monitoring.

Barratt David Wilson (BDW) Homes (North East) (15th August 2022)

- BDW supports the proposals for IAMP 2 and the investment and economic growth this brings to the area;
- would welcome further engagement on the proposals in order that the proposed

scheme reflects the wider proposals for the area, including BDW's emerging scheme at Washington Meadows;

- BDW's interest in the proposals relate to the progression of their proposed scheme at Washington Meadows. BDW's site at Washington Meadows is designated safeguarded land in the Core Strategy and is a draft housing allocation in the emerging Allocations and Designations Plan. Therefore, BDW is working with the Council on an emerging masterplan for the site;
- Other topics discussed within the representation relate to: transport; landscape; and residential amenity;

Town End Farm Partnership ("TEFP") (21st November 2022)

- TEFPP would welcome improved engagement in relation to this scheme as there are significant areas requiring clarity, ensuring a full appreciation of the impacts of the proposal which conflicts with the assertion this is a comprehensive development;
- Submit this representation as a formal objection on behalf of TEFPP;
- Main areas of concern relate to the following in summary:
 - Lack of information with regard to the comprehensive development of IAMP and the provision of a bridge across the A19;
 - The proposal for comprehensive development at IAMP whilst at that same time there being very little information submitted on the remaining land parcel which has been carved out of IAMP and is within the control of TEFPP, specifically the remaining highway capacity;
 - Cumulative impact of allocated/ emerging development excluded from consideration which impacts on the road network at both strategic and local levels.

mypetstop, Follingsby (8th December 2022)

- welcome the additional information provided by the applicant, which states that access to mypetstop will continue to take place from the A19 along Downhill Lane (west) – Hylton Bridge – Follingsby Lane;
- welcome the proposed improvements to the existing junction at Downhill Lane which will remove the existing left-in/left out junction and replace it with a new connection allowing vehicles to turn right into Downhill Lane;
- The traffic impact of IAMP would continue to be monitored following the development of IAMP 2 to ascertain whether any control measures would be required. Any future measures would be the subject to full consultation with directly affected stakeholders, including mypetstop;
- It is welcomed that IAMP LPP intend to agree control measures with future occupiers of the industrial units under a Highways Operational Management Plan in order to restrict the impact of the IAMP development on Follingsby Lane, whilst ensuring there are no restrictions of access for existing businesses and residents, including access for visitors/ customers to mypetstop;
- It is assumed that access to mypetstop from the west would be unaffected by the proposed development as it falls outside of the application boundary. However, clarification is sought on this point;
- Request that some form of condition/ agreement is put in place that ensures private vehicle access to mypetstop (from both the A19 and 194) is maintained and cannot be obstructed by the IAMP 2 development.

Barratt David Wilson (BDW) Homes (North East) (9th May 2023)

- BDW supports the proposed application at IAMP and the investment and economic growth this will bring to the area.
- BDW do feel the opportunity for comprehensive masterplanning is being missed; the benefits of which would only help resolve issues faced and capitalise on the benefits.
- The housing, local centre, school and open space proposed at Washington Meadows could be of real benefit to this application. The role of the planners in bringing forward a flagship scheme that can deliver a whole array of social, economic and environmental benefits through comprehensive masterplanning must not be overlooked.

Church Commissioners for England (the Commissioners) (16th May 2023)

- At present no objections to the updated plans and documents, but will continue to monitor the situation closely, and withhold the right to alter this position, as the scheme develops, and any further updated/ amended plans are submitted.
- Additional comments raised in relation to: Ecology/ Landscaping Strategy updates; Biodiversity Net Gain Assessment; Ecology; Environment Agency's Additional Condition; Arboriculture Assessment; Section 106 Agreement
- The lack of communication towards CCE with regards to the updated submission package is disappointing and a cause for frustration.

7 PROCEDURE, LEGISLATION AND POLICY

This section sets out the legislative framework within which such planning applications must be determined, relevant local and national policies.

Procedural Legislative Framework

Section 70(2) of the [Town and Country Planning Act 1990 \(as amended\)](#) and Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) set out the legal requirement for determining planning applications, namely that *“the determination must be made in accordance with the plan unless material considerations indicate otherwise”* with the “plan” being the development plan documents, taken as a whole. The development plan is therefore the statutory starting point for decision-making. Planning policies and decisions must also reflect relevant international obligations and statutory requirements, as set out below.

Consents can be subject to conditions, provided that they meet the six tests detailed in section 10 of this report, whilst Section 106 of the Town and Country Planning Act 1990 (as amended) allows obligations to be entered into which restrict the development or use of land, require specified operations or activities to be carried out, require land to be used in any specified way or require sums to be paid to the local authority (i.e. a “Section 106 Agreement”); the latter mechanism should only be used where it is not possible to address unacceptable impacts through a planning condition and where all of the following tests are met:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

The [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) (the “EIA Regulations”) apply directive 2014/52/EU of the European Parliament and the Council of the European Union, which amended directive 2011/92/EU “on the assessment of the effects of certain public and private projects on the environment” (the “Environmental Impact Assessment Directive”).

Regulation 4(2) of the EIA Regulations states that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the Proposed Development on the following factors:

- (a) population and human health;*
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(a) and Directive 2009/147/EC(b);*
- (c) land, soil, water, air and climate;*
- (d) material assets, cultural heritage and the landscape; and*
- (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).*

Schedule 4 of the EIA Regulations sets out information for inclusion in Environmental Statements and includes, in 4(4) “*population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape*”. Schedule 4(5) requires a description of the likely significant effects of the development on the environment resulting from, inter alia:

- (a) the construction and existence of the development, including, where relevant, demolition works;*
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;*
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;*
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);*
- (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;*
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; and*
- (g) the technologies and the substances used.*

Material Considerations

National Planning Policy

National Planning Policy Framework

Paragraph 7 of the NPPF (revised on 20 July 2021) 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.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) complements the aforementioned National Planning Policy Framework in terms of how the NPPF should be implemented in practice. The NPPG can be a material consideration in the decision-making process. The following topics are considered relevant to this application:

- Air Quality;
- Climate Change;
- Design: Process & Tools;
- Determining a Planning Application;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Healthy and Safe Communities;
- Historic Environment;
- Light Pollution;
- Natural Environment;
- Noise;
- Planning Obligations;
- Travel Plans, Transport Assessments & Statements;

- Use of Planning Conditions; and
- Water Supply, Wastewater & Water Quality

IAMP Interim Position Statement

The IAMP Interim Position Statement is considered a material consideration in the decision-making process having been recently endorsed by both Sunderland City Council and South Tyneside Council as Local Planning Authorities.

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:

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

Core Strategy and Development Plan

The Core Strategy and Development Plan (CSDP) sets out our long-term plan for development across the city to 2033. It will ensure that the right type of development is focused in the right places to meet the needs of local people and businesses.

The CSDP (2015-2033) was adopted by the Council on 30 January 2020. A copy of the Plan and associated Policies Map can be found on the Council's website at: [Core Strategy and Development Plan - Sunderland City Council](#)

The following CSDP Policies are considered relevant in considering this application:

- SP1 Development strategy
- SP7 Healthy and safe communities
- HS1 Quality of life and amenity
- HS2 Noise-sensitive development
- HS3 Contaminated land
- BH1 Design quality
- BH2 Sustainable design and construction
- BH3 Public realm
- BH7 Historic environment
- BH8 Heritage assets
- BH9 Archaeology and recording of heritage assets
- NE1 Green and blue infrastructure
- NE2 Biodiversity and geodiversity
- NE3 Woodlands/hedgerows and trees
- NE4 Greenspace
- NE9 Landscape character

- NE11 Creating and protecting views
- NE12 Agricultural land
- WWE2 Flood risk and coastal management
- WWE3 Water management
- WWE4 Water quality
- WWE5 Disposal of foul water
- WWE6 Waste management
- SP10 Connectivity and transport network
- ST2 Local road network
- ST3 Development and transport
- ID1 Delivering infrastructure
- ID2 Planning obligations

With regard to the CSDP Policies Map, the application site forms part of the IAMP Area Action Plan ('AAP') Area.

International Advanced Manufacturing Park Area Action Plan

The International Advanced Manufacturing Park (IAMP) is located within the administrative boundaries of Sunderland and South Tyneside and represents a unique opportunity for the automotive and advanced manufacturing sectors in the UK.

The International Advanced Manufacturing Park 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 following AAP Policies are considered relevant in considering this application:

- Policy S1: Spatial strategy for comprehensive development
- Policy S2: Land Uses
- Policy S3: Scale and quantum of principal and supporting employment 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

OVERVIEW OF MAIN ISSUES FOR CONSIDERATION

The main issues for consideration in the assessment of this application are principally whether the proposal accords with the Development Plan (taken as a whole) and whether there are any material considerations which indicate that the application should be determined otherwise. In order to make this assessment, this report is set out as follows:

- Principle of Development;
- Economic Benefits;
- Loss of Agricultural Land;
- Site and Scheme Design;
- Highways Matters;
- Community Consultation;
- Health Impact;
- Flood Risk and Drainage;
- Ecology, Landscape and Views (including Trees);
- Cultural Heritage and Archaeology;
- Geology, Ground Conditions and Soils;
- Noise, Vibration and Air Quality;
- Waste; and
- Climate Change.

Principle of Development

The elements of the hybrid application, which fall within Sunderland's administrative boundary and therefore the subject of this committee report are:

- Outline Planning Permission (all matters reserved) for a Development Plot and Boundary Landscaping. As confirmed in the supporting Planning Statement, the Principal Uses for built development within this plot will be production, supply chain and distribution activities directly related to the Automotive and Advanced Manufacturing sectors (Use Classes B1(c), B2 and B8)
- Full Planning Permission for infrastructure and associated landscaping as described in section 3.0 of this Report;
- Outline Planning Permission for Ecological and Landscape Mitigation Area ('ELMA').

As noted in section 5.0 of this Committee Report, Sunderland City Council's Planning Policy Team provided comments on the principle of development which in this case relates to the development of industrial units (outline aspect) as well as the delivery of various forms of infrastructure in relation to the detailed aspect of the application. The consultation response confirms that the site is located predominately within the northern area of the IAMP with one of the units located within the southern employment area. It is noted that the majority of the redline area is located in South Tyneside with one of the industrial units located within Sunderland.

IAMP AAP Policy S1: Spatial Strategy for Comprehensive Development sets out the broad strategy for the IAMP site. Alongside this, IAMP AAP Policy S2: Land Uses indicates that development within the employment areas must be for the principal uses relating to production, supply chain and distribution activities directly related to the

automotive and advanced manufacturing sectors. The Policy Officer acknowledges that the supporting Planning Statement indicates (at paragraph 3.21) that the proposed units would be for the principal uses outlined in IAMP AAP Policy S2.

In the consultation response, it is noted that IAMP AAP Policy S3: Scale and Quantum of Principal and Supporting Uses sets out a maximum threshold for Principal Uses of 356,000 square metres of B1(c), B2 and B8 development. It is noted that the proposed development in total would equate to 168,000 square metres of floorspace for Principal Uses. The recently adopted IAMP Interim Position Statement indicates that a total of 166,518 square metres for floorspace has either been permitted or already completed at the IAMP. It should also be noted that the permitted/completed floorspace identified above will include a component of floorspace for secondary uses. The consultation response from the Planning Policy Team confirms that the new proposal would result in 334,518 square metres of floorspace which would be in alignment to with the maximum threshold set out with Policy S3.

The outline aspect of the proposed development would provide industrial units which would fall within the principal uses set out within IAMP AAP Policy S2. Furthermore, when accounting for the scale of completions and consented schemes on the wider IAMP site, the proposals would not exceed the permitted upper threshold for employment space set out in IAMP AAP Policy S2. In relation to the detailed aspect of the development which relates to various forms of infrastructure, these are considered acceptable.

The widening of the A1290 is considered a priority as set out in IAMP AAP Policy T1: Highways Infrastructure.

In terms of the proposed ecological and landscape mitigation land, it is important to note that Policy EN2 of the IAMP AAP Policy sets out criteria in relation to ecology. Amongst other matters, it sets out that in order to enhance biodiversity, development must (inter alia) avoid, minimise and mitigate or compensate any adverse impacts on biodiversity and provide net gains where possible. Criterion B sets out the need for development to be accompanied by an Ecological Impact Assessment as part of an Environmental Impact Assessment. It is noted from the submitted information that the applicant intends to provide both ecological and landscape mitigation within the IAMP site, which accords with the principles of the IAMP AAP.

In conclusion, there is support within both the adopted Core Strategy and Development Plan and the International Advanced Manufacturing Park AAP for both outline and detailed elements of the proposed development and the principle is considered acceptable. Therefore, on balance the development is considered to be in accordance with Policies SP1, NE1; NE2; NE3; NE4; NE9; SP10; and ID1 Delivering infrastructure of the CSDP and Policies S1; S2; S3; T1; EN1; EN2; and EN3 of the IAMP AAP.

Economic Benefits

The Adopted Area Action Plan for the IAMP outlines the following vision:
“A nationally important and internationally respected location for advanced manufacturing and European scale supply chain industries. A planned and sustainable employment location that maximises links with Nissan and other high value automotive and advanced manufacturing industries as well as the local infrastructure assets, including the ports, airports and road infrastructure.”

The applicant has submitted an ES, which includes a socio economics chapter. The

chapter concludes that *“the Proposed Development will have a beneficial effect on the local economy. During the construction stage, the delivery of new employment space will support construction industry jobs which, in turn, will generate an increase in economic output (Gross Value Added). The Proposed Development will, therefore, contribute towards improving economic conditions within the local and wider AOP², an area currently characterised by low jobs density (and low levels of employment growth in recent years), high unemployment and high levels of deprivation”*.

The ES chapter concludes that once operational, the proposed development is predicted to yield permanent, substantial beneficial employment related residual effects, with permanent moderate beneficial residual effects in relation to economic output.

It is important to note to members that the economic benefits were a key driver in deallocating the land within the IAMP as Green Belt in terms of economic regeneration. The proposed development is considered in terms of economic benefits to be compliant with the key objectives set out in the Adopted AAP and National Planning Policy Framework paragraphs 81, 82 and 83 in terms of local business need and supporting wider opportunities for development and paragraph 81 encourages sustainable economic growth and regeneration.

Loss of Agricultural Land

Paragraph 174(b) of the NPPF states that *‘planning...decisions should contribute to and enhance the natural and local environment by...recognising...the economic and other benefits of the best and most versatile agricultural land...’*

In terms of ground conditions and pollution, paragraph 184 of the revised NPPF states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

Paragraph 174 of the revised NPPF states that Planning decisions should contribute to and enhance the natural and local environment by *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

Agricultural Land Use grading is assigned by investigating the physical properties of the soil resources and interrelated factors such as topography and climate; and assessing how they limit the site’s suitability for agricultural use.

The grade or subgrade is determined by the most limiting factor (limitation) present. For example, if wetness and droughtiness are the only factors limiting the quality of the land to Subgrade 3b and Grade 2, respectively, such land is classed as Subgrade 3b.

The Planning Statement (2022) submitted by the applicant concludes that *“the ELMA contains some Grade 2 and Grade 3a agricultural land, which is defined as the best and most versatile agricultural land. The loss of this land is essential to facilitate the delivery of the IAMP. Indeed, once complete the proposed development will create around 5,086 to 5,992 net additional jobs. As such, any loss of agricultural employment would be minor in comparison with the employment opportunities to be created by the construction of the proposed development. Overall, the harm from the loss of agricultural business and some Grade 2 and 3a farmland are considered to be outweighed by the significant*

² Area of Impact

economic benefits associated with the IAMP and the need to delivery biodiversity net gain”.

It is Officer opinion that although the development will result in the loss of BMV agricultural land, in terms of the planning balance, weight is given to the fact that there is support in the IAMP AAP for proposed economic development at this location. It is therefore considered that although the loss of the BMV land is an adverse effect of the proposed development, this phase of the IAMP could not go ahead without this loss associated with the proposed ELMA. It is therefore considered that the application does not conflict with the applicable policies in the CSDP; IAMP AAP; or NPPF.

Site and Scheme Design

Section 12 of the revised NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the revised NPPF also seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.

IAMP AAP Policy D1: Masterplan Design sets out a range of design principles which development proposals should comply with. This includes orientating buildings along the boulevard and primary routes to follow a common building line fronting on to the road, with buildings along the River Don corridor facing towards the river and landscaping uses where possible. Also, at Criterion B, indicates that proposals must be accompanied by a Design Code.

IAMP AAP Policy D2: Public Realm indicates that development proposals should provide a Public Realm Strategy and include the range of principles set out within the policy. As explained above, part of the application is submitted in outline form with all matters reserved. It is therefore expected that details including public realm will be submitted at the Reserved Matters stage. It is noted that consideration of the public realm is outlined within the supporting Design and Access Statement. The submitted Planning Statement also lists the following principle aims in terms of applicable public realm areas:

- Lighting will be appropriately design in public places to help people feel safe;
- The landscaping scheme will be designed to avoid hiding places wherever possible in the public realm areas;
- The key public routes will run alongside the roads which will ensure that there is surveillance from vehicle users; and
- Within the ELMA, it will not be possible to light the informal paths due to the impact on wildlife; however, it is not anticipated that people will use these routes after dark.

Indicative layout plans have been submitted in support of the application and these are accompanied by a Design and Access Statement (2021) and Design Code document (November 2022). As explained in section 3.0 of this Committee Report, the submitted ES sets out a number of parameters for the proposed development including building heights measuring up to 67.4 (m+AOD). Together these give an indication of how the proposed unit could be achieved on site alongside the proposed embedded mitigation.

As explained earlier in this report and within the submitted Design and Access Statement (2021) the proposed highway infrastructure route is comprised of two sections. The first section is a widening of the A1290 from its northern end at the A19 Downhill Lane junction, to a point just west of its junction with International Drive (the southern IAMP ONE access junction). This section will become a dual carriageway, with at least two lanes in each direction, occasionally widening locally to provide flared three-lane approaches to junctions. The second section of proposed highway infrastructure provides access to the proposed development plots in the Northern Employment Area via a connection from the new IAMP road infrastructure road. Both sections of the A1290 proposed highway infrastructure upgrades will provide a dual carriageway, separated by a central reserve. A combined footway and cycleway will be constructed on either sides of the dual carriageway, together with grass verges, landscaping and drainage ditches.

As noted in section 4.0 of this Committee Report, the applicant has submitted a number of plans and drawings in support of the proposed infrastructure and associated landscaping, including: Road lighting design drawings; Infrastructure landscape proposals plans; and Highways general arrangement drawings – Zones 1 to 4.

As noted in section 5 of this Committee Report, Sunderland City Council's Highway Authority responded to the consultation, making comments in relation to: Highway Design and Delivery.

A Road Safety Audit Stage 1 has been undertaken. The report includes a number of recommendations. These should be addressed within the detailed design unless agreed otherwise and reviewed again at stage 2.

The detailed design and asset for the new traffic signals and controlled crossing points will need to be reviewed by the Regional Signals Service. This will include guidance on specification and technology to be used for controllers and signal equipment to be utilised. A traffic signals timing plan will be required and coordinated with those at the A19/Downhill Lane junction. The inclusion of MOVA technology and camera provision linked to the UTMC is recommended.

Street lighting and traffic sign design will be subject to approvals by Aurora Balfour Beatty.

The dualling scheme will need to accommodate the reinstatement of established access points for the purposes of maintenance of adjoining land /fields. This includes maintenance access for surface water drainage systems installed as part of the National Highways scheme for the A19/Downhill junction.

The indicative drawings and supporting documents provided in relation to the outline elements of this hybrid application are considered to demonstrate the design of buildings, use/layout of space within the site and landscaping could be achieved in future to represent high quality design, with necessary mitigation in place to address potential adverse effects.

Subject to accordance with suggested conditions, it is considered that a development could be accommodated within the identified plot, along with appropriate landscape and ecological mitigation, with access from the proposed new highway infrastructure, in accordance with Policies BH1; BH2; and BH3 of the CSDP and policies S3; D1; and D2 of the IAMP AAP.

Highways Matters

The revised NPPF states that in assessing sites for specific applications for development, it should be ensured that:

- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) 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”.*

Paragraph 111 of the revised NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 stating that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so that the likely impacts of the proposal can be assessed.

Paragraph 104 of the revised NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.

Paragraph 105 of the revised NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it does go on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.

Paragraph 110 of the revised NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes can be, or have been, taken up; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

The detailed aspect of the application includes the delivery of highway infrastructure including dualling of the A1290 (between the A19/A1290 Downhill Lane Junction and the southern access from International Drive) as well as the provision of new access road to the Northern Employment Area including a new bridge over the River Don. IAMP AAP Policy T1: Highways Infrastructure sets out strategic transport infrastructure which is required to be delivered. This includes both upgrading capacity to the A1290 as well as

a new bridge over the River Don to allow access to the Northern Employment Area.

In addition to the above, IAMP AAP Policy T1: Highways Infrastructure sets out the principle that a public realm strategy for the IAMP is required to accompany development proposals. It is noted that consideration of the public realm is outlined within the supporting Design and Access Statement. Criterion B requires development proposals to include a Transport Assessment which is aimed to 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. A Transport Assessment has been submitted. Also, at Criterion C, the policy sets out that development proposals must be supported by the submission of a Travel Plan designed to ensure that the development is acceptable in transport sustainability and accessibility terms. A Travel Plan has been submitted. Furthermore, Criterion D, states that consent shall not be granted for development which would adversely affects the safe and efficient operation of the local / strategic highway networks; or compromise either the delivery of the highway improvements (set out in criterion A); or prejudice the comprehensive development and delivery of the IAMP as a whole.

IAMP AAP Policy T2: Walking, Cycling and Horse Riding provides policy criteria in relation to pedestrian links, cycling and horse riding. Amongst other matters, it sets out that development must ensure that roads and spaces are designed to consider the needs of all types of users so that conflict between road users and vulnerable users is minimised. It also sets out that development must include appropriate cycling facilities such as parking, showers and storage as part of new developments.

IAMP AAP Policy T3: Public Transport indicates that development must include provision of enhanced bus services, as detailed in the policy, alongside other criteria.

IAMP AAP Policy T4: Parking sets out development must ensure that appropriate provision for car parking is provided in accordance with the Councils' standards. Amongst other matters, the policy also sets out that development must ensure that 25% of the total car parking provision is for the use of car-sharing only, as well as making provision for disabled badge parking spaces and car and bicycle charging points.

Section 2 of the submitted ES covers the issue of Access and Transportation. The application has been accompanied by a Transport Assessment and Framework Travel Plan information.

As illustrated on the accompanying drawings, the proposed development includes for infrastructure provision and associated landscaping by dualling the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, alongside the provision of a new access road, which will provide access to the development plots, including the plot within Sunderland's administrative boundary. In terms of the development plots and units, all matters are reserved at present so only indicative parking arrangements have been discussed by the applicant.

In terms of pedestrians and cyclists, the submitted highways general arrangement drawings demonstrate that the applicant intends to provide footways and cycleways on both the dualled A1290 and new access road.

As noted in section 5.0 of this committee report, consultation responses have been received from SCC Highways Authority and National Highways, including holding responses. Section 4.0 documents the additional information, which was submitted from

the applicant in response to such comments, including: Transport Notes; Infrastructure landscape proposals plans; and Highways general arrangement drawings – Zones 1 to 4.

Sunderland City Council's Highway Authority responded to consultation, making comments in relation to: submitted Transport Assessment; Road Safety; Pedestrian and Cycling Accessibility; Public Transport; Initial Public Transport Strategy; Framework Travel Plan; Highway Operational Management Plan (HOMP); Highway Design and Delivery; Southern Employment Area Plot; West Pastures; Construction Phase and Site Traffic; Local Plan and Full IAMP Sensitivity Scenario Testing. In summary, their response stated that *“upgrading this section of the A1290 westwards from the A19 / Downhill Lane junction to a point past the eastern junction with International Drive and the main point of access to the Nissan plant is supported. This improvement will provide the necessary capacity to ensure traffic during peak periods of demand can be accommodated and mitigate any capacity or safety concerns at key junctions on the local road network. It is recommended that suitable worded planning conditions be included in relation to the quantum of development to be delivered, travel planning, the highway operational management plan and a construction traffic management plan”*.

On the 21st July 2023 National Highways removed their holding direction subject to the inclusion of recommended conclusions, which have been included in this report.

Overall, the proposed access arrangements and highways impact of the proposed development is considered to be acceptable, subject to conditions, and it is therefore deemed to be in accordance with the requirements set out in the transport related policies of the CSDP; IAMP AAP and NPPF.

Community Consultation

Chapter B of the ES (Scope and Methodology) covers the issue of community consultation alongside the submitted Statement of Community Involvement (December 2021), demonstrating how the applicant has undertaken pre-application consultation.

In response to additional responses received from consultees and representations, the Applicant has also clarified within their additional supporting information (e.g. updated Planning Statement) how they have aimed to address comments received.

The Local Planning Authority have been in direct dialogue with the applicant with respect to the consultation process for the Statement of Community Involvement. The LPA is satisfied that the best practical means had been applied to ensure business and residents were made aware of the proposed application.

Health Impact

Chapter 8 of The National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Planning Practice Guidance states, “the design and use of the built and natural environments, including green infrastructure, are major determinants of health and wellbeing”. Planning Practise Guidance states that planning and health need to be considered together in terms of creating environments that support and encourage

healthy lifestyles. Planning Practise Guidance also notes that policies and proposals may need to have regard to the following issues:

- proximity to locations where children and young people congregate such as schools, community centres and playgrounds
- evidence indicating high levels of obesity, deprivation, health inequalities and
- general poor health in specific locations;
- over-concentration of certain uses within a specified area;
- odours and noise impact;
- traffic impact; and
- refuse and litter

The adopted Core Strategy and Development Plan also has introduced policy SP7 Healthy and Safe Communities.

As noted in section 4.0 of this Committee Report, the Applicant has submitted a Health Impact Assessment (December 2021), which was updated in November 2022 and re-submitted following consultation responses. The updated Health Impact Assessment (November 2022) is a comprehensive document, considering determinants, pathways and outcomes followed by a detailed impact assessment of the proposed development.

During consultation, Sunderland City Council's Public Health Lead confirmed that the submitted information is *"an honest and realistic assessment of the likely scope and duration of health impacts both positive and negative. Negative impacts are mostly minor and limited to the construction phase, whilst the positive impacts are longer term. The mitigations appear to be appropriate and reasonable. Examples of longer-term positive actions include amongst other things employment opportunities, training, and significant enhancement of open space including walking, cycling and bridleways"*. The response also offered some advice on how the applicant could further address health.

Sunderland City Council's Environmental Health Team also responded stating that *"the original environmental statement (December 2021) was considered acceptable in that it properly addressed the scheme wide impacts appropriately with certain qualifications in relation to noise mitigation measures on an individual development unit basis, dependent upon the final end occupation"*.

The consultation response also includes a number of comments *"on relevant issues and suggested revised conditions proposed in relation to noise and air quality considerations related to individual industrial units"*.

It is also important to clarify that the Health and Safety Executive (HSE) confirmed that they do not advise, on safety grounds, against the granting of planning permission for the proposed development.

The proposed development is likely to provide a range of socio-economic outcomes for the Baseline Area which will directly and indirectly impact on the health and well-being of Baseline Area and priority groups. The health impacts of the proposed development will differ between the construction and operational phases. The proposed development is therefore considered to comply with the requirements set out in policy SP7 of the adopted Core Strategy and Development Plan. However, elements of the proposed mitigation will need to be conditioned through a Construction Environmental Management Plan and Construction Traffic Management Plan and these will need to comply with policies HS2 and policy ST2/ST3 of the adopted Core Strategy and Development Plan. It is considered that with these additional mitigation measures, it is

considered the proposed development would comply with the Development Plan and NPPF.

Flood Risk and Drainage

National planning advice within the revised NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a site-specific flood risk assessment.

IAMP AAP Policy IN2: Flood Risk and Drainage is also relevant in relation to wider aspects of flood risk. At Criterion B, the policy indicates that 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 a detailed Flood Risk Assessment, Water Framework Directive Assessment and a Surface Water Management Plan. It is noted that according to the supporting Cover Letter, a Flood Risk Assessment (where surface water is outlined) and a Water Framework Assessment have been provided. In addition, proposals should provide 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.

The proposed development and submitted information (as detailed in section 4.0 of this report) has been reviewed by the Lead Local Flood Authority (LLFA) confirming that the proposals are acceptable from a flood risk point of view, with the obligation of SuDS verification conditions in place.

On the basis that no objections have been received from consultees and with the appropriate conditions in place, it is considered that the proposed development is acceptable in accordance with Policies WWE 2, WWE 3 and WWE 4 of the CSDP; Policy IN2 of the IAMP AAP; and section 14 of the revised NPPF.

Ecology, Landscape and Views (including Trees)

Paragraph 174 of the revised NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment, setting out a number of criteria in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 of the NPPF states that when determining planning applications, Local Planning Authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 130 of the revised NPPF also seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.

IAMP AAP Policy EN1: Landscape sets out criteria in relation to landscape impact. The broad aim of the policy is to minimise the impact on landscape character and visual amenity, seek landscape enhancements, as well as to integrate building into the surrounding landscape. At Criterion B, the policy indicates that development proposals must include a landscape and visual impact assessment which demonstrates an understanding of the likely significant effects of the proposed development.

In terms of ecology and biodiversity, IAMP AAP Policy EN2 sets out criteria in relation to ecology. Amongst other matters, it sets out that in order to enhance biodiversity, development must (inter alia) avoid, minimise and mitigate or compensate any adverse impacts on biodiversity and provide net gains where possible. Criterion B sets out the need for development to be accompanied by an Ecological Impact Assessment as part of an Environmental Impact Assessment.

IAMP AAP Policy EN3: Green Infrastructure sets out criteria in relation to green infrastructure. This includes that development must create green linkages along main roads through the provision of tree-lined streets and landscaped areas for public rights of way.

The description of development for the proposed scheme includes for plot landscaping and infrastructure landscaping in relation to both outline and detailed elements alongside the proposed Ecology and Landscape Mitigation Area (ELMA). As illustrated on the accompanying IAMP site wide landscape strategy drawing (Drawing number: 1271_100), the proposed landscape and ecology mitigation elements within Sunderland City Council's administrative area includes: native woodland; individual tree/ groups; hedgerows; river corridor modifications/ enhancements; meadow grassland; and proposed wetland areas.

The submitted ES, and associated Addendums as detailed in section 4.0 of this Committee Report contained assessments in relation to landscape and views and ecology and biodiversity. As explained earlier in this report, as a result of consultation responses further environmental information and evidence respecting the ES was submitted by the applicant in relation to landscape and views and ecology.

The ES Addendum (March 2023) concludes that *“the main changes to the outline scheme for the ELMA relate to the modification of the ratio of proposed woodland to grassland, with the latter being increased to provide more suitable habitat for farmland birds. Woodland has still been incorporated into the ELMA and is concentrated along field boundaries, roads and watercourses - maintaining key links and connections to existing woodland belts already evident in the wider masterplan areas and providing a layering effect in views which will help to set the buildings within the landscape. The principle of the ELMA forming a mosaic of habitat types is retained, linked to the improvements to the River Don corridor. It is anticipated that there would continue to be Moderate Adverse effects on some receptors. As previously indicated, given the scale of the proposals in relation to existing development, and the Proposed Development incorporating features with similar characteristics to features evident in the baseline, these effects would still be found to be Not Significant”*.

In relation to ecology and biodiversity, the ES Addendum (March 2023) concludes that *“the amendments to the proposed development and additional information provided has responded to further comments received in consultation by revisiting the design for the ELMA, to provide a greater proportion of grassland while retaining tree planting for landscape and visual impact reasons. Further detail has been provided on the habitat*

requirements for specialist farmland bird species, with greater focus on the management of the ELMA and public access to it (noting that the latter is an AAP policy requirement). Overall, the changes to the scheme are considered to address the concerns raised in consultation. In the main, there are no changes to the effects predicted in the ES. Noting the conclusions of the Farmland Bird Mitigation Plan, effects on breeding birds during the construction phase remain at Minor Beneficial, with effects on Farmland Birds as a subgroup reclassified to Neutral”.

The applicant submitted a BNG clarification response letter (dated 12th July 2023) in response to comments received by the applicant (via email) in July 2023 from the Principal Ecologist for Sunderland City Council. The Council’s Ecology Team subsequently responded on 19 July 2023 requesting the inclusion of planning conditions and confirming that the proposed development can achieve policy compliant Biodiversity Net Gain.

Natural England (NE) responded to consultation confirming no objection. In their response, NE stated that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Gateshead Council’s Built & Natural Environment (Ecology) responded to consultation on the 20th June 2022 advising that *“inadequate information is currently provided regarding the mitigation of impacts both during construction and operationally, and the long-term management and maintenance to demonstrate that potential impacts can be adequately minimised/mitigated for. The proposals are considered to be incompatible with the ecological interest and value of the site and adjoining areas (including Follingsby Wildlife Corridors) and its associated priority/notable species, and are therefore considered unacceptable. In addition to addressing issues raised above, a Lighting Design Strategy for Biodiversity should be developed for the site. The strategy should identify those areas/features on site that are particularly sensitive and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that potential impacts have been minimised”.*

Sunderland City Council’s Landscape Services responded to the third round of consultation (following submission of additional environmental information including the March 2023 ES Addendum as discussed above) confirming that for this application there are 3 main landscape components: ELMA (area for biodiversity net gain), individual plots and the road corridor and its associated infrastructure. The full response can be found through the ‘Public Access’ facility on the Council’s website, but in summary, the consultation response concludes that *“the revisions to the ELMA provide a suitable strategy to work to, the detail for the road corridor in terms of layout are satisfactory and the strategy for the individual plots can be developed further to provide appropriate landscape designs within the plots. There are still several significant landscape aspects absent from the application which should be addressed (potentially through conditions?).*

A record of existing landscape features – this is a large-scale site and as such an assessment should be undertaken of the existing landscape features, trees, hedgerows, copses, and their form and quality should be captured through plans and a photographic record, together with a strategy for potential translocation. The current application only records trees and hedgerow at a basic level within the arboricultural assessment, but it does not record the landscape value or potential for relocation. This strategy should be undertaken as soon as possible so that any proposals for translocation can be planned

and preparatory operations such as coppicing and undercutting of roots can be carried out in advance and in the right season.

- *Soil handling and management strategy – should be provided for the road infrastructure works to identify soil types, quantities, protection zones, stripping and stockpiling. Information should be captured in a Soil Resources Plan*
- *Maintenance Schedule and Biodiversity goals – revise the schedule to include an ecological input in the decision-making process, to ensure that operations such as tree thinning are carried in a way which will improve habitat creation and meet biodiversity goals. Identify what and how ecological goals will be met and provide greater detail on specific landscape operations.*
 - *Review use of herbicides for establishment and maintenance. Update schedules to enable other operational methods to be included*
 - *Provenance of seed for road corridor - recommended that there is a review of the provenance of the proposed seed mix and whether locally collected seed could be arranged or whether encouraging the natural seed bank within the soil to develop is an option. This is to provide further consideration to whether it is appropriate to use non-local seed on a site adjacent to the ELMA”.*

It is officer opinion that with the inclusion of planning conditions and in the absence of no objections from statutory consultees that the proposed development is considered acceptable in accordance with Policies NE1; NE2; NE3;NE4 and NE9 of the adopted CSDP; Policies EN1; EN2 and EN3 of the IAMP AAP; and paragraphs 174 and 180 of the revised NPPF.

Cultural Heritage and Archaeology

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is a statutory presumption in favour of preservation. However, it has been established through case law that the decision maker needs to give appropriate ‘special regard’ to the preservation (or no harm) to heritage assets and their settings within this ‘weighing up’ process where it is concluded harm will be caused.

Paragraph 135 of the revised NPPF establishes that the Local Planning Authority should “*seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as materials used)*”.

Paragraph 194 of the revised NPPF states that “*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*”.

Paragraph 195 of the revised NPPF confirms that “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected*

by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

Paragraph 197 of the revised NPPF states that *"in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness"*.

In terms of considering potential impacts from new development paragraph 199 of the revised NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 200 states that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*.

Paragraph 201 states that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use"*.

Paragraph 202 of the revised NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*. Paragraph 203 also advises that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

The application has been supported by an ES which includes a chapter on Cultural Heritage and one on Archaeology. Following consultation of the proposed development and submitted environmental information, Historic England (HE) responded advising Sunderland City Council that on the basis of the information available to date, in their view SCC do not need to notify or consult HE on this application under the relevant

statutory provisions.

The Council's Conservation Team responded confirming no objections to the proposal. In their response, they advised that this proposal has some potential for an indirect impact on views to and from and in turn the setting of Penshaw Monument that is located some 5km south of the application site. In response to the submitted Environmental Statement, the consultation response concludes that *"the overall impact of the proposed development on the setting of Penshaw Monument, and the contribution its setting makes to its significance, is therefore also considered to be negligible. The conclusions of the Cultural Heritage Chapter that the proposals will have a neutral impact on the significance of the Monument are thus accepted"*.

The Tyne and Wear Archaeology Officer responded providing suggested wording for recommended conditions.

In conclusion, based on the submitted environmental information and taking into account the professional opinions of Historic England and the Council's Conservation Team alongside the Tyne and Wear Archaeology Officer, including the suggested conditions, it is considered that the proposed development would comply with Policies BH7; BH8; and BH9 of the CSDP; Policy D1 of the IAMP AAP; and section 16 of the NPPF.

Noise, Vibration and Air Quality

Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the revised NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

In terms of amenity, the policy response refers to IAMP AAP Policy EN4: Amenity sets out the principle that proposal should not adversely impact the amenity of neighbouring occupiers and residents.

As detailed in section 4.0 of this committee report, the application has been supported by an ES, which includes an assessment of Noise and Vibration and Air Quality. It is also important to note that further environmental information was submitted by the applicant including: Noise response to South Tyneside Council's Environmental Health Officer Comments (June 2022); Construction Equipment Modelled Locations; and ES Addendum (November 2022) which covered the topic of noise and vibration.

In response to the application and submitted environmental information, consultation responses were received from statutory consultees. South Tyneside Environmental Health responded on the 1st June 2022 raising initial points for clarification in relation to the submitted noise assessment, which resulted in the response from the applicant as listed above.

Sunderland City Council's Environmental Health Team responded on the 4th May 2023 stating that *"the original environmental statement (December 2021) was considered acceptable in that it properly addressed the scheme wide impacts appropriately with certain qualifications in relation to noise mitigation measures on an individual development unit basis, dependent upon the final end occupation"*.

The consultation response also includes a number of comments *"on relevant issues and*

suggested revised conditions proposed in relation to noise and air quality considerations related to individual industrial units”.

Having due regard to the above considerations it is considered that the proposed development would not result in any adverse impacts sufficient enough to justify withholding planning permission for the proposed development. Subject to appropriately worded conditions, the proposed development would preserve amenity in line with the aims of the NPPF and in accordance with the requirements of Policies: SP7; HS1; and HS2 of the CSDP; and Policy EN4 of the IAMP AAP.

Geology, Ground Conditions and Soils

In terms of ground conditions and pollution, paragraph 184 of the revised NPPF states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.*

Paragraph 174 of the revised NPPF states that Planning decisions should contribute to and enhance the natural and local environment by *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.*

Chapter N of the submitted ES covers Geology, Ground Conditions and Soils. The agricultural land loss has been addressed earlier in section 8.0 of this Committee Report.

A consultation response was received from Sunderland’s Land Contamination Consultant making comments on the submitted Preliminary Environmental Risk Assessment report and Environmental Statement Ground Conditions Chapter. In their response, the Land Contamination consultant *“recommended that as part of any Detailed Planning Application submissions, the Applicant shall submit (secured by suitable Planning Condition) a plot specific ground investigation report providing an environmental risk assessment together with any additional ground investigation deemed necessary. Specifically (but not limited to) this should include a detailed assessment of ground gas risk in accordance with relevant guidance and Standards”.*

Environmental Health have raised no objections to the proposal in relation to potential contamination. Subject to planning conditions being imposed to ensure the proper completion of the further investigation works and any appropriate remediation measures identified it is considered that the proposed development would not conflict with Policy HS3 of the CSDP or the revised NPPF.

Waste

The ground conditions chapter of the submitted ES acknowledges that due to the requirement for earthworks to create suitable levels for the proposed development, there is potential for waste soils to be generated, *“unless a balance can be achieved between cut and fill, with soils suitably re-used on site as part of the Proposed Development”.* The assessment within the ES concludes that the potential for any substantial surplus of construction-generated soils can be avoided or minimised, therefore, there is potential for a direct, permanent effect of Negligible to Minor adverse significance.

It is considered that a condition could control potential effects by requesting that prior to the commencement of earthworks relating to all aspects of the proposed development,

that cut and fill drawings and an earthworks design specification be submitted to the Local Planning Authority. Further controls with the imposition of a Site Waste Management Plan could be provided as additional mitigation. Therefore, it is considered with the use of appropriate conditions, the development would not result in any adverse impacts sufficient enough to justify withholding planning permission for the proposed development.

Climate Change

Section 14 of the NPPF looks at meeting the challenge of climate change and Strategic Policy SP1 Development strategy from the CSDP states that the spatial strategy seeks to deliver growth and sustainable patterns of development by “*minimising and mitigating the likely effects of climate change*”.

The Climate Change Chapter of the ES reports the likely significant effects of the proposed development on climate change due to emissions of greenhouse gas emissions (GHG). The assessment concluded that the effects of climate change were Minor Adverse and of Low significance for the construction phase and of Negligible magnitude and significance for the operational phase (i.e. not significant).

An assessment of the potential effects of greenhouse gas (GHG) emissions associated with the Proposed Development on climate change has also been undertaken.

The ES chapter concludes that “*the assessment considered emissions arising from the construction and operational phases of the Proposed Development including the following activities: the embodied carbon of construction materials, construction transport and electricity and fuel consumption. Potential climate change effects caused by GHG emissions associated with the Proposed Development have been assessed as Minor Adverse and of Low significance for both the construction phase and operational phase (i.e. not significant)*”.

In terms mitigation, the ES also concludes that such “*measures to reduce the Construction phase GHG emissions will be confirmed as the detailed design and procurement policy develops; these may include where technically feasible the substitution of virgin bulk materials with those with a higher recycled content*”.

Overall, subject to confirmation of how specific carbon savings would be achieved in practice through compliance with suitable planning conditions (including the provision of an Energy Statement) it is considered that the proposal provides an appropriate response to climate change in accordance with the Development Plan and NPPF.

PLANNING BALANCE AND RECOMMENDATION

The development is considered to provide further flexible and comprehensive development within the allocated IAMP site, in accordance with the adopted Core Strategy and Development Plan and IAMP AAP.

The proposed application continues to support the IAMP AAP aims and 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. The proposed development, which is the subject of this Committee Report includes land within one of the four development plots; associated highways infrastructure (both internal access road and dualling of the A1290); and the required ELMA.

The proposed application has been supported by the submission of an Environmental Statement (ES) and ES Addendums and is considered to be acceptable from a highways, transport, ecology, flood risk / drainage, landscape and visual, heritage, health, noise and air quality, ground conditions, waste, and climate change perspective. The key factor in the determination of this application is that it is compliant with the Development Plan and the proposed development is predicted to yield permanent, substantial beneficial employment related effects, with permanent moderate beneficial effects in relation to economic output.

The proposed development has been assessed in terms of local and national and policies. The proposed development is considered to meet the aims, objectives and policies as set in the adopted Area Action Plan and it is further supported by the National Planning Framework document as set in the Principle of Development Section of the Report.

The proposals constitute sustainable development in the context of the National Planning Policy Framework and will clearly have a significant positive impact on the local and national economy, including employment generation. Moreover, the jobs created will be skilled, accessible, and attainable for members of the local community.

The proposed development is considered to be in accordance with the up-to-date and relevant policies set out within the adopted Core Strategy and Development Plan and, therefore, the presumption in favour of granting planning permission applies by virtue of Section 38(6) of the Town and Country Planning Act.

It is therefore recommended that Members Grant Consent, subject to the draft conditions set out below as the development is considered comprehensive development and will bring many benefits to Sunderland and the wider area set out above. In making this recommendation Officers have considered the submitted environmental information.

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 person 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: Members be minded to Grant Consent under Regulation 4 of the Town and Country General Regulations 1992 (as amended) and subject to the **draft** conditions set out below:

CONDITIONS

Paragraph 55 of the National Planning Policy Framework specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

1. Time Limit

The development which benefits from full planning permission 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. Phasing Plan

No development shall commence, other than enabling works, until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The strategy shall include the phasing of the Ecological Landscape Mitigation Area and infrastructure and illustrate how these would be delivered in conjunction with the development plots.

Reason – To ensure that mitigation and infrastructure associated with the proposed development is delivered at an appropriate stage in the development.

3. Reserved Matters

Approval of details of appearance, landscaping, layout and scale (hereinafter called 'the Reserved Matters') of each phase, or part thereof, shall be obtained from the Local Planning Authority before development of that phase is commenced.

Reason – Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Reserved Matters

Applications for approval of the reserved matters shall be made to the Local Planning Authority within 7 years of the date of this permission. The development to which this permission relates shall be begun not later than three years from the approval of the final reserved matters.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission.

5. Approved Details

The development hereby granted permission shall be carried out in substantial accordance with the following:

- Planning application forms;
- Drainage General Arrangement drawings – zones 1 to 10;
- Proposed Street Lighting drawings V1 to V8;
- Highways General Arrangement drawings – zones 1 to 10;
- Landscape Parameters Plan;
- Hybrid Application Parameters Plan;
- IAMP illustrative Masterplan;
- Extent of Development Parameters Plan;
- Access Parameters Plan;
- Buildings Heights Parameters Plan;
- River Don Bridge General Arrangement Drawings;
- Long sections – Road 4;
- Long sections – A1290;
- Contours Plan – Road 4;
- Cross sections drawings – Road 4;
- Contours Plans A1290;
- Highway Control Strings Plan;
- Crossing Section A1290.
- Construction Equipment Modelled Locations;
- Illustrative Masterplan drawing;
- Indicative Early Infrastructure NEA Masterplan;
- Attenuation Pond 3 Layout and Details;
- Attenuation Features Cross-sections road side swales for A1290;
- Attenuation Features – Road 4 Layouts and cross-sections.
- Site Wide Landscape Strategy drawing;
- Illustrative zonal landscape plan;
- Key boundaries drawing;
- Farmland bird mitigation drawing;
- Road lighting design drawings;
- Infrastructure landscape proposals plans;
- Highways general arrangement drawings – Zones 1 to 4;
- Design and Access Statement; and
- Design Code.

Reason: This condition is imposed pursuant to article 4 (1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

6. Site operations and construction activities

Any site operations and activities associated with the periods for construction (including 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.

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.

7. Construction Environmental Management Plan (CEMP)

No development on any phase shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase in consultation with National Highways and the Local Highway Authorities.

The approved Construction Environmental Management Plan (CEMP) for that phase shall also be adhered to throughout the construction period of that phase and the approved measures shall be retained for the duration of the construction works.

The CEMP must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a) Details of any temporary construction access to the site including measures for removal following completion of construction works;
- b) Wheel and chassis underside cleaning and washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- c) The parking of contractors' site operatives and visitor's vehicles;
- d) Areas for storage of plant and materials used in constructing the development clear of the highway;
- e) Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- f) Details of the routes to be used by HGV construction traffic;
- g) Protection of carriageway and footway users at all times during demolition and construction;
- h) Protection of contractors working adjacent to the highway;
- i) Details of site working hours;
- j) Erection and maintenance of hoardings;
- k) Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- l) Measures to control and monitor construction noise;
- m) An undertaking that there must be no burning of materials on site at any time during construction;
- n) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o) Details of the measures to be taken for the protection of trees;
- p) Details of external lighting equipment;
- q) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue;
- r) appropriate soil handling and management measures;
- s) Sediment Management plan: The Sediment Management Plan should describe how works will be undertaken to reduce the release of fine sediments and minimise the transport of material downstream both during and post construction until the site has revegetated. The plan should describe the monitoring that will be completed as part of

the plan. The monitoring protocol shall be agreed with Environment Agency and the LPA.

- t) Biosecurity plan: The biosecurity plan should detail biosecurity and invasive non-native plant species (INNS) management best practice, utilising the check-clean-dry procedure across the site. The biosecurity plan should also identify specific actions and mitigation for known INNS. In addition, a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted. N.B: this could be combined with the Invasive species plan to form an INNS and Biosecurity Plan.
- u) Vegetation clearance and habitat protection plan.
- v) Protected Species Protection Plan.
- w) Design details of the temporary crossing over the River Don

Reason: To safeguard the amenities of nearby residents and to reduce the impact on the 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.

8. Highway Operational Management Plan

No building shall be occupied within any part of the IAMP Northern Employment Area (NEA) site until a Highways Operational Management Plan (HOMP) covering any Use Class E(g)(iii), B2 and B8 operations has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authorities and National Highways. The HOMP shall be founded on that developed and agreed in relation to the extant permissions associated with IAMP. The HOMP shall include but not be limited to the shift change times associated with all Use Class E(g)(iii), B2 and B8 operations within the IAMP NEA. The HOMP shall identify the proportion of the Use Class E(g)(iii), B2 and B8 operations within the NEA that are to be offset by at least one hour from the shift change times used at Nissan in the morning and afternoon periods. The proportion of development within the NEA to which the shift change offsets apply shall be sufficient to ensure that 30% of the peak shift change trips associated with IAMP as a whole are offset from the shift change times used at Nissan in the morning and afternoon periods. The proportion of development identified within the NEA shall apply to whole units associated with Use Class E(g)(iii), B2 and B8 operations and shall not relate to the part occupation of any unit. No deviation shall be made from the shift patterns detailed within the agreed HOMP without the written agreement of the Local Planning Authority in liaison with the Local Highway Authorities and National Highways.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

9. West Pastures Protocol

No development shall commence within any part of the IAMP Northern Employment Area (NEA) site until a West Pastures Protocol (WPP) has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authorities and National Highways. The WPP shall be founded on the outline WPP Framework specified in National Highways' "International Advanced Manufacturing Plant Northern Employment Area - West Pastures Protocol Framework Technical Note", dated February 2023. The

WPP shall be developed in accordance with the outline WPP Framework. Written agreement shall include agreement to the 'Indicative Layouts' referenced in National Highways Technical Note that need to be prepared illustrating the potential future highway interventions at the junction of West Pastures and the A184 and the junction of West Pastures and the IAMP Spine Road. The delivery of development within the IAMP NEA shall come forward in accordance with the WPP and no deviation from the WPP will be permitted without the written agreement of the Local Planning Authority in liaison with the Local Highway Authorities and National Highways.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

10. West Pastures Signing Strategy

No development shall commence within Phase 3 of the IAMP Northern Employment Area (NEA) site until a West Pastures Signing Strategy (WPSS) has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authorities and National Highways. Phase 3 of the IAMP NEA represents the construction and marketing of the first plots within the NEA. The NEA spine road constructed within Phase 2 will terminate approximately 490m east of West Pastures and will not continue westward to West Pastures. No deviation from the WPSS will be permitted without the written agreement of the Local Planning Authority in liaison with the Local Highway Authorities and National Highways.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

11. Site Operation and Associated Activities

No building shall be brought in to use until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- i. Delivery and Servicing Strategy;
- ii. Car Parking Strategy.

Thereafter, the development shall be operated in accordance with the approved details.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1, T4 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

12. Public Transport Strategy

No building shall be brought into use until initial details of a Public Transport Strategy are submitted to and approved in writing by the Local Planning Authority in liaison with the relevant Local Highway Authorities and National Highways and be implemented in accordance with the approved details.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T3 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

13.Travel Plan

No building shall be occupied until a Travel Plan founded on the Framework Travel Plan submitted with the planning application has been submitted to and agreed in writing by the Local Planning Authority in consultation with the relevant Local Highway Authorities and National Highways. Once approved the Travel Plan must be adhered to for the lifetime of the development. The Travel Plan shall include:

- i. details of appointment of a Travel Plan Coordinator;
- ii. an undertaking of an initial baseline travel survey within six months of occupation of each building, with a full Travel Plan adopted within 12 months of occupation, to be submitted and agreed subject to the satisfaction of the relevant Local Highway Authority;
- iii. a scheme for the provision of cycle parking facilities for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking facilities shall be implemented in accordance with the approved details and shall be available for use and be subject to the satisfaction of the relevant Local Highway Authorities; and
- iv. a scheme for the provision of electric vehicle charging point infrastructure for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be implemented in accordance with the approved details and shall be available for use and be subject to the satisfaction of the Local Highway Authority

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

14.Construction Traffic Management Plan

No development shall commence until full details of a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authorities and National Highways. The CTMP shall include:

- i. Routing of movements including details of any abnormal loads;
- ii. Contractor parking and site compound arrangements;
- iii. Measures to prevent debris being displaced onto the highway;
- iv. Details of any temporary highway / rights of way closures and alternative routes;
- v. Temporary traffic management and site access control measures; and
- vi. Site security and contract details.

Any site operations and activities associated with the periods for construction (excluding deliveries) shall only be carried out between 0700 hours and 1830 hours on Mondays to Fridays, only between 0800 hours and 1400 hours on Saturdays. Any deliveries associated with the periods of construction shall only take place between 0800 hours and 1430 hours and between 1700 hours and 0600 hours on Mondays to Saturdays. No construction work or construction related deliveries should take place on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

15.Highway Scheme

No development shall commence until full details of a scheme of highway improvements to dual the A1290 is submitted and approved by the Local Planning Authority in liaison with the Local Highway Authorities and National Highways.

This includes revised specification details in respect of the construction of the A1290 dual carriageway/downhill Lane highway works, together with a timetable for implementation of these works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities.

Thereafter those off-site highway works shall be undertaken in full accordance with the specification and timetable details approved by the Local Planning Authority.

- a. Provision of new bus stops on the A1290 (northbound and southbound), including laybys; level access kerbing; shelters, signage and markings, together with associated inclusive mobility compliant connectivity links to the bus stops;
- b. Closure of existing redundant vehicular accesses and reinstatement of kerb lines, footway, verge areas, boundary treatments, lining, together with associated works;
- c. Provision of signage and street lighting

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

16.Bus Stop Infrastructure

No development shall be brought into use until the proposed bus stop infrastructure improvements, and proposed footway / cycleway links have been completed to the satisfaction of the Local Highway Authorities

Provide details of north-bound and south-bound layby bus stops and shelter areas on A1290 to prove they can be accommodated within the application boundary limits. This will need to include agreement on the design of the south-bound bus bay (east side of A1290)

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

17.Road Safety Audit

Prior to the commencement of works, technical approval of the detailed design of the A1290 highway dualling scheme will be required including a Stage 2 Road Safety Audit. This shall be submitted and will require approval in writing by the Local Planning Authority in consultation with the relevant Local Highway Authorities. Recommendations within the approved Stage 2 Road Safety Audit shall be implemented / completed in full on-site before the development hereby permitted is brought into use. In the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

18.Stopping Up of Highway and Prohibition of Driving

No development shall commence until full details are identified on a plan showing various sections of highway to be stopped up, including prohibition of driving areas of highway, throughout the site, together with supporting information on a timetable of when those areas will be stopped up / driving prohibited.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies T1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

19.Noise Management

Prior to the installation of any fixed plant an updated Noise Assessment shall be submitted to and approved by the Local Planning Authority, to demonstrate that the predicted noise levels as set out in the Environmental Statement can be met.

Reason: To safeguard amenity in accordance with the NPPF, Policy EN4 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plans.

20.Noise Management

No building shall be brought into use until a noise assessment has been submitted to and approved in writing by the LPA. 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 site. The assessment should comply with guidance set out in BS4142:2014 and shall ensure that rated noise levels at the nearest sensitive receptors shall meet the objectives set out in Chapter F of

the Environmental Statement, namely a rated noise level of 5dB(A) below existing typical day and night-time background LA90. Where mitigation measures are required to meet that objective then they must be incorporated within the assessment and once approved by the LPA must be implemented prior to occupation.

Reason: To safeguard amenity in accordance with the NPPF, Policy EN4 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plans.

21.Pollution Control

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 LPA 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. 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 LPA.

Reason: To safeguard amenity in accordance with the NPPF, Policy EN4 of the IAMP AAP, Policy HS1 of the Core Strategy and Development Plans.

22.Ecological Mitigation Measures

Works will not commence on site unless checking surveys for protected species has been undertaken by a Suitably Qualified Ecologist (SQE) within one month prior to the start of works. In the event any such species/features are identified at this time which would be affected by the proposals, works will only proceed under the guidance of the SQE, and once a license has been obtained from Natural England, as advised by Natural England and/or the SQE

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with policy EN2 of the Adopted Area Action Plan and NE1, NE2, NE3, NE4, NE6 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework

23.Refuse and Recycling storage

No building shall be brought into use until details of the provision of refuse and recycling storage for that building has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter the refuse and recycling facilities shall be available for use prior to the first occupation of that building.

Reason: To ensure that requirements are met for both the strategic road network and the local road network to meet the needs of the development. In the interests of highway safety and highway capacity requirements and to comply with policies Del1 of the Adopted Area Action Plan, ST1 and ST2 of the Core Strategy and Development Plan and paragraph 105 of the National Planning Policy Framework.

24.Archaeological Excavation and Recording

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

25.Archaeological Post Excavation Report

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 24 has been submitted to and approved in writing by the Local Planning Authority.

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

26.Archaeological Publication Report

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9,

27.Archaeological Watching Brief

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

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

28.Archaeological Watching Brief

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 26 has been submitted to and approved in writing by the Local Planning Authority.

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

29.External Lighting

No building shall be occupied until details of any external lighting have first been submitted to and approved in writing by the Local Planning Authority. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: To ensure an appropriate form of development in the interest of good design, amenity and ecology to accord with the NPPF and Policies D2, EN1, EN2 and EN4 of the IAMP AAP

30.Phase 2 Site Investigation and Risk Assessment

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C have been complied with.

A. Submission of Remediation Scheme 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The 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.

B. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report 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.

C. Unexpected Contamination In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required,

prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised

Informative: This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification)'.
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 183, 184, and 185.

31. Earthworks

Prior to the commencement of earthworks, cut and fill drawings and an earthworks design specification shall be submitted to and approved in writing by the Local Planning Authority. The specification and drawings shall be implemented as approved.

Reason: In the interests of the visual amenity of the area

32. Implementation of FRA

The development shall be carried out in accordance with the submitted flood risk assessment (ref: IAMP Early Infrastructure and Northern Employment Area, titled Flood risk assessment & drainage strategy, dated 23/11/2021) and the following mitigation measures it details:

- The bridge deck soffit to have at least 0.6m clearance above the design-flood level
- No building development within flood zone 3.
- Building development within flood zone 2 shall have finished floor levels set no lower than 0.6 metres above the design flood level plus climate change.

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

33. River Restoration Scheme and Ecological Management Plan

No development shall take place until a River Restoration Scheme and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to, and approved in writing by, the Local Planning Authority. The River Restoration Scheme and Ecological Management Plan shall be carried out as approved and any subsequent

variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- Detailed scheme design (which will take into account the results of targeted aquatic surveys and assessments in relation to hydromorphology and water quality)
- Details of how the works will be timed to avoid any sensitive months
- Details of how the works will be phased
- Details of maintenance regimes
- Details of management responsibilities

Reason(s) To ensure the protection of the river and its wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

34.Landscape Features

No development shall take place until an assessment of existing landscape features including trees, hedgerows, copses, including a strategy for potential translocation, has been submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of conserving and enhancing environmental assets and to comply with Policy NE3 of the CSDP and EN1 from the IAMP AAP.

35.Soil handling and management strategy

No development shall take place until a Soil handling and management strategy has been submitted to, and approved in writing, by the Local Planning Authority. This should to identify soil types, quantities, protection zones, stripping and stockpiling. Information should be captured in a Soil Resources Plan.

Reason: In the interests of conserving and enhancing environmental assets

36.Landscape and Ecological Management Plan

Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed
- b. Ecological trends and constraints on site that might influence management
- c. Aims and objectives of management
- 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 five-year period)
- g. Details of the body or organisation 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 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 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 approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: In the interests of securing appropriate landscape and ecological management of the site.

37.SuDS Management and Maintenance Plan

Prior to the operation of the dualled A1290 road, subject to this planning permission, a SuDS Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority, which includes details of the following:

- i A description of the SUDS scheme, how it works and a general explanation of how it should be managed in the future;
- ii A Schedule of Work to set out the tasks required to maintain the SuDS and the frequency necessary to achieve an acceptable standard of work. A spillage control procedure should also be included; and
- iii A site plan (drawing) - showing maintenance areas, access routes, inlets, outlets and control structure positions, location of any other chambers, gratings, overflows and exceedance routes.

Reference No.: 22/00137/FU4 Full Application (Reg 4)

Proposal: **Erection of 49no. dwellings with associated vehicle access and landscaping.**

Location: Land to The North Of Stone Cellar Road, Usworth, Washington

Ward: Washington West

Applicant: Taylor Wimpey and BDW Trading Ltd

Date Valid: 1 February 2022

Target Date: 3 May 2022

PROPOSAL:

Planning permission is sought for the erection of 49 dwellings, vehicle access from Stone Cellar Road, public open space, footpath improvement works, surface water flood attenuation, provision of 15% affordable housing and other associated ancillary works on land to the south of Stone Cellar Road.

The proposed housing development primarily affects 3.6 ha of land, 2.5km to the northwest of Washington.

To the east of the site there is a carpark which is associated with the George Washington Hotel, on the western boundary there is the A194(M) and to the north there is the George Washington Golf Course. Tree belts are located to the western, northern and eastern boundaries. The nearest residential properties are those within The Copse and Beechcroft to the south and Loch Lomond to the east.

In terms of the layout of the new housing, a row of dwellings to the northern edge of the site will face onto the development, whilst the row of dwellings along the eastern edge boundary of the site will face onto the sustainable drainage system (suds) area.

To the south-east there are a small number of houses that will face onto the tree line bounding Stone Cellar Road, with most of the rest facing onto the site.

The proposed properties will be predominantly two storeys in height, however 8no. dwellings will be two and a half storeys. There are a mix of detached and semi-detached properties and two blocks of 3no. town houses. The accommodation mix will provide 30no. 3 bedroom dwellings and 19no. 4 bedroom dwellings. 15% of dwellings within the development (i.e. 7 properties) are proposed to be affordable, with 5no. Discount Market Value properties on plots 27-30 and 48 and 2no. first homes on plots 15 and 16.

Some of the properties will feature garages, either integral or detached, and all dwellings will benefit from at least one in-curtilage parking space as well as garden space to the rear. The development proposes a total of 6 no. different housing types with varying elevational treatments, although the design and access statement set out that there will be a consistency of design features evident throughout.

It is proposed that these features would be sympathetic to the surrounding residential development, including, white window frames, plain casement, red brick, brick heads and cills,

small elements of render, black front/ garage doors, red & grey roof tiles, small element of chimneys.

The application has been accompanied by a range of supporting plans and drawings as well as an extensive series of technical reports, assessments and statements, namely:

- Planning Statement.
- Design and Access Statement.
- Statement of Community Involvement.
- Affordable Housing Statement.
- Ecological Appraisal.
- Biodiversity Metric.
- Biodiversity Net Gain Assessment.
- Ground Investigation Report.
- Transport Statement.
- Flood Risk Assessment and Sustainable Drainage System (SuDS) details.
- Archaeological Survey.
- Arboricultural Impact Assessment.
- Noise Assessment.
- Air Quality Screening Assessment.
- Sustainability Statement

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Cllr Jimmy Warne
Cllr Henry Trueman
Cllr Dorothy Trueman
Natural Heritage
Planning And Highways
Environmental Health
Natural Heritage
Planning Policy
Northumbrian Water
Chief Fire Officer
Northumbria Police
Land Contamination
Network Management
Tyne And Wear Archaeology Officer
Director Of Childrens Services
Northern Gas Networks
Gateshead MBC
National Highways
Nexus
Landscape

Public Rights Of Way Officer
NE Ambulance Service NHS Trust

1 Loch Lomond Washington NE37 1PD
2 Loch Lomond Washington NE37 1PD
12 Loch Lomond Washington NE37 1PD
14 Loch Lomond Washington NE37 1PD
16 Loch Lomond Washington NE37 1PD
17 Loch Lomond Washington NE37 1PD
2 Beechcroft Usworth Washington NE37 1QL
10 Beechcroft Usworth Washington NE37 1QL
3 Beechcroft Usworth Washington NE37 1QL
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8 Beechcroft Usworth Washington NE37 1QL
7 Beechcroft Usworth Washington NE37 1QL
6 Beechcroft Usworth Washington NE37 1QL
6 Willowdene Usworth Washington NE37 1BF
5 Willowdene Usworth Washington NE37 1BF
4 Willowdene Usworth Washington NE37 1BF
3 Willowdene Usworth Washington NE37 1BF
2 Willowdene Usworth Washington NE37 1BF
1 Willowdene Usworth Washington NE37 1BF
Washington New Town Transport Peareth Hall Farm Peareth Hall Road Springwell Gateshead
5 Beechcroft Usworth Washington NE37 1QL
4 The Copse Washington NE37 2TS
1 The Copse Washington NE37 2TS
Brethrens Meeting Room Peareth Hall Road Springwell Gateshead NE9 7NT
25 Portmarnock Washington NE37 1NY
14 Beechcroft Usworth Washington NE37 1QL
Be Beautiful George Washington Hotel Stone Cellar Road Usworth Washington
The Manager George Washington Hotel Stone Cellar Road Usworth Washington
3 The Copse Washington NE37 2TS
2 The Copse Washington NE37 2TS
5 The Copse Washington NE37 2TS
1 The Farthings Usworth Washington NE37 1PG
24 Portmarnock Washington NE37 1NY

Final Date for Receipt of Representations: **22.08.2022**

REPRESENTATIONS:

Nexus

Consultation comments note that the nearest bus stops to the site are located on Peareth Hall Road, to the south of the site. The westbound and eastbound stops are approximately 370m and 450m from the centre of the application site, respectively.

This therefore means that the whole site is not within 400m walking distance of the nearest bus stop as required by the Nexus Planning Liaison Policy.

Due to the relatively small size of the development, Nexus consider that it would be unreasonable to request that the developer contributes to the cost of a new bus service and would be unfair to existing passengers of the number 56 service, which is the closest route to the development, to divert the service.

The Transport Statement sets out that "there have been two personal injury collisions in the vicinity of the site [and] the collisions occurred at the Peareth Hall Road / Stone Cellar Road junction to the south of the site. It is considered that the roundabout at the junction of Stone Cellar Road and Peareth Hall Road is not suitable for pedestrians and does not provide a safe or attractive route for public transport users walking between the proposed development and the current bus stops.

Nexus requires that in the event the planning application is approved, the developer funds improvements to the pedestrian access from the proposed development to the location of the two bus stops. Improvements are also required to the junction including improved crossing facilities on the northern and eastern spurs of the roundabout in the form of dropped kerbs with tactile paving, island recesses between each lane of the road also with dropped kerbs and tactile paving.

Or alternatively, a new footpath to the eastern side of Stone Cellar Road to allow for a new pedestrian crossing to be created a safe distance from the junction.

Northern Gas Networks

No objections to the development.

Northumbrian Water

Given that the applicant is requesting an alternative foul flow connection and higher surface water discharge rate, than was previously discussed with Northumbria Water, it is advised that a condition be provided requiring a detailed scheme for the disposal of foul and surface water from the development, in the event the planning application is approved.

Tyne and Wear County Archaeologist

Notes that there are records of prehistoric remains within the wider landscape. These include a rectilinear enclosure located immediately north of the proposed development area within the grounds of the golf course and a number of prehistoric find spots within the vicinity of the site.

The site of the proposed development is located north of Great Usworth Village which was part of the Bishop's estates. The earliest known documentary reference to the village dates to 1183. The site is likely to have been part of the grounds of Usworth House/ Peareth Hall and subsequently, Peareth Hall Farm but separated by the construction of the A194M between 1968 and 1970. Usworth House/ Peareth Hall was constructed c.1750 by William Peareth (d.1775), Clerk of the Chamber and Alderman of Newcastle. The house was demolished between 1895 and 1919. The coach house wing still survives and is grade II listed.

In 2020, an archaeological desk-based assessment was produced for the proposed development area. Within the assessment the site was identified as having potential for prehistoric remains, ridge and furrow and garden activities associated with Usworth House. An archaeological geophysical survey was then undertaken in 2020. Within the surveyed area the remains of a former road, possible earthen bank, possible ridge and furrow cultivation marks and rectilinear features were detected.

An additional geophysical survey of the site has been submitted with the application which covered the eastern portion of the site. In this report, ridge and furrow of potential medieval date was also identified.

The County Archaeologist stated that Archaeological trial trenching is required in advance of the determination of the planning application, in order to understand the potential impact of the proposal on the significance of any heritage assets with archaeological interest. The results of the evaluation trial trenches will be used to inform a decision as to whether further archaeological investigation will be required, and if so, the scale and scope of these works. So long as no archaeological remains are identified in the evaluations that require preservation in situ, if further archaeological works are required, this can be secured by condition.

Following the submission of a trial trenching report the County Archaeologist confirmed that they have no objection to the proposal, subject the archaeological investigations outlined within the trenching report being secured by condition.

Northumbria Police Designing Out Crime officer

The Designing out Crime officer questioned the need to retain the permissive footpath which runs northwards from Stone Cellar Road toward the golf course on the northern edge of the site. They consider that the path represents increased risk for the security of the homes and state that there are several examples of conflict caused by motorcycle disorder across the local area, particularly relating to access routes to open land from residential areas. They state that this is particularly noted in respect of leisure uses like golf courses.

Although they recognise the benefits of access to green space, they consider that to formalise a permissive path also potentially formalises a problem at the same time, or at very least requires additional mitigations to try and stop motorcycle access, which experience has shown invariably fail.

They consider that this development presents the Local Authority with an opportunity to stop up this permissive path and rethink how, or indeed if, access is appropriate in this context.

Notwithstanding the issue of the path, they recommend that consideration be given by the developer to achieving the secured by design silver award for the development. The site overlooks a car park to the East and sits on the developed edge of Washington with good road access, factors which increase the risk profile.

Tyne and Wear Fire and Rescue Service
No objections to the development.

Gateshead Council (as neighbouring local authority)
No comments.

Council's Planning Policy team

Note that the majority of the application site is allocated for approximately 45 residential dwellings by policy HGA2 of the Council's Core Strategy and Development Plan (CSDP). This figure is 'approximate' and greater number of dwellings may be considered acceptable if it can be demonstrated that such development meets other relevant policy considerations and, having regard to the guidance of policy H1 of the CSDP, is of an appropriate density for the site in terms of its context and the prevailing character of the area.

The site is also subject to policy SS2, which provides guidance on new housing development within the Washington Housing Growth Area and supports the delivery of a mix of housing types,

with a focus on larger detached dwellings. The proposed housing mix, which includes 19 no. four bedroom homes, would meet this objective.

The applicant initially sought to provide a commuted sum in lieu of on-site provision of affordable housing. They stated that the greatest demand for affordable housing in the Washington area is for 2no. bed homes rather than the larger detached dwellings proposed for this development. The commuted sum would allow the Council to provide this type of accommodation within more appropriate areas within Sunderland.

However, the Council's Policy Section confirmed that any contribution would be required to be provided for housing as close to the site as possible and ideally on site in the first instance. It was suggested that this could be affordable ownership rather than affordable rent.

It is acknowledged that this would not reflect the recommendation to provide a mix of affordable homes for ownership and rent set out by the Council's latest Strategic Housing Market Assessment (SHMA, July 2020). However, given the alternative would be off site provision, the Council's Policy section considered that this would be sufficient justification to depart from the SHMA's recommendations and that the proposed affordable housing for the site can be said to comply with policy H2's objectives.

The developer agreed to this and has agreed to provide 7no. affordable dwellings on site, (this 15% provision accords with the objectives of CSDP policy H2). In addition to the above, the Policy team have advised that the development should demonstrate that the development will create a new defensible green belt boundary to the north, to accord with policy subpoint ii HGA2's requirements.

Notwithstanding the above, it is noted that access would be from the south and connect to Stone Cellar Road. This would result in removal of hedgerows/planting to the south of the site which would not be considered in alignment with the allocation.

The proposals would also involve the removal of the majority of the hedgerow which runs through the site, which again would not be in alignment with the policy. Moreover, where the proposal would remove greenspace as set out within the site allocation and the Greenspace Audit (2020) (such as the hedgerow) any greenspace loss would need to be justified in alignment with Policy NE4 Criterion 4.

The above issues will be considered in the detail of the proposed development, and regard will also be given to CSDP policy NE2 (impact on ecology), policy NE3 hedgerow and tree protection policy NE4 (open space provision), policy BH1 (design quality) and policy HS1 (quality of life and amenity).

Overall, whilst it is recognised that the proposal for 49 no. dwellings exceeds the approximate site capacity of 45 no. dwellings set out by policy HGA2, provided that the other site requirements are satisfactorily addressed, and the development is acceptable in relation to other material considerations as identified above, there would be no objection to the scheme.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority (LLFA))
The FRA confirmed a low risk of flooding. However, additional information was requested in relation to water quality and infiltration, discharge, access to basin 1 and managing risks during construction works.

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

Council's Highways team

With regard to highway and pedestrian safety the proposal is largely considered to be acceptable however, further detail was requested with regard to the visibility splay at the proposed site access, and it was also requested that access into the development be widened to allow refuse vehicle adequate access and egress.

Clarification was also required as to the number of visitor parking spaces, as well as further detail on the provision of EV charging for those households without garage facilities and a Travel Plan.

The agent confirmed that visibility splays had been provided in line with the requirements of Manual for Streets for a 30mph street, their Engineering consultant (Queensberry) confirmed that the 10m radii is the usual standard for simple urban T-junction and although there maybe a slight overhang this is usually acceptable unless a turning lane is present (which it isn't in this instance). They concluded that traffic calming would be provided within Road 2 with all other roads being considered too short to require calming measures.

The agent also confirmed that 10 visitor parking spaces will be provided in line with guidance and the infrastructure for EV charging points will be in place on site with space for the provision of these within hardstanding areas.

With regard to the provision of a travel plan, it is noted that this would not be a requirement for a housing development of this size and we would therefore not require one to be submitted.

With regard to the pedestrian access issues raised by NEXUS the Highway team have confirmed that to aid with providing access to bus services, pedestrian routes need to be provided to the existing east and westbound bus stops on Peareth Hall Road. The cost of these works would be £15,000 and this amount will be secured via the S106 agreement.

Subject to the above detail and contribution, there are no objections to the proposals in respect of highway and pedestrian safety or the sustainability of the development in terms of transport.

Council's Public Rights of Way officer

Advised that the permissive path running through the site should become a dedicated permanent definitive footpath instead of permissive. They also suggested that the north end of the path should be extended to the top of the embankment of the A194M, and then southwest on the existing track, which is the 1980s permissive path, to re-join Stone Cellar Road at the South West of the development site. This will provide a circular route for the new residents and others.

Minor surface improvements by way of cutting branches back from the trees, removing deposits and debris, and constructing a basic pedestrian access linking to the existing north side pavement of stone cellar Rd should be carried out.

Council's Ecology team

Initially advised that the proposal is acceptable in principle, but further information was required before the application can be approved. Additional information in relation to potential impacts on orchids, the ecological benefits of the landscaping for the site and potential impacts on protected and notable species.

Following the submission of additional detail, the Ecologist confirmed that the proposal would be acceptable with regard to the above subject to the following being secured by condition:

- information regarding the location of features such as bat and bird boxes to be installed on trees, with further information required on the specification to be used and the location and specification of those boxes to be integrated into the new structures on site.
- a strategy for retention of the seed bed (e.g. translocation of turfs to help with the establishment of the 'wildflower grasslands' around the SUDS within the east of the site)
- An ecologically sensitive lighting scheme, in line with Bat Conservation Trust guidelines
- a precautionary working methods statement to avoid adverse effects upon amphibians

With regard to the ability of the development to deliver biodiversity net gain, updated reports were provided on the 08.06.23 and the Ecologist confirmed that there would be a loss of 8.71 area habitat units, with a small gain in hedgerow units. At £15,000 per unit this would equate to a contribution of £130,650 toward offsite biodiversity net gain.

There are now no objections to the development proceeding, subject to conditions set out above and the securing of an appropriate contribution to BNG via the section 106 agreement.

Arboricultural Officer

The Arboricultural Officer noted that there are a series of mature tree belts around the whole of the site and some individuals and small groups in the centre. They stated that these trees, especially those around the sides of the site make an important contribution to the visual amenity of the surrounding area and their retention as part of any development should be considered essential.

They considered that the submitted Arboricultural Impact assessment was a fair and accurate assessment of the site as a whole and the proposed tree removals in order to construct the proposal shouldn't have a significant impact on their value as a whole. The trees to be removed in the central area are of low and moderate quality and therefore shouldn't be considered a major constraint as they are not visible outside of the site.

They confirmed that in order to provide an entry into the site it is unfortunate that a number of trees will be lost however, the majority of the tree belt will be retained and therefore the harm is limited to a fairly small area. On balance they considered that their loss would be acceptable, providing care was taken during the construction process.

They concluded that the Tree Protection scheme and Arboricultural method Statement provides a good level of detail that if implemented should result in the safe retention of most of the trees on the site.

Council's Landscape team

The Landscape Officer advised that the proposed landscaping for the site should include retention of the planting buffer between the site and the hotel carpark to maintain visual amenity and habitat retention. Concern was also raised in relation to the removal of the hedgerow within the site and the fact that several plots have side elevations, high walls and fencing facing onto the proposed streetscape. Further detail on the quality and quantum of proposed open space, tree species to be removed and planting plans were also requested.

Updated landscaping and planting plans were provided, increasing the tree planting to the eastern boundary (along car park) and increasing the density of planting, in line with land scaping comments. With regard to proposed boundaries the agent confirmed that the boundaries are set back where possible from the footpath edges and formal hedge planting is demonstrated on the landscape plans. It was suggested that the boundary wall to the gable of plots 4 and 5 could be moved to the footpath edge, to eliminate maintenance issues and this was considered to be an acceptable arrangement by the landscape officer.

With regard to the hedgerow within the centre of the site and the tree species to be removed, this has been considered by the Arboricultural Officer (comments set out above), and although the removal is unfortunate from a visual amenity perspective the hedgerow is screened from view and a number of trees will be retained.

In terms of open space, the agent confirmed that 1.698 ha of amenity green space would be provided. The Councils Landscape Officer queried if the woodland could be classified as usable space, however given the access to the woodland provided by the permissive footpath on site (which will benefit from improvement works) and open space retained on site, it was considered that sufficient usable amenity space would be provided, for occupiers of the development.

Council's Environmental Health team

Environmental Health has examined the submitted documentation and considers that the proposal is acceptable, subject to conditions relating to the submission of a noise mitigation scheme and a Construction Environmental Management Plan.

With regard to air quality the Environmental Health Team accept that the methodology and conclusions set out within the Air quality screening statement and no further action is considered necessary.

In relation to ground conditions/land contamination, it was initially requested that additional information be provided, in terms of ground gas, site history and UXO.

A consultation response was provided by Sirius Geotechnical Ltd. on the 25.03.22 providing the additional information requested and the Council's Land Contamination Consultant considers that ground conditions and land contamination does not represent a constraint to the development of the site.

Conditions have been requested, relating to the agreement of a remediation strategy and a subsequent verification report and a condition covering a scenario where unexpected contamination is encountered during development works.

Subject to the recommended conditions the Environmental Health Team and Land Contamination Consultant have no objection to the scheme.

Council's Education officer

Requested that the applicant makes a financial contribution of £281,634.41 towards the provision of early years, primary, secondary, and special educational needs places within education facilities in the area.

Public consultation

Consultation with the public has taken the form of letters to neighbouring properties, site notices and a notice in the Sunderland Echo newspaper.

A total of 3 no. objections have been submitted in response to the public consultation exercise. The following issues/comments have been made:

- Loss of privacy to the band F property which I live in, 3, The Copse.
- The increased flow of traffic on which is already a very busy road.
- The dirt, filth and debris associated with a large building site which will mean constant car washing and probable damage to tyres etc.
- The new access would create another road hazard with traffic waiting in the crown of the road to enter from the east, whilst traffic waiting to exit would create a hazard to through traffic on Stone Cellar Road given the gradient and the slight turn of the road.
- Removal of attractive tree line and protected trees on site.
- Increased noise from road traffic entering and leaving the site.
- Should the development go ahead I would certainly expect my council tax band to be reduced as we already pay more than a nearby development. The properties on that development sell for more than £100,000 than ours despite being in a lower tax band.

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies; HGA2, SS2, SP1, SP7, SP8, HS1, HS2, HS3, H1, H2, BH1, BH2, BH3, NE1, NE2, NE3, NE4, NE9, NE11, 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 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 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 development 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 (a draft A&D Plan has been subject to a public consultation exercise, which ended on the 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

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

The site of the housing subject to this application was one of a number of sites removed from the existing Green Belt on the adoption of the CSDP, in order to provide the supply of housing land required to meet the City's agreed housing need. These sites have been referred to as 'Housing Growth Areas' (HGAs). The main policy relevant to the development of the site is policy HGA2, which guides the development of the 'North of High Usworth'

HGA2 North of High Usworth should:

- deliver approximately 45 new homes;
- ii. create a new defensible Green Belt boundary to the north;
- retain existing screening of the site from the north, west and south;
- iv. provide buffers and acoustic barriers as necessary to address noise implications from the A194(M);
- v. retain healthy trees and hedgerows where possible and incorporate greenspace into the site for amenity purposes/minimise impact on priority species and protected habitat in the locality; and
- vi. seek improvements to the permissive footpath within the site.

Also relevant to the Green Belt release sites in the Washington area is policy SS2, which states that:

SS2 - Washington Housing Growth Areas should:

1. Provide a mix of housing types with a focus on larger detached dwellings;

2. Address impacts and make provision or contributions towards education provision and healthcare where justified and necessary;

3. Enhance access to local facilities and services, where appropriate.

In addition to the above, the following CSDP policies are also relevant to the consideration of the application:

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

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 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.

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.

NE9 - new development should respect the prevailing landscape character, taking into account elements identified in the Council's Landscape Character Assessment. Development which clearly has a significant adverse impact on distinctive landscape characteristics is unlikely to be supported unless the impact is 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.

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.

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).

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, including regard to fear of crime.
4. The implications of the development in respect of design and visual amenity.
5. The implications of the development relative to archaeology.
6. The impact of the development in respect of highway and pedestrian safety.
7. The impact of the development in respect of trees.
8. The impact of the development in respect of ecology and biodiversity.
9. The impact of the development in respect of flooding and drainage.

10. The impact of the development in respect of ground conditions.
11. The implications of the development in respect of education provision.
12. The implications of the development in respect of affordable housing.
13. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 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 and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability 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 to be allocated for new housing as part of the draft A&D Plan.

In July 2022 the Council requested that the Planning Inspectorate review its housing land supply position and subsequent to this request, the Planning Inspectorate provided a Report on the Council's Annual Position Statement (APS).

The Inspector's report recommends that the Council can confirm that it has a 5-year housing land supply for the period up to 31st October 2023. This is based on a annual housing requirement of 745 dwellings per annum and results in a housing land supply of 5.7 years. On this basis, the Council considers that it is able to demonstrate a 5-year supply of housing land and this forms the context for the consideration of this and other planning applications for housing development.

Given the position set out above, and with regard to the guidance of paragraph 11 of the NPPF, would contend 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 or draft A&D Plan policy.

Both the NPPF, at paragraph 60, 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.

2. Land use and housing policy considerations

The plot of land subject to the housing development itself is allocated for housing by policy HGA3 of the Council's adopted Core Strategy and Development Plan. The land was previously part of the Tyne and Wear Green Belt but was deleted from the Green Belt on adoption of the CSDP and is referred to as the South-West Springwell Housing Growth Area (HGA). The land is one of a number of HGA sites which were removed from the Green Belt through the adoption of the CSDP, in order to provide the City with enough land to meet its agreed housing need over the Plan period (up to 2033).

The full text of policy HGA2 has been provided in the previous section of this report, but to clarify, it identifies the site as being able to accommodate approximately 45 dwellings and sets out any development of the site should:

deliver approximately 45 new homes;

- ii. create a new defensible Green Belt boundary to the north;
- retain existing screening of the site from the north, west and south;
- iv. provide buffers and acoustic barriers as necessary to address noise implications from the A194(M);
- v. retain healthy trees and hedgerows where possible and incorporate greenspace into the site for amenity purposes/minimise impact on priority species and protected habitat in the locality; and
- vi. seek improvements to the permissive footpath within the site.

Also relevant to the Green Belt release sites in the Washington area is policy SS2, which states that:

The site capacity and key requirements of any forthcoming development proposal set out by policy HGA2 are based upon work undertaken for the Sunderland Development Framework (June 2018), which formed a submission document for the Examination in Public of the CSDP.

The Framework for the North High Usworth site provides an analysis of matters such as site constraints, built form, blue/green infrastructure, movement and accessibility, ecology and heritage and archaeology and sets out a series of development principles and parameters which culminate in a recommended site capacity of 45 dwellings.

Through the Framework, it was established that the development of the site would have limited impact on Green Belt purposes, that site constraints can be minimised and suitably mitigated for

and that the site is sustainable and deliverable and will provide a new, durable Green Belt boundary.

The Framework does not form part of the statutory Development Plan, although it is a material consideration in determining any planning application for the site.

It is noted that the proposed development of 49 no. dwellings exceeds the recommended site capacity of approximately 45 no. dwellings identified by policy HGA2 of the CSDP and as recommended by the Framework.

It is evident, however, that the inclusion of the word 'approximately' in the policy means that a degree of flexibility is envisaged in applying the policy to any formal planning application. Policy HGA2 does not, however, provide an exact or precise meaning of the term 'approximately' for the purposes of applying the policy and in the absence of this, to assist with interpretation it is considered reasonable to refer to the dictionary definition of the word. To this end, the Collins online dictionary defines 'approximately' as meaning 'close to' or 'around'.

The current application proposes 8.8% more dwellings than the policy sets out, however it equates to only 4 no. additional dwellings which given the definition above could reasonably be considered as 'close to' 45 no. dwellings.

As stated earlier in this report, section 38(6) of the 2004 Act states that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. In undertaking this exercise, 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.

In light of this, whilst the conflict with the recommended site capacity set out within policy HGA2 is acknowledged, the determination of the planning application must be informed by an appraisal of all relevant material considerations and all relevant plan policies. It follows that conflict with this element of policy HGA2 would not, in isolation, represent a sound reason to resist the proposed development of 49 dwellings. Rather, it would have to be established, following an appraisal of all relevant material considerations and plan policies, that tangible harm will be caused by the number of dwellings proposed by the development which would justify the refusal of planning permission.

One such material consideration is the role the site is able to play 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 62 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 119 and 120 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs (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. Policy SS2 does, however, set out an aspiration for the Housing Growth Area sites in Washington to provide a mix of house types, with a focus on larger detached dwellings.

Also relevant is aforementioned policy SP8 of the CSDP which sets out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum. The site's allocation as a Housing Growth Area means that it is envisaged as contributing to the delivery of housing within the City over the Plan period.

It is evident that the proposed development will make a significant contribution to the delivery of new housing in the City and will utilise a site which is identified as being appropriate and available for new housing through the adoption of the CSDP. The applicant has also committed to making 15% of the dwellings affordable, in line with policy H2's broad objectives, although further consideration of the specific nature of the affordable housing offer is undertaken later in this report.

Furthermore, weight should be given to the type of housing to be provided by the development, with a number of 4-bedroom dwellings, in accordance with policy SS2's objectives, but also a number of 3-bedroom house types and townhouses within the development too, in order to provide housing choice for a broader demographic. It is considered that the proposed mix addresses the objectives of policy SS2 in relation to this specific site and the Council's Planning Policy team have raised no objections to this aspect of the proposed scheme.

With regard to the above comments, it is considered that the development of the housing on the site identified by policy HGA2 of the CSDP is acceptable in principle given its deletion from the Green Belt and allocation for housing through the adoption of the plan. The approval of planning permission for the development of housing will enable the Council to meet its objectives in terms of housing delivery and the proposed development will provide a mix of housing which addresses the aspirations of policy SS2 of the CSDP.

It is recognised, however, that the number of dwellings being proposed on the site exceeds the site capacity of approximately 45 no. dwellings identified by policy HGA3 of the CSDP, as informed by the Site Development Framework prepared in respect of the plan adoption process.

Nevertheless, for the reasons stated earlier in this section of the report, it is considered that conflict with this element of policy HGA2 alone does not render the proposed development unacceptable, particularly in light of local and national planning policies which set out an aspiration to actually exceed stated housing delivery needs. The determination of the planning application must be made in accordance with the plan as a whole; consequently, the proposals must be assessed in light of all relevant material planning considerations and policies of the plan to establish whether the number of dwellings proposed by the application gives rise to harm which means the proposed development should not be approved.

3. Implications of development in respect of residential amenity, including fear of crime

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.

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

With regard to noise, policy HS2 of the CSDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses.

The acoustic design statement within the submitted noise assessment, concluded that based on the site context and limitations, i.e., the site is located adjacent to the A194(M), reasonable means have been taken to ensure the recommendations pass the good acoustic design test in accordance with the ProPG.

The Noise assessment concluded that subject to appropriate acoustic fencing and acoustic ventilation noise should not be a prohibitive factor in the determination of this planning application.

The conclusions of the report are accepted by the Council's Environmental Health team, and they recommend approval of the scheme subject to conditions relating to suitable noise mitigation measures being applied to the development and a Construction Environmental Management Plan that addresses the potential impacts of site clearance and construction upon the local environment and nearby occupiers.

The CEMP should address concerns raised by objectors with regard to disturbance during construction.

There is a significant distance (at least 46 metres) between the residential dwellings surrounding the site and those within the new development and this distance is an arrangement which satisfies the spacing recommendations set by the 'Residential Design Guide' SPD.

Given this and the fact that the site is effectively screened by the existing tree line, it is ensured that there is minimal opportunity for effects on outlook, privacy and potential overshadowing.

It is noted that the Northumbria Police Designing Out Crime officer has confirmed that the layout of the housing development is both legible and understandable but as the site overlooks a car park to the East and sits on the developed edge of Washington with good road access, both factors which increase the risk profile, they recommended that consideration be given by the developer to achieving the Secured BY design Silver award for the development.

Concern was raised with regard to the retention of the permissive footpath on site and although the benefits of access to green space were recognised, the officer considered that formalising the access may cause issues with motorcycle disorder.

It is noted that policy HGA2 of the CSDP sets out the need to seek improvements to this permissive path footpath and it is considered that the path provides an essential link to the woodland area around the site.

Although the Designing Out Crime officer has referred to other areas of conflict relating to motorcycle use across the local authority, it is difficult to conclude that the proposed development will inevitably increase the risk of crime in comparison to the existing situation, especially as the proposed housing would improve surveillance of the locality. Furthermore, there is not considered to be anything inherent to the scheme to suggest the development will increase the risk of crime to an unacceptable level.

The retention and improvement of the permissive path remains a desirable objective for the development of the site, and it is considered important that its route is maintained in order to provide a pedestrian access into and through the site.

With regard to the above comments, it is considered that taken as a whole, the development will not give rise to any substantive harm to the amenity of existing dwellings in the vicinity of the application site and that the development will also afford future occupiers of the dwellings with an acceptable standard of amenity.

Consideration has also been given to whether the development will increase the risk of crime in the area; given the comments of the Northumbria Police Designing Out Crime officer, it is considered that there is nothing inherent to the proposed development to suggest the risk of crime will be unacceptably increased in comparison to the existing situation.

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

4. Implications in relation to design, character, and appearance

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 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.
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and.
- create places that are safe, inclusive, and accessible and which promote health and well-being, with 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.

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.

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);

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, meanwhile, states that to protect, conserve and enhance the varied landscape character, proposals should demonstrate a high quality of landscape design and demonstrate how the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and/or enhance the landscape relevant to the locality as identified by the Council's Landscape Character Assessment are taken into account. Development causing significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless clearly outweighed by the benefits of the development. Policy NE11 seeks to protect key views and requires new development to have an acceptable appearance within views.

In terms of the design and layout the proposed development provides a low-density scheme, with mainly detached properties on large plots, which would be an appropriate arrangement within the location and accord with the requirements of policy SS2.

The proposal will provide residents with attractive surroundings and living conditions and will provide an interesting variety of house types and styles, with the architectural detailing, treatment of external elevations and use of materials considered appropriate and in keeping with the surrounding estates.

The access road to the site is tree lined with planting to both sides and it is noted that the route looks onto the active frontage of plot 36, providing an attractive and welcoming entrance onto the site. Although it would usually be desirable for properties along the southern edge of the site to face onto Stone Cellar Road to provide the road with an active frontage, in this instance the retained intervening tree belt negates this option and the position of the houses facing inwards is considered to be acceptable.

With regard to the tree belt surrounding the site, it is noted that the layout has been designed so that the houses along the edges of the site are set back from the trees. They have large rear gardens and given this arrangement, it is not considered that the tree line will appear oppressive for future occupiers and will instead provide an attractive backdrop to the properties and their gardens.

In terms of the corner plots within the development, it is noted that these have window features which would ensure that the gable elevation is not blank brick work, and the type of planting and boundary treatments are designed to ensure attractive and active frontages when travelling through the site.

With regard to more specific details, policy HGA2 stresses the importance of retaining healthy trees and hedgerows where possible and incorporating green space within the allocated area. It is acknowledged that a section of the existing hedgerow transecting the site would be removed as part of the proposal, but the remaining hedgerow is retained as are other existing healthy trees on site and the design incorporates a number of green spaces and planting.

Within the site, there will be new tree planting and ornamental hedging. Planting within landscaped areas is proposed to be varied to the benefit of both ecology and amenity, with various plant mixes proposed in different areas of the site. The SuDS ponds will include a greater degree of native planting, as per the Landscape Officer's comments.

In terms of existing landscape features, as noted above, part of the hedge transecting the site is to be retained, as are many existing trees.

In terms of landscaping within the development, given the comments provided by the Council's Landscape officer, it is considered that the amended proposals increasing the tree planting to the eastern boundary (along the car park) and increasing the density of planting will provide the new dwellings with a pleasing landscaped setting and a visually attractive place to reside.

With regard to the affordable housing offer, it is noted that this is located in two groups within the development, at plots 27-30 and plots 15, 16 and 48. This arrangement is considered to achieve the distribution sought by policy H2 of the CSDP. The affordable housing comprises of the one house type (Tetford), which is a three-bed dwelling.

These dwellings are subject to the same elevational treatments and use of materials as all other properties within the development and are therefore considered to be indistinguishable in terms of appearance and build quality.

In terms of open space the agent observes that the Council's Greenspace Audit (2020) classifies the woodland that surrounds the site as Amenity green space, which is supported by the Council's Draft Allocations and designations plan.

Policy NE4 sets out that a minimum of 0.9 hectares of usable green space must be incorporated into major development sites, per 1000 bed spaces created. As 215 bedspaces are to be created this would result in 0.193 hectares of green space being required on site.

When including the woodland area, 1.698 ha of amenity green space would be provided.

Although the Council's Landscape Officer queried if the woodland could be classified as usable space, given the access to the woodland provided by the permissive footpath on site (which will benefit from improvement works) and the open space provided within the site, it is considered that sufficient usable amenity space would be provided for the occupiers of the development.

The size of the site dictates the provision of outdoor play facilities could not be achieved on-site and in this respect the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. A contribution of £34,496 has been agreed and will be included within the section 106 legal agreement.

Overall, it is considered that the quantity and quality of the landscaping and open space provision delivered by the proposed development is acceptable and appropriate in relation to a housing scheme of this nature.

With regard to sustainability, the applicant's Sustainability Statement set out that it is the applicant's intention to implement an energy strategy that will meet the requirements of approved document L, which set the Government's benchmark for sustainable design and the conservation of fuel and power in the construction of new dwellings.

Proposed sustainability measures comprise:

- A robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials;
- Construction specification achieving A+ - C ratings when assessed against the Building Research Establishments Green Guide;
- Eco sanitary ware and flow restriction devices installed in every property and water consumption levels compliant with Part G;
- A site waste management plan;
- Recycling facilities provided to each home;
- Pollution during the construction phase minimised through the adoption of best practice measures with respect to waste, dust and air pollution, with practice policies in respect to site pollution will be implemented as standard.
- Energy efficiency measures included in the design and construction of every home. With measures having the potential to shrink CO2 measures by 9.11% over Part L.

It is considered that the applicant's statement evidences that the proposed development has been designed and planned in a manner which gives proper regard to sustainable development principles.

The proposed development has been carefully considered against the relevant CSDP and NPPF policies which relate to design, character, landscaping, visual amenity, and sustainability.

For the reasons discussed above, and in accordance with the requirements of policy BH1 of the CSDP, the amended development is considered to be acceptable in terms of its density, design, layout, appearance and visual interest and it will deliver a good quality-built environment which provides good living conditions for residents and which has an acceptable relationship with the wider locality. Affordable housing is considered to be appropriately located and designed to ensure it assimilates well into the development, in accordance with policy H2's objectives.

In accordance with the objectives of policy NE4, the development will provide residents with an acceptable quantity and quality of open space and landscaping, to create an attractive living environment. In accordance with policies NE9 and NE11, the development will not cause significant harm to the prevailing landscape, given that the scheme primarily relates to an allocated housing site which in terms of the site-specific requirements of policy HGA2, successfully provides a new defensible Green Belt boundary to the north.

The development will also incorporate existing hedgerow and trees on site, as required by policy NE3 of the CSDP, and has been informed by sustainability principles, as required by policy BH2 of the CSDP.

It is consequently considered that the proposed development is acceptable in terms of design, layout, built form and landscaping and that it will have an acceptable relationship with, and impact on, the prevailing landscape, character and appearance of the locality, in accordance with the aforementioned relevant policies of the CSDP and NPPF.

5. Implications of development relative 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.

In the CSDP, policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly accessible archive report.

As noted earlier in this report, the application site is located north of Great Usworth Village which was part of the Bishop's estates. In order to understand the potential impact of the development on archaeological heritage, the application has been accompanied by an Archaeological Desk-Based Assessment, undertaken in 2020.

In terms of archaeology, the site was identified as having potential for prehistoric remains, ridge and furrow and garden activities associated with Usworth House. An archaeological geophysical survey was then undertaken in 2020. Within the surveyed area the remains of a former road, possible earthen bank, possible ridge and furrow cultivation marks and rectilinear features were detected.

An additional geophysical survey of the site was submitted with the application which covered the eastern portion of the site. In this report, ridge and furrow of potential medieval date was also identified.

Given the above, the County Archaeologist stated that archaeological trial trenching is required in advance of the determination of the planning application, in order to understand the potential impact of the proposal on the significance of any heritage assets with archaeological interest.

The County Archaeologist visited the site during the trial trenching period and provided the following comment in relation to the trial trenching report:

In trench 2 a well-preserved 4m wide carriageway associated with Usworth House/ Peareth Hall (HER 8471) was identified. The carriageway is located on an ENE-WSW alignment, and it consisted of a metalled surface and kerbs. Usworth House was constructed c.1750, west of the proposed development area. The house was associated with a range of formal gardens, landscaped areas and carriageways. In the 20th century all but one wing of Usworth House/ Peareth Hall (HER 7050) was demolished and the surviving wing is Grade II listed (List entry 1354991). Having viewed the remains of the carriageway, the County Archaeologist considers that further excavation is required in order to preserve a 20m stretch of the carriageway by record if the proposed development is approved.

In trench 4, a 0.85m wide and 0.30m deep gully was identified, the feature was found to be cut by a later furrow. During the evaluation, trench 4 was extended to record a 5m length and the gully. The gully has potential to be prehistoric in date, however, further analysis of the paleoenvironmental samples obtained is required to confirm the date of the feature. To assess whether the gully is an isolated feature, or part of a series of features, further excavation is required if the proposed works are approved. The initial excavation area should measure 20m x 20m with a contingency plan to extend the trench if required.

Within the remaining trenches, two regimes of ridge and furrow ploughing were identified. It is not considered that further work is required in association with the furrows.

The County Archaeologist confirmed that there is no objection to the proposal, subject the archaeological investigations outlined above being secured by condition.

An appropriate archaeological investigation of the site has been undertaken, in accordance with the requirements of policy BH9 of the CSDP and paragraph 205 of the NPPF. Subject to

appropriate conditions the proposal is considered acceptable in relation to built heritage and archaeology.

6. Impact of the development on highway and pedestrian safety

Paragraph 110 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;
 - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 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 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 maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network,

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;

As stated previously the Framework for the North High Usworth site provided an analysis of a number of matters including accessibility. Within the framework it was set out that access for the

site would likely be through the current car park of the hotel and golf course. However, it is proposed that the access be taken from Stone Cellar Road.

A scoping report provided by TPS Transport Consultants set out that providing access from Stone Cellar Road instead of the carpark is a betterment for the following reasons:

- Removes development generated traffic from the northern arm of the George Washington Hotel and Spa access roundabout, over which there is a pedestrian demand resulting from the separation of the Hotel and car park;
- Removes the need to reconfigure the George Washington Hotel and Spa car park to facilitate an access road, which also helps to maintain the existing quantum of car parking at the hotel, therefore reducing the possibility of vehicles overspilling onto the local highway network;
- Precludes servicing vehicles for the residential development needing to travel through the car park and potentially interacting with car park users (vehicles and pedestrians);
- Ensures direct access to the residential development for non-motorised users

Although contrary to the Framework, given the above reasoning it is considered that the proposed access directly off Stone Cellar Road is an acceptable alternative to gaining access via the golf club car park.

The Council's Highway Officer confirmed that the access onto Stone Cellar Road would be acceptable subject to confirmation that the visibility splay at the site entrance would conform to current design standards, the access road into the site would be wide enough to safely accommodate refuse vehicles without significant lane overhang and that traffic calming measures should be provided internally to the development.

The agent confirmed that visibility splays had been provided in line with the requirements of Manual for Streets for a 30mph street, their Engineering consultant (Queensberry) confirmed that the 10m radii is the usual standard for simple urban T-junction and although there maybe a slight overhang this is usually acceptable unless a turning lane is present (which it isn't in this instance). They concluded that traffic calming would be provided within Road 2 with all other roads being considered too short to require calming measures.

With regard to parking arrangements the agent confirmed that the required 10 visitor parking spaces are provided and that the proposals include an electrical connection within each garage to allow the installation of electrical vehicle charging points and for those few properties without garages, a hardstanding area is provided and there is the opportunity for homeowners to install charging points in the future.

The Highway consultant confirmed that all points had been clarified to their satisfaction. The Transport Assessment for the application provided a robust assessment of the potential impacts of the development. Appropriate analysis of likely trip generation has been provided and the level of additional traffic would not be expected to have an impact on the operation of the local highway network.

The Council's Highways team have also supported the recommendation of Nexus that the developer funds the provision of the improvement of pedestrian routes to the existing east and westbound bus stops on Peareth Hall Road. The cost of the works would be £15,000 and would

be secured via an agreement under s106 of the Town and Country Planning Act 1990 (as amended).

With regard to the permissive footpath running through the site, the Council's Rights of Way Officer suggested that this access be made permanent and that the north end of the path should be extended to the top of the embankment of the A194(M), and then southwest on the existing track, which is the 1980s permissive path, to re-join Stone Cellar Road at the Southwest of the development site.

The allocation seeks improvements to the permissive footpath within the site and the developer has confirmed that they will provide dropped kerbs at either end of the path to allow access. It is considered that this would be a sufficient improvement to the permissive path, in line with policy HGA2.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. The local road network is capable of safely accommodating traffic from the proposed development of 49 dwellings and it is also considered that the development will not result in an unacceptable increase in congestion on roads in the area. Additionally, the proposed access, parking and layout arrangements are acceptable. The development will provide appropriate connections to local facilities, services and public transport options by the delivery of improvement works to the pedestrian routes to the existing east and westbound bus stops on Peareth Hall Road, via the S106 contribution.

The proposals will therefore address the site-specific requirements set out by policy HGA2 of the CSDP and the proposals are also considered to satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 108, 110, 111 and 112 of the NPPF.

7. The impact of the development in respect of trees.

Paragraph 180 of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Policy NE3 sets out that development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

Policy HGA2 sets out that North of High Usworth should:

deliver approximately 45 new homes.

- ii. create a new defensible Green Belt boundary to the north.
- retain existing screening of the site from the north, west and south.
- iv. provide buffers and acoustic barriers as necessary to address noise implications from the A194(M);
- v. retains healthy trees and hedgerows where possible and incorporate greenspace into the site for amenity purposes/minimise impact on priority species and protected habitat in the locality; and
- vi. seek improvements to the permissive footpath within the site.

As has been stated previously access would be from the south and would connect to Stone Cellar Road. This would result in removal of hedgerows/planting to the south of the site which is not in direct accordance with the allocation policy guidelines. The proposals would also involve the removal of the majority of the hedgerow which runs through the site, which again would not be in alignment with the policy.

The Arboricultural Officer noted that there are a series of mature tree belts around the whole of the site and some individuals and small groups in the centre. They stated that these trees, especially those around the sides of the site make an important contribution to the visual amenity of the surrounding area and their retention as part of any development should be considered essential.

They considered that the submitted Arboricultural Impact assessment was a fair and accurate assessment of the site as a whole and the tree removals proposed in order to enable the development shouldn't have a significant impact on their value as a whole.

The trees to be removed in the central area are of low and moderate quality and therefore shouldn't be considered a major constraint as they are not visible outside of the site.

The Arboricultural officer confirmed that in order to provide an entry into the site it is unfortunate that a number of trees will be lost however, the majority of the tree belt will be retained and therefore the harm is limited to a fairly small area. On balance it is considered that their loss would be acceptable, providing care was taken during the construction process. The comments conclude that the Tree Protection scheme and Arboricultural method Statement provides a good level of detail that if implemented should result in the safe retention of most of the trees on the site.

The proposals will therefore satisfactorily address the site-specific requirements set out by policy HGA2 of the CSDP and the proposals are also considered to satisfy the objectives of policy NE3 of the CSDP and paragraph 180 of the NPPF.

8. 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). Paragraph 179 sets out that opportunities which will deliver measurable net gains in biodiversity should be pursued.

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.

The planning application has been accompanied a raft of assessments, comprising of an Ecological appraisal, a metric regarding biodiversity net gain calculations in respect of the position pre- and post-development of the site, and a biodiversity net gain assessment. These documents, and the amendments to these documents received during the course of the application, have been considered by the Council's consultant Ecologist who has offered comment on the proposals impacts on habitats, protected and notable species and biodiversity net gain as set out in the Consultation Section of this report.

In summary, the ecologist is satisfied that the submission, in terms of assessing and mitigating impacts on habitats, protected and notable species is acceptable, and a number of planning conditions have been advised to be attached to any consent granted. These include the

submission of an Ecological Construction Environmental Management Plan, the provision of bird and bat boxes to be installed on site, the submission of an ecological monitoring and management plan informed by the detailed planting scheme, the submission of a lighting scheme, vegetation and ground clearance works and ensuring sufficient gaps will be created/maintained in all boundary features to ensure that site remains permeable to species such as hedgehog.

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will soon be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gain. The date on which this becomes mandatory has not yet been confirmed and so at this time, it is not yet a statutory requirement for an applicant to provide 10% biodiversity net gain as part of a planning proposal; however, both the NPPF and CSDP policy NE2 require net gains to be delivered unless circumstances dictate otherwise.

In terms of biodiversity net gain, the amended report and metric calculations demonstrate that the current proposals for the development of the land would result in a net loss of 8.71 area habitat units, with a small gain in hedgerow units.

To address this loss, it is proposed that net gains in biodiversity would be achieved at an off-site location. The Council's Ecology officer has advised that in order to offset the loss in biodiversity units and achieve tangible net gains in biodiversity, a financial contribution of £15,000 per habitat unit is required - this would equate to a contribution of £130,650 toward offsite biodiversity net gain measures.

The developer has agreed to make the appropriate contribution to off-site biodiversity net gain via the Section 106 agreement.

A specific site for the spending of the biodiversity net gain contribution has not yet been identified, however the Council's Ecologist has confirmed that the contribution will be spent within the Sunderland area, i.e. council owned land, through a Habitat Bank that Sunderland, Gateshead and South Tyneside Councils are currently developing. There is the possibility of pooling all contributions related to BNG between now and the point that mandatory BNG comes into force (expected late November) and establishing a single compensation area on council owned land, possibly secured by a conservation covenant. It would be the aim to direct compensation at those habitats lost to development where possible.

In conclusion, the Council's consultant Ecologist has raised no objection, advising that the proposal is acceptable in principle, subject to the imposition of a series of planning conditions in order to secure the protection and enhancement measures required to ensure features of ecological value within and around the site are protected through the development and managed/maintained in the future, and subject to the securement of the financial contribution to fund off-site biodiversity net gain measures.

The implications of the development in relation to ecology and biodiversity are therefore considered to be acceptable and it is considered that the proposals are compliant with policy NE2 of the Core Strategy and Development Plan and paragraphs 179 and 180 of the NPPF as set out above.

9. 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 through consideration of the application, in order to address comments made by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority.

The FRA confirmed a low risk of flooding. However, the LLFA requested additional information in relation to water quality and infiltration, discharge, access to SUDS basin 1 and managing risks during construction works.

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 a detailed scheme for the disposal of foul and surface water from the development.

The LLFA has also confirmed that following submission of information, they can recommend approval for the above application in relation to flood risk and drainage. Source control is accepted on the provision of permeable paving and a permanent standing water feature being provided and that water quality and development management requirements have been evidenced accordingly.

The development can proceed subject to a 'verification' condition requiring confirmation that all sustainable drainage systems have been constructed as per the agreed scheme.

It is recommended that Members impose such a condition in the event they are minded to approve the application.

Subject to a condition to this effect, it is considered that the implications of the development relative to flood risk and drainage are acceptable and the development therefore complies with the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP.

10. Implications of development in respect of ground conditions

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 planning application has been accompanied by a Desk Top Study and Ground Investigation Report and the Council's Land Contamination Consultant was broadly in agreement with the findings and recommendations.

The consultant did, however, request additional detail with regard to ground gas, site history and unexploded ordnance.

This detail was provided by Sirius Geotechnical Ltd. on 25.03.22 and following a review of this detail, the Council's Land Contamination Consultant had no objections to the development proceeding, with ground conditions/land contamination not considered to represent a constraint to the development.

Conditions relating to the agreement of a remediation strategy and a subsequent verification report and a condition covering a scenario where unexpected contamination is encountered during development works have been recommended and Members are advised to impose conditions to this effect in the event, they are minded to approve the application.

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

11. Implications of development in relation to education provision

With regard to education provision, paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy ID2 of the CSDP states that planning obligations will be sought to facilitate the delivery of local improvements to mitigate the direct or cumulative impacts of development, where evidenced. Education provision and facilities is listed as area where obligations may be sought.

As set out earlier in this report, the Council's Education officer is of the view that the development should contribute a total of £281,634.41 towards the provision of early years, primary, secondary and special educational needs places, within education facilities in the area.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 95 of the NPPF and policy ID2 of the Council's CSDP.

12. Affordable housing considerations

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 65 goes on to state that where major development involving the provision of housing

is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

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

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

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable.

Council's Planning Obligations SPD advising that the figure will be rounded up when 0.5 or more and anything else rounded down. The types of affordable housing to be delivered should reflect the latest available evidence with regard to tenure split and size of dwellings. The most up-to-date evidence is provided by the Council's Strategic Housing Market Assessment (SHMA), which recommends a split of 75:25 split between affordable rent and intermediate tenure.

Initially, the applicant proposed to provide the Council with a financial contribution to allow for affordable housing to be delivered at an alternative location to the application site. Policy H2 of the CSPD makes it clear, however, that this approach is only considered appropriate in exceptional circumstances, and so the applicant was requested to explore ways in which affordable housing could be provided within the development. Following discussions, the applicant proposed that a total of 7 no. affordable dwellings be provided (this figure is appropriate on the basis that 15% of 49 dwellings is 7.35 and so would be rounded down in accordance with the guidance of the Planning Obligations SPD), but that these would all be available for affordable ownership, rather than including a proportion of dwellings available for affordable rent as recommended by the SPD.

It is acknowledged that this would not reflect the recommendation to provide a mix of affordable homes for ownership and rent set out by the Council's latest Strategic Housing Market Assessment (SHMA, July 2020), however the applicant has argued that there is little demand for affordable rented accommodation in this area of Washington and within a development of this nature (i.e. larger homes). Given that the alternative to the current proposal would be the provision of affordable housing at an off site location, it is considered that the proposed on-site provision is acceptable in this instance and that the proposed affordable housing for the site can be said to comply with policy H2's broad objectives.

The provision of 7 no. affordable dwellings available for ownership would be secured through the s106 agreement for the application.

With regard to the above, it is considered that the amount any type of affordable housing being delivered at the site is acceptable and addresses the affordable housing objectives of paragraph 65 of the NPPF and policy H2 of the Council's CSDP.

13. Summary of position in respect of s106 Contributions

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

As set out in the 'Representations' section of this report, the following financial contributions and obligations have been requested from the respective consultees or are required through relevant plan policies and would be secured via a s106 agreement:

£281,634.41 towards the provision of early years, primary, secondary, and special educational needs in the area.

£130,650 towards off-site delivery of biodiversity net gain measures.

£15,000 towards pedestrian improvement works.

£34,496 towards outdoor play facilities.

15% on-site affordable housing.

The requested financial contributions towards education provision and ecology are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the 15% on-site affordable housing will satisfy both local and national policies. As such, it is considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

The applicant has agreed to the aforementioned education, BNG, play space provision and pedestrian improvement works and will also deliver 15% affordable housing on-site.

These contributions will be secured via an agreement under s106 of the Town and Country Planning Act, which has been drafted by the Council's Legal team and will be completed following the determination of the planning application in the event Members are minded to approve the application.

CONCLUSION

As set out above, the proposed housing development affects a site which has been deleted from the Green Belt through the adoption of the Council's Core Strategy and Development Plan and

allocated for new housing. The CSDP policy which directs the development of the site (policy HGA2) identifies it as being appropriate for approximately 45 dwellings. The development proposed by this planning application involves a development of 49 dwellings.

With regard to the policy appraisal set out above, it is considered that whilst there is conflict with the site capacity as identified by policy HGA2 of the CSPD, the proposed development of 49 dwellings does not give rise to any significant conflicts with the other relevant policies of the CSDP. 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.

As such, when considering the application for 49 dwellings at the site in the context of the development plan as a whole, it is evident that there are no significant conflicts with its policies and no other material planning considerations which mean the planning application should be refused.

It must also be taken into account that the proposed development will deliver significant benefits, in terms of providing housing at a site allocated for such development in the development plan and assisting 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, including new affordable housing, and it will also provide employment and 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 weight in the determination of the application.

For the reasons set out in this report, the proposed development is not considered to give rise to any significant conflict with the Council's development plan as a whole and there are not considered to be any grounds which would direct the Council to refuse planning permission for the development as proposed.

Accordingly, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members approve the application, subject to the completion of the agreement under s106 of the Town and Country Planning Act and 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 the completion of the agreement under s106 of the Town and Country Planning Act and subject to the imposition of the draft conditions below.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

Location Plan 1N/GWASH/02-00
Topographical Survey_ 08.07.2021 TS01 East
Topographical Survey_ 08.07.2021 TS01 West
Topographical Survey_ 08.07.2021 (road) TW/SCR/TS01
Topographical Survey 2018 Sheet 1 D109-001
Topographical Survey 2018 Sheet 2 D109-002
Topographical Survey 2018 Sheet 3 D109-003
Topographical Survey 2018 Sheet 4 D109-004

Sketch Layout 1N/GWASH/02-01 Rev H
Materials Layout 1N/GWASH/MA-01 Rev C
Enclosure Detail 1N/GWASH/10-01
Open Space Plan 1N/GWASH/02-03
Byrneham EMG31 Planning Drawing EMG31/2020/PL2
Byrneham EMG31 Planning Elevation EMG31/2020/PL3
Hartton EMB31 Planning Drawing EMB31/2020/PL2
Hartton EMB31 Planning Elevation EMB31/2020/PL3
Hubham EMG43 Planning Drawing EMG43/2020/PL2
Hubham EMG43 Planning Elevation EMG43/2020/PL3
Kitham EMG44 Planning Drawing EMG44/2020/PL2
Kitham EMG44 Planning Elevation EMG44/2020/PL3
Rightford EMA46 Planning Drawing EMA46/2020/PL2
Rightford EMA46 Planning Elevation EMA46/2020/PL2
Tetford EMA35 Planning Drawing EMA35/2020/PL2
Tetford EMA35 Planning Elevation EMA35/2020/PL3
Garage Plan and Elevation DET(13)01_GA01
Engineering Layout QD1750-03-01 Rev G
Road Contours QD1750-03-02 Rev A
Porous Paving QD1750-03-03
External Works QD1750-04-01 Rev F
Basin 1 General Arrangements QD1750-04-02 Rev B
Basin 2 General Arrangements QD1750-04-03 Rev B
Long sections Sheet 1 QD1750-05-01 Rev A
Long sections Sheet 2 QD1750-05-02 Rev A
Manhole Schedule QD1750-05-03 Rev A
Road Construction Details QD1750-06-01
Surface Finishes and Kerb notes QD1750-07-01 Rev A
Adoptable Manhole Details QD1750-08-01
Flow Control Manhole QD1750-08-02 Rev A
Headwalls QD1750-08-03
Basin 1 Weir Walls QD1750-08-04
Section 38 QD1750-16-01 Rev A
Section 104 QD1750-17-01 Rev G
SUDs Maintenance Plan QD1750 Rev A
Surface Water and Silt Management Plan 350615_R01 00
Landscape Proposals Plan 144821-PL-8002 Rev C
Landscape Soft works Sheet 1of4 144821-PL-8003 Rev B
Landscape Soft works Sheet 2of4 144821-PL-8004 Rev B
Landscape Soft works Sheet 3of4 144821-PL-8005 Rev B
Landscape Soft works Sheet 4of4 144821-PL-8006 Rev B
Exploratory Location Plan C8634-03 Rev 0
Tree protection plan, drawing no. 20210112GWGC V03.

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 hereby approved, shall be carried out in full accordance with the agreed list of external materials and boundary treatments as set out within plan ref: Materials Layout

1N/GWASH/MA-01 Rev C, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

4 The landscaping scheme shall be carried out in full accordance with the approved Landscape plans, Landscape Proposals Plan 144821-PL-8002 Rev C, Landscape Soft works Sheet 144821-PL-8003 Rev B, Landscape Soft works Sheet 144821-PL-8004 Rev B, Landscape Soft works Sheet 144821-PL-8005 Rev B, Landscape Soft works Sheet 144821-PL-8006 Rev B and Landscape Maintenance and Management Manual D/I/D/144821/802/Issue 3 July 2022. The scheme 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. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1, NE2 and NE4 of the adopted Core Strategy Development Plan.

5 Details of the improvement works to the permissive footpath running through the site shall be submitted for the approval of the LPA. The works shall then be carried out in accordance with the approved details and maintained as such thereafter. The works should be completed prior to the occupation of the 49th 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 Prior to the commencement of works on site the applicant shall submit for the approval of the LPA a Construction Environmental Management Plan that addresses the potential impacts of site clearance and construction upon the local environment and nearby occupiers. The plan shall identify suitable measures to minimise those impacts which shall be implemented and maintained for the life of the site works. The plan should address, but not be limited to:

- o site working times
- o identification of sensitive receptors
- o site access and HGV routing
- o location of compounds and storage areas
- o site lighting
- o noise and vibration control
- o dust management and control of other air pollutants such as exhaust emissions
- o prohibition of burning of vegetation and waste materials
- o cleaning of the public highway
- o communications with neighbours

Mitigation measures should be clearly identified within the plan. Note that whilst health and safety related matters need not be excluded, the aim of a CEMP is to focus upon impacts to the environment and upon nearby occupiers

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.

7 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 and 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.

8 The development hereby approved shall be undertaken in complete accordance with the recommendations of chapter 7 of the 'Arboricultural Impact Assessment' (D.Birch Comsultancy Ltd, September 2020), and the submitted tree protection plan, drawing no. 20210112GWGC V03.

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.

9 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policies WWE2 and WWE3 of the Core Strategy and Development Plan

10 No groundworks or development shall commence until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

11 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (10) has been submitted to and approved in writing by the Local Planning Authority.

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

12 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

13 Prior to commencement of construction the applicant shall submit for the approval of the LPA a scheme of noise mitigation measures to be applied to the development. The scheme shall meet the recommendations of the submitted noise assessment reference NJD21-0175-001R dated November 2021. For the avoidance of doubt the applicant should ensure that the submitted scheme reflects the plot layout, design and acoustic barriers set out in Figures 4 and 5 and glazing and ventilation specifications shall meet the recommended performance set out in Tables 6 and 7.

Reason: in order to ensure residents of the development will experience an acceptable noise environment and to comply with policy HS2 of the CSDP.

14 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.

15 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.

16 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.

17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the 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.

18 Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect the ecology and biodiversity of the area and to comply with the objectives of policy NE2 of the CSDP.

19 No development shall take place (including any demolition, ground works, site clearance) until a method statement for translocation of turfs from the neutral semi-improved grassland (shown on Figure 03: Habitat Map of the Ecological Appraisal, by OS Ecology dated July 2022) for use in establishing grassland associated with the approved SuDS basins has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. biodiversity conservation purpose and objectives for the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to protect the ecology and biodiversity of the area and to comply with the objectives of policy NE2 of the CSDP.

20 No development shall take place until a method statement for the creation of roosting opportunities for bats and nesting opportunities for birds has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. biodiversity conservation purpose and objectives for the proposed works;
- b. detailed design(s) and/or make and model of features to be installed necessary to achieve stated objectives;
- c. extent and location of proposed feature shown on appropriate scale maps and plans, to include at least one feature on 20 % of new dwellings as well as features within the retained woodland;

- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and features created shall be retained in that manner thereafter.

Reason: In order to protect the ecology and biodiversity of the area and to comply with the objectives of policy NE2 of the CSDP.

21 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: In order to protect the ecology and biodiversity of the area and to comply with the objectives of policy NE2 of the CSDP.

22 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy NE3 of the CSDP

Reference No.: 22/00531/FUL Full Application

Proposal: **Erection of two units selling food and drink (within Use Classes E(a) and Class E(b)), with associated access arrangements, landscaping, and car parking. (Amended site section plan, site plan, acoustic fence and landscaping plan received on 9.8.22)**

Location: Pennywell Industrial Estate, Sunderland

Ward: St Annes
Applicant: Tim Witty - UK Land Estates
Date Valid: 11 March 2022
Target Date: 6 May 2022

Proposal

The proposal is to erect two units selling food and drink within use classes E (a) and E(b), with associated access arrangements landscaping and car parking.

The two units would be occupied by:
Greggs with a gross internal floorspace of 178 m² and;
Starbucks in Unit 2 with a gross internal floor space of 169m².

Pedestrian access to the development will be provided via the existing footpath to the south of KFC, off Hylton Road, with footpaths, pedestrian surfaces and crossings being provided throughout the site. Vehicular access will be via the existing road to the north-west of the site which currently serves KFC. Servicing activity will take place adjacent to the car park, in allocated bays next to each building.

40 parking spaces would be provided, with four accessible including two with charging stations for electric vehicles and four Sheffield stands containing 8 cycle parking places for the whole development.

The host site forms part of the wider Pennywell Industrial Estate and lies adjacent to the classified (A183) Chester Road which provides primary vehicular access into Sunderland city centre from the nearby A19.

The site in question currently comprises a mixture of coarse grass land and sporadic sections of hardstand. The land was previously occupied by a large factory unit serving the former Dewhurst clothing company however this building was subsequently demolished in 2009 following the demise of the business. The host site and that of the adjacent site to the west have remained vacant since this time.

Within close proximity to the site are a mix of commercial and industrial units, consisting of KFC drive thru and Aldi to the north. The industrial estate contains a range of businesses and industrial properties, ranging from smaller workshops to large scale manufacturing and distribution warehouses.

The residential areas of Grindon and Pennywell lie to the east of the application site.

Materials of buildings on the industrial estate are typically brick, or metal cladding.

PLANNING HISTORY

On this site, an application was approved for a Marstons public house and restaurant (Use Class A4), with associated car parking, landscaping, and access in November 2016 (ref: 16/01562/FUL). The approval of the public house and other above use demonstrate that non-B Use Classes would be supportive to the local community.

The following information has been submitted in support of the application:

Planning, Design and Access Statement
Ecological Impact Assessment
Bio-diversity Net Gain Assessment
Drainage Statement and Flood Risk Assessment
Air Quality Screening Assessment
Transport Statement
Phase 1 Land Contamination Assessment and Remediation Strategy
Noise Assessment
Design and Access Statement
Planning Statement

The proposal is a departure from the development plan and has been advertised accordingly.

PUBLICITY

Site and press notice. (exp. 19.07.2023 and 27.07.2023).
Neighbour letters. (2 separate consultations).

Overall date for expiry 02.05.2023.

REPRESENTATIONS

Further to the expiry of the consultation period three letters of representation were received that raised concerns relating to:

Increased litter.
Increased noise and disturbance.
Traffic generation and poor access arrangements.
Increased odour from facilities.

Each of the above matters have been addressed in the respective sections of the agenda report.

PUBLIC PROTECTION AND REGULATORY SERVICES (PPRS)

The Council's PPRS Team commented that they have reviewed the noise assessment and information submitted with the planning application and have no objections subject to the following conditions included on an any recommendation to approve the proposal -

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of construction, a CEMP shall be submitted for the agreement of the LPA. The plan shall identify the potential environmental impacts arising from construction of the development and the mitigation measures to be implemented to protect nearby occupiers.

ODOUR CONTROL AND VENTILATION

Prior to the use of the development a scheme of odour control shall be submitted in relation to each proposed unit for the approval of the LPA together with an odour risk assessment. The approved scheme shall be implemented and maintained for the life of the proposed development.

With the inclusion of the conditions above it is considered that the proposal would have limited impact upon the amenity of the nearby residents.

HIGHWAYS

The Council's Highways and transportation offered no objections to this proposal, however the applicant should supply the following information to aid clarification:

- Site floor plans and building elevations for Unit 2, if these are available
- Further clarification on servicing and delivery details for Unit 2, as specified 3.1.2. It is recommended planning conditions are placed on:
- Provision of a CEMP, prior to start of on-site works
- Undertaking activities set out in the attached Travel Plan Statement to promote sustainable travel and reduce car dependency

Agent response.

The agent confirmed that regarding servicing arrangements for Unit 2, we can confirm that it is the intention to use the proposed 'waiting bay', as denoted in the attached Site Plan. Servicing for Unit 2 will take place during closing hours which, in this instance, is between the hours of 10pm and 6am.

ECOLOGY

The Council's Ecology Team reviewed the information and commended that the revised ecological and landscape information has responded to the issues raised in the in previous response provided by SCC's framework consultant.

In respect of compensation for priority butterfly species, the landscape scheme includes two butterfly bunds that have been designed to provide habitat suitable for dingy skipper. In order that these features provide compensation in the long-term a management plan will need to be secured to ensure appropriate management.

In respect of biodiversity net gain, the submitted BNG assessment and metric calculation indicate a positive change in biodiversity units. However, due to a reliance on the urban trees habitat type, it has not been possible to demonstrate that the trading rules have been satisfied.

The trading rules are an integral component of the metric calculation method and are broadly intended to ensure that the loss of high value habitat types is not compensated for with creation of larger areas of lower value habitat. However, prior to the commencement of mandatory BNG through the Environment Act 2021, there is a degree of flexibility within the application of BNG polices. In this instance, although BNG has not been demonstrated, there is an increase in biodiversity value sufficient to demonstrate ecological enhancement.

As noted above, there is a heavy reliance on the use of urban trees to provide a biodiversity enhancement, with 33 'medium' size trees (as defined in the metric guidance) included in the landscape proposals. The City Ecologist is of the view, the spacing between many of these trees is insufficient to enable the trees to reach their maximum size and may necessitate their later removal. Therefore, it is suggested a condition be attached should Members be minded to approve the proposal requiring the provision of a revised landscape design, which includes at least 25 'medium' size trees (this is the minimum number of trees of this size, as defined in the metric guidance, that results in a positive change in biodiversity value).

In addition to the necessary amendment of the landscape design, the management plan condition mentioned above will need to include management of the newly planted trees to ensure their longevity and contribution for ecological enhancement.

Summary

Assuming the above conditions (suggested wording below) are included in a permission I have no objection.

Suggested Conditions

- 1) Notwithstanding the submitted landscape proposals, a revised landscape plan shall be submitted within 3 months of the permission. The revised scheme shall be in general conformity with that submitted in support of the application (drawing number: 1101.01 Rev F, by DP Landscape Architecture), but shall ensure spacing of standard trees is sufficient to ensure good canopy spread and a healthy specimen tree. The quantity of trees shall not be less than 25, with native species selected with expected diameter at breast height at least 30 cm at 30 years from planting.
- 2) Notwithstanding the information submitted a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.
 - a) Description of features to be managed and installed, which shall include standard trees and butterfly bunds as detailed in the revised landscape plan (provided in pursuant to condition 5).
 - b) Aims and objectives of management.
 - c) Appropriate management options for achieving aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - f) Details of the body or organisation responsible for implementation of the plan.
 - g) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details and as such would comply with the requirements of (Policies NE2, NE3 and NE9 of the CSDP).

CONTAMINATION

The Council's Land Contamination Consultant reviewed the information submitted with the planning application and concluded that further revision was required with regard to the remediation strategy.

An updated Remediation strategy was submitted and further comments from the Land Contamination Consultant advised that the proposal was now acceptable.

LLFA

The LLFA have concerns that the proposal raises two main issues.

1. One area is still not receiving enough treatment according to the drainage strategy. A screenshot has been added to my comments to make this clearer.
2. Sufficient reasoning still hasn't been given as to why the site cannot discharge to the culverted watercourse. In order to rule out this option levels would need to be provided to prove that it cannot be achieved using a gravity pipe. I'm happy to arrange another meeting to go over this, however if nothing changes the LLFA won't be able to support the application.

Further comments from the Agent :-

In respect of the proposed treatment, the area that has been highlighted in the LLFA's response relates to roof water drainage. Sections 6.30 - 6.32 of the FRA explains this further, and confirms that sufficient treatment of surface water flows has been provided.

Regarding row 18 of the excel sheet provided by the LLFA, the agents can confirm that a CEMP will provide further information on development management and construction phasing.

Therefore, the agents are content with the LLFA's request for a standard condition, which calls for this information, to be attached to any permission granted should Members be minded to approve.

In terms of the request to connect to the culverted watercourse to the south, the agents maintain that it would not be practicable or feasible to make this connection. Indeed, and as we explained to in our previous response, Policy WWE3 should be applied in the context of Planning Practice Guidance (Flood Risk and Drainage), which sets out that the characteristics of the proposed development and constraints of the surrounding area should be taken into consideration when determining the practicability or appropriability of drainage schemes. Therefore, there is not an absolute policy requirement to connect to a watercourse, once the drainage hierarchy has been followed and it proven not to be reasonably practicable and feasible. To this end, we feel that the evidence provided to date demonstrates that the approach required by Policy WWE3 has been followed and therefore, the policy has been complied with.

However, should the Council consider differently, that there remains some degree of non-compliance with Policy WWE3, we would ask that the Council weighs that non-compliance against the benefits of the proposed development, including its conformity with other Local Plan policies, in reaching a decision on the application.

LLFA COMMENTS received on 8 June 2023

The LLFA reiterated their previous comments, stating that there is no reason at all they cannot connect into the culverted watercourse the natural ground level falls from the site to the culvert, they can bypass the underpasses and the tank sewer that they mentioned in earlier correspondence. This connection may be a little harder to do with the A183 road but roads are crossed with utilities on a daily basis. The LLFA are therefore unable to support this application.

AGENT FURTHER COMMENTS

At this stage, we are unable to present any further information. We feel that the evidence provided to date demonstrates that the hierarchical approach required by Policy WWE3 has been followed and, therefore, the policy has been complied with as all reasonable endeavours to connect to watercourse have been made. On this basis, we request that the Council proceed with the determination of the application.

With regard to comments from LLFA it is noted that the proposal would not comply with the requirements of WWE3.

Point 5 of Policy WWE3 from the Core Strategy and Development Plan states that '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.'

Flooding from sewers is increasingly recognised as an issue in areas that are not necessarily at risk from fluvial flooding - whereby rainfall events, sometimes away from the area concerned, cause major surface water run-off to enter the sewerage system.

This policy seeks to minimise the risk that future development locations could be flooded from sewers or add to an existing risk by ensuring that surface water run-off entering the sewer system is kept to an absolute minimum. Other benefits of such an approach will include a much reduced risk to water quality.

This application has on multiple occasions dismissed the opportunity to utilise discharge to a culverted watercourse approximately 90m south of the site and therefore does not meet the requirements of this policy. Hence, the LLFA recommended that this application be refused, to ensure that the sewer flood risk in the area is not increased due to this development, when other viable discharge options are available.

CONSIDERATIONS

The NPPF advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development.

The main issues to be considered in determining this application are: -

- Principle of the development.
- Design and impact on the street scene
- Impact on neighbouring amenity
- Contamination
- Highway and pedestrian safety
- Ecological and landscape impact
- Other matters

PRINCIPLE OF DEVELOPMENT

The site is allocated as a Key Employment Area and is subject to Policy EG2 which states that the site will be retained for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. The release of vacant land or premises within the KEA to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:

- 1 The Council's current Employment Land Review (ELR) recommends its release for another purpose, or it can be demonstrated to the Council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses.
- 2 The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;
- 3 The site is of an insufficient quality and/or suitability to accommodate existing types of industrial demand; and
- 4 The site has been unused for employment uses for at least 24 months, despite having been properly marketed on reasonable terms.

The site is also subject to Policy VC1 which states that the vitality and viability of the centres within the network and hierarchy identified below (and designated on the Policies Map) will be maintained and enhanced and the development of main town centre uses, will be focused within existing designated centres, as set out within the retail hierarchy. Development outside of existing centres will be expected to follow the sequential assessment approach.

Saved Policy S1 of the UDP and Policy VC2 would be relevant when assessing applications for edge or out-of-centre retail development, the council will require an impact assessment to be submitted where the development would exceed the following local thresholds. The threshold for Pennywell would be 500m² and the floor space at 347 m² does not require the need for the assessment. Planning permission would be refused where a development would affect the vitality and viability of a centre.

The planning statement submitted with the planning application at Section 5 sets out that ten potential sites in nearby centres were considered which are vacant retail units, none of these units would be large enough to accommodate new floorspace of the scale proposed at Pennywell - even before consideration has been given to the need for a drive-thru lane for one of the units, along with customer parking and servicing areas.

Former Total garage, Ryhope Road 0.1 ha Planning permission has been granted on the site for new residential development, comprising eight town houses (application ref. 19/01593/FUL). The site therefore appears to be coming forward for an alternative form of development. In addition, at 0.1 ha the site is too small to accommodate the proposed development, including the associated parking/servicing areas and drive through facility. Furthermore, the location of the site, around 5km to the east of Pennywell Estate, means that any new retail/food and beverage floorspace which came forward here would not be able to serve the same catchment area as that proposed development (including employees on the estate and residents of the surrounding area). It is therefore not suitable for the proposed development.

Shiney Row Vacant land off Chester Road 0.2 ha This site is located on the edge of Shiney Row Local Centre, just outside its defined boundary. It comprises previously developed land which has become an extended grass verge at the side of Chester Road, although it does contain two detached residential properties. The site benefits from an existing planning permission for five new residential dwellings (application ref. 17/00866/LP3). It is therefore not considered available for the proposals. The size of the site (at around 0.2 ha) means that it would not be able to accommodate the proposed development, and it may be difficult to achieve a suitable vehicular access from Chester Road and/or a drive-thru facility, without impacting

upon highway safety (even before allowing for the two existing dwellings). It may also be difficult to achieve significant new development without impacting upon residential amenity. On this basis, the site is clearly not suitable for the proposed development.

Former Tecaz showroom, Ryhope Street 0.5 ha This site is occupied by the existing showroom building, which is currently being marketed. However, this site lies around 5.5 km from Pennywell Estate, on the south side of Sunderland, and would not be able to serve the same catchment as the proposed development – including employees on the estate, residents of the immediate surrounding areas and those passing along the A183. It is therefore not suitable.

Ryhope Site of former bingo hall, Ryhope Street 0.1 ha The site of the former social bingo club on Ryhope Street South is currently vacant. At less than 0.1 ha, however, the site is too small to accommodate the proposed development. Furthermore, and as with other sites in Ryhope, given its location, and would not be able to serve the same catchment as the proposed development.

The site of the former Ryhope Village Primary School is on the edge of Ryhope Local Centre. The site has been cleared but has been the subject to a planning permission granted in 2016 for a new 66-bedroom residential care facility (application ref. 15/01546/FDC). In any event, and as with the other sites above, new retail/food and beverage floorspace in this location – over 5 km from the application site – would not be able to serve the same catchment area as the subject proposals.

Vacant land off Parkhurst Road 0.1 ha. To the west of the defined centre, adjacent to the junction of Portsmouth Road with Parkhurst Road, is an area of vacant land (formerly occupied by a public house) comprising around 0.1 ha in size. The site is subject to a planning permission granted in 2016 for nine residential development (application ref. 16/00509/FUL). This site comprises just 0.1 ha and is not large enough to accommodate the proposed development. In addition, the location of this site, within a residential estate, is such that it is unlikely to have sufficient visual prominence to be commercially attractive to operators of the type proposed on the application site at Pennywell Estate (which lies immediately adjacent to the A183 Chester Road). As a result, it would also not be able to serve the same catchment area as the proposed development. On this basis, it is not considered suitable.

City Centre Gilley Bridge Car Park 0.2 ha. The site is located to the west of the Vaux redevelopment site. It is subject to several planning applications associated with the redevelopment of the wider Vaux site and is not considered to be available for the proposed development. This site comprises just 0.2 ha and is too small to accommodate the proposed uses, including associated parking/servicing areas and the drive-through facility. In addition, whilst the site is located adjacent to a major thoroughfare through the city, its position on the roundabout would make it difficult to provide a safe and convenient point of access. Furthermore, both prospective operators have outlets in Sunderland City Centre which already cater for people visiting the city centre for other reasons. The proposed development would serve a different, and complementary, catchment, serving employees at Pennywell Estate, as well as residents in the surrounding area and catering for passing trade along the A183 Chester Road. The site is therefore not suitable for the proposed development.

City Centre Former Vaux Brewery 5.8 ha The former Vaux brewery site is located to the north of the defined Primary Shopping Area (PSA) in Sunderland City Centre. A hybrid (full/outline) planning permission was granted in August 2016 for a major mixed-use development on the site. The approved scheme includes 6,219 sqm of offices, 201 residential units, and a total of 3,499 sqm of additional floorspace within Class B1, C1, D1, D2, A3, A4 and A1 uses, along with access, parking, landscaping, and public realm. The site is also proposed to be allocated in the

Sunderland Core Strategy Publication Draft 2018 (Policy SS1) as a new urban core gateway including 60,000 sqm B1 (a) floorspace, 200 new homes (C3 use) and a hotel (C1 use). In the context of the above, the site is likely to come forward an alternative form of development. Although the approved scheme includes Class A1 and A3 uses, any such floorspace here would be likely to perform a different (and complementary) role and function to that proposed at Pennywell – serving workers, shoppers, and other visitors to the city centre. This site is therefore neither suitable nor available to accommodate the proposed development.

North of The Bridges Shopping Centre. The site was formerly occupied by the Crowtree Leisure Centre, which was largely demolished in 2013.

Planning permission was granted in October 2016 for the erection of a new retail unit on the site, comprising up to 4,180 sqm gross, along with parking, servicing provision and landscaping, as an extension to The Bridges shopping centre (which lies immediately to the south and east). Whilst a number of discharges of condition applications were submitted in 2017, it is unclear as to when this permission is likely to come forward.

Notwithstanding this, however, the subject application proposes a different form of development to that approved on this site, which is unlikely to be considered acceptable in this location, in terms of visual appearance and impact upon the adjacent heritage assets.

In addition, unlike the application site at Pennywell, this site does not benefit from prominence to an arterial route. Furthermore, both prospective operators have existing outlets within Sunderland City Centre – serving a different (and complementary) role and function to those proposed in the current application. This site is therefore not suitable for the proposed development.

City Centre Vacant land and buildings in between Nile St and Villiers St 1.2 ha This site is occupied, in part, by various uses, including a gym and surface car parking. The site does not benefit from any frontage to a main vehicular route, which is an important commercial requirement of the proposed end occupiers. It is also located over 5 km to the east of the application site and could not therefore serve the same catchment area as the proposed development. It is therefore considered neither suitable nor available to accommodate the proposed development.

As such, this section assesses the potential alternative sites that have been identified within/on the edge of each centre.

The statement states that the two intended operators have specific business model requirements to explain why the proposed site is suitable and why alternative sites within centres in Sunderland would not be suitable.

In respect of Starbucks, it does not generally occupy centres with local or neighbourhood catchments such as the district and local centres referred to in the list above. In respect of Greggs, it is evident that although satisfying demand in smaller and more localised catchments is part of its business model, the company already operates 19 outlets across the city centre and various district and local centres in Sunderland and is satisfying demand in these locations. The company's evolving business model now includes the expansion of new outlets into locations with much larger catchment areas.

It is therefore considered that the sites considered within the assessment would not be suitable for the operators and the site fulfils the sequential test in compliance with Policy VC1 of the CSDP.

With reference to Policy S1 of the UDP and Policy VC2, the Planning Statement (Section 6) and Appendix 1 submitted with the planning application sets out that:-

'Given the limited scale of the development, the likely end occupiers, and the catchment area from which they will draw trade, any diversion of trade would be spread over a large number of facilities, and over a wide area, reflecting the catchment area of the site. The proposed development is unlikely to threaten any one individual business or materially affect the overall turnover of any designated centre in the area'.

The character of the southeastern aspect of the employment area (where the site is located) has changed substantially with a range of other main town centre uses all being implemented on the neighbouring plots. The site's location (within the southeast corner of the site) is therefore separated from the industrial units in the rest of the employment area. Given this unique circumstance, it is considered that a non-employment development could be considered acceptable here despite the conflict with CSDP Policy EG2. It should also be noted that another main town centre use has also been approved for this plot and does represent a fallback position.

In light of the matters addressed above, it is considered that this parcel of land is considered to provide an acceptable area in terms of land use for the development proposed.

DESIGN AND IMPACT UPON STREET SCENE AND AMENITY.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

It also states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Section 5.23 of the Supplementary Planning Document relates to space around the home and will assess the external space afforded to the property.

Furthermore, it seeks to ensure the delivery of sensitive and appropriately designed sustainable residential development and is a guide to be used by the Local Planning Authority in the determination of planning applications for residential development. To achieve and retain acceptable levels of space, light and privacy set out in the recommended standards for spacing between dwellings as follows:

Main facing windows (living rooms, kitchens, and bedroom),

- 1 or 2 storeys - minimum of 21m from any point of facing window.
- 1 or 2 storey properties - minimum of 14m from any point of main window;

Regarding amenity, it was noted that the proposed kiosk for Unit 2 would be positioned within close proximity (approximately 12.7 metres) from the rear of the properties to the east with differing site levels.

The applicant submitted an amended section detail which demonstrates the line of sight from the payment kiosk could be screened erecting a fence up to a height of 2.6 metres to protect the amenity of the windows to the dwellings. Hedge screening would also be provided to offer a buffer along the site boundary against the rear boundary of the dwellings.

The design of the building would be in keeping with the existing commercial units using a similar roof design and colour palette of materials. Any advertisements would be the subject of separate applications under the advertisement regulations.

Furthermore, regarding the impact upon amenity, the proposal should be assessed against CSDP Policy HS1 Quality of life and amenity which covers air quality, noise, dust, vibration, odour, emissions, land contamination, illumination, run-off to protected waters or traffic. In addition, Policy HS2 which states that, development sensitive to noise or which would does not adversely impact on these receptors 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.

The Council's PPRS Team commented that they have reviewed the noise assessment and information submitted with the planning application and have no objections subject to the imposition of conditions identified earlier in this agenda report.

The noise assessment concludes that, based on the opening times quoted and essentially concludes that the resulting noise from the operation of the proposed units will not significantly impact occupiers of the dwellings, due to the presence of the 2m noise barrier between the noise sources (proposed units) and the receptors (dwellings), the existing noise climate affecting the immediate area, no activity to be at the units between 23.00 and 05.00 and a suitable selection of external fixed equipment on the units.

No detail is provided on proposals for extraction equipment serving the food preparation areas of the units. This should be provided, and suitable odour abatement measures incorporated where necessary. A condition is recommended to ensure that the design of the extraction systems is suited to the premises, cooking styles and the immediate external environment.

The design of the system is informed by the outcome of an odour risk assessment and may include grease pre-filtration, mechanical extraction, and odour abatement such as carbon filters or odour neutralisation by ozone dosing. The applicant should submit a detailed scheme for the approval of the LPA. A risk assessment proforma is provided for assistance.

A CEMP should be provided that identifies all potential environmental impacts arising from site preparation and construction that may have adverse local impacts and affect nearby occupiers. The plan should include, but not necessarily be limited to the following:

- Site working times
- Identification of sensitive receptors
- Location of site compound and materials storage

- Control of noise and vibration
- Management of dust arising from site works including the cutting of masonry products and vehicle movements on site roadways
- Minimisation of air pollution from vehicles and temporary plant
- Site lighting
- Prohibition of burning of waste and vegetation

The proposal subject to the above conditions would be considered to comply with Policies BH1, HS1 and HS2 of the CSDP.

CONTAMINATION

Policy HS3 of the Core Strategy and Development Plan states, when development is 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 would 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 of the environment including the apparatus of statutory undertakers.

The Council's Land Contamination Consultant reviewed the information submitted with the planning application and concluded that further revision was required with regard to the remediation strategy.

An updated Remediation strategy was submitted and further comments from the Land Contamination Consultant advised that the proposal was now acceptable.

HIGHWAY SAFETY

Policy ST2 of the Core Strategy states that proposed development should retain off street parking in the interests of highway safety.

Policy ST3 of the CSDP states that development should 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 accident or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users.

Include a level of parking and cycle storage for residential and non-residential development, in accordance with the Council's parking standards.

Provide an appropriate level of electric vehicle parking and charging infrastructure for commercial and non-residential development to suit specific requirements and make provision for the installation of home charging apparatus on major residential schemes.

The Council's Highways and transportation offered no objections to this proposal; however the applicant should supply the following information to aid clarification:

- o Site floor plans and building elevations for Unit 2, if these are available
- o Further clarification on servicing and delivery details for Unit 2, as specified 3.1.2. It is recommended planning conditions are placed on:
 - o Provision of a CEMP, prior to start of on-site works
 - o Undertaking activities set out in the attached Travel Plan Statement to promote sustainable travel and reduce car dependency

The agent confirmed that regarding servicing arrangements for Unit 2, we can confirm that it is the intention to use the proposed 'waiting bay', as denoted in the attached Site Plan. Servicing for Unit 2 will take place during closing hours which, in this instance, is between the hours of 10pm and 6am.

The council's Highways and Transportation Team commented that the proposal is now acceptable in compliance with Policies ST2 and ST3 of the CSDP.

ECOLOGY NATURAL HERITAGE

Policy NE2 of the CSDP relates to Biodiversity and geodiversity.

1. Where appropriate, development must demonstrate how it will:
 - i. provides 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.

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.

Section 3.33 of the SPD states that in some cases, it will be necessary to ensure a development proposal will not result in harm to protected species and habitats. This is more likely to be a consideration if the application property was built prior to 1960, if it features timber cladding, weatherboarding or tile hanging and/or it is within or close to open countryside, woodland or mature trees, a pond, lake, stream or river, or a designated wildlife site. Where there is a risk of harm to protected species or habitats, your application will have to be accompanied by a risk assessment or full ecological survey. If any harm identified cannot be successfully mitigated or managed, it may be necessary to refuse planning permission.

The application is supported by an amended site plan and BNG Assessment received on 21.2.23 which identifies the planting and trees proposed within the site. The decision would be conditioned to maintain the landscaping of the surrounding building in order to protect the visual amenity of the area in accordance with policies NE2, NE9 and NE3 above.

The Council's Ecology Team reviewed the information and are satisfied the development accords with the relevant CSDP policies.

FLOODING

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact. Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is

- i) connection to a public sewer,
- ii) ii) package treatment plant, and then
- iii) iii) septic tank.

It should be noted that as the proposed development is not classified as a 'major' development then the advice provided by the LLFA, below, are doing so in a non-statutory capacity. The planning application was accompanied by a Flood Risk Assessment which was subsequently revised on 16 May 2023 following initial comments made by the LLFA.

In response to the information received on 16 May 2023 the LLFA confirm that some of the issues raised within the first consultation response have now been resolved, however two main issues remain and are detailed as follows:

1. One area is still not receiving enough treatment according to the drainage strategy.
2. Sufficient reasoning still hasn't been given as to why the site cannot discharge to the culverted watercourse. To rule out this option levels would need to be provided to prove that it cannot be achieved using a gravity pipe.

A further response was provided by the agent in respect of the above matters however this failed to meet with the satisfaction of the LLFA. Consequently, and based on the agent's advice that they wished for the application to be determined based on the information submitted to date, the LPA are content that a design solution does exist to overcome the concerns that remain outstanding whilst ensuring that the sewer floor risk in the area is not increased because

of this development. As such, an appropriately worded planning condition will be imposed should members be minded to approve the application.

Subject to the surface water drainage details being agreed by the LLFA, and subject to the discharge of and compliance with the recommended conditions (including any conditions recommended by the LLFA), it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage. It is therefore considered that the proposed development would accord with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted CSDP.

CONCLUSION

The principle of the development at this location is considered to be acceptable. The application demonstrates that there would be no adverse harm to the visual and residential amenity of the area, highway safety and flooding and complies with the above national and local policies. Subject to the inclusion of the following conditions the proposal is recommended for approval.

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 the draft conditions listed below.

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:
 - Amended landscape plan drawing No.1101.01 Rev F received on 21.2.23
 - Amended site plan drawing No. 3703-FBA-00-XX-DR-A-05_10-102 - P12 received on 21.2.23
 - Amended site cross section plan drawing No. 3703-FBA-00-XX-DR-A-05_10-001 - P5 received on 21.2.23
 - Proposed drainage layout received on 28.6.22
 - Drainage maintenance plan received on 28.6.22
 - Proposed floor plan drawing No. G2998 - AL(0) 101 received on 23.5.22
 - Proposed fit out plan drawing No. G2998 - AL(0) 105 received on 23.5.22
 - Proposed elevations drawing No. AL(0)104 received on 23.5.22
 - Proposed Building Sections received on 23.5.22
 - Impermeable areas plan received on 17.5.22
 - Proposed roof plan received on 11.3.22
 - Sections plan received on 11.3.22
 - Location plan received on 11.3.22

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. Prior to the commencement of construction, a CEMP shall be submitted for the agreement of the LPA. The plan shall identify the potential environmental impacts arising from construction of the development and the mitigation measures to be implemented to protect nearby occupiers in order to comply with Policies HS1 of the CSDP.
4. Prior to the use of the development a scheme of odour control shall be submitted in relation to each proposed unit for the approval of the LPA together with an odour risk assessment. The approved scheme shall be implemented and maintained for the life of the proposed development in order to comply with Policy HS1 of the CSDP.

5. The proposal should be carried out in full accordance with the submitted landscape plan drawing number 1101.1 Rev F received on 21 February 2023 and should be maintained thereafter. In order to comply with Policy NE3 of the CSDP.
6. 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 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

7. 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

8. Notwithstanding the submitted landscape proposals, a revised landscape plan shall be submitted within 3 months of the permission. The revised scheme shall be in general conformity with that submitted in support of the application (drawing number: 1101.01 Rev F, by DP Landscape Architecture), but shall ensure spacing of standard trees is sufficient to ensure good canopy spread and a healthy specimen tree. The quantity of trees shall not be less than 25, with native species selected with expected diameter at breast height at least 30 cm at 30 years from planting in order to comply with Policies NE2 and NE3 of the CSDP.

9. Notwithstanding the information submitted a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.

- a) Description of features to be managed and installed, which shall include standard trees and butterfly bunds as detailed in the revised landscape plan (provided in pursuant to condition XX).
- b) Aims and objectives of management.
- c) Appropriate management options for achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details and as such would comply with the requirements of Policies NE2, NE3 and NE9 of the CSDP.

10. The proposal should not be used outside the hours of 05:00 and 22:00 Monday to Saturday and 06:00 to 0600 Sundays and Bank Holidays in order to protect the amenity of the adjacent properties and comply with Policy HS1 of the CSDP.

11. Notwithstanding details submitted, the development hereby permitted shall not commence until full details of a foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority (in conjunction with Northumbrian Water and/or the Council's Lead Local Flood Authority), and the development hereby permitted shall not be occupied until the approved scheme has been implemented / installed in accordance with the approved details.

Reason - To ensure that an appropriate method of connection to the existing sewerage network is achieved, to prevent the increased risk of flooding from any sources, to ensure satisfactory surface water drainage for the site, and to comply with Policy WWE2, Policy WWE3 and Policy WWE5 of the adopted Core Strategy and Development Plan.

Reference No.: 22/02390/FUL Full Application

Proposal: **Proposed Open Storage of Caravans (Use Class B8), and the erection of boundary fencing, vehicle access gates and associated hardcore surfacing**

Location: Land North Of Mulberry Way, Dubmire Industrial Estate, Fence Houses Houghton-le-Spring

Ward: Houghton
Applicant: Jay Storage Ltd
Date Valid: 18 November 2022
Target Date: 17 February 2023

PROPOSAL:

Planning permission is sought for the open storage of caravans (Use Class B8) on land north of Mulberry Way, Dubmire Industrial Estate, Houghton-le-Spring. The proposed development would include the erection of new boundary fencing and new vehicle access gates.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site currently comprises 2.38 ha of under-utilised land within Dubmire Industrial Estate. Dubmire Industrial Estate is a well-established area of industrial land and buildings comprising a variety and mix of operational businesses.

The application site has an existing aggregate surface amongst unmanaged areas of grassland, and is enclosed by a palisade fence restricting public access. Vehicle access into the site is currently from Cherry Way to the east of the site. Moors Burn is positioned beyond the application site boundary but flows along the northern and eastern edges of the site.

THE PROPOSED DEVELOPMENT

Application details state that the proposed development would seek to store touring caravans at the site. A total of 188 bays would be provided measuring approximately 8.1 metres by 3 metres in area.

The existing site entrance would be utilised to the west side of the site. The existing portacabin / office on site would be retained and maintained for office facilities. This building contains a waiting room, WCs and office facilities.

A two-metre high palisade fence is proposed for new boundary treatment, which would coordinate with the typical boundary treatment of the surrounding industrial estate. The proposed new gates would be of a similar design. The gates and fencing would be of unpainted galvanised steel.

Existing embankments, trees and hedgerows along the site boundary would be retained and appropriately landscaped to reduce the visual impact of the proposed development from the wider area.

The proposed vehicle and pedestrian accesses would utilise the existing accesses from Cherry Way to the west. This would lead to a visitor car park (11 no. parking spaces - 3 no. for staff and 8 no. for visitors), with an area for cycles also provided. The proposed development would include the erection of additional separate vehicle and pedestrian accesses into the main part of the storage area. The layout within the application site is designed to use a one-way traffic system to enable safe parking of caravans with wider two-way access roads.

Application details state that the area of the site to be used for storage would be scraped and cleared of debris, and a non-permeable aggregate laid (large gravel format) to maintain a good quality surface for access and which would also be free draining. The site would therefore remain permeable. The existing portacabin / office would be linked to the existing mains sewers and other statutory service connections along Cherry Way.

The application has been supported by the following documents:

- Supporting Planning Statement by Hedley Planning Services (dated September 2022) received 18/11/2022
- Design and Access Statement (Revision 03) by Blake Hopkinson Architecture and Design Limited (dated 17/02/2023) received 20/02/2023
- Archaeological Desk-Based Assessment by PCA (dated September 2022) received 31/10/2022)
- Phase 1: Geo-Environmental Site Assessment by Ergo Environmental Ltd (dated February 2023) received 08/02/2023
- Ecological Assessment by OS Ecology (dated January 2023) received 25/01/2023
- Transport Statement by Milestone Transport Planning (dated September 2022) received 31/10/2022
- Air Quality Screening Assessment by njd Environmental Associates (dated September 2022) received 28/10/2022
- Flood Risk and Drainage Assessment (Report Number MD1653/rep/001 Rev B) by M Design received 10/02/2023
- Arboricultural Method Statement by Elliott Consultancy Ltd (dated September 2022) received 28/10/2022
- Correspondence from Frew Pain & Partners (dated 19/06/2023) received 20/06/2023
- Biodiversity Net Gain Assessment by OS Ecology (dated June 2023) received 21/06/2023
- Biodiversity Net Gain Metric received 21/06/2023
- Response letter by Hedley Planning Services (dated 21 June 2023) received 21/06/2023

PLANNING HISTORY

There is no planning history of relevance to the determination of this planning application.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Land Contamination

Cllr John Price
Cllr Mark Burrell
Cllr Juliana Heron
Planning And Highways
Flood And Coastal Group Engineer
Planning Policy
Environmental Health
Network Management
Business Investment
Natural Heritage
Tyne And Wear Archaeology Officer
Land Contamination
Environment Agency
Northern Gas Networks
Northern Powergrid
Northumbrian Water
Northumbria Police
Environment Agency

18E Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Vacant Property 17C Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Vacant Property Unit 23D Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Vacant Property 17A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RG
Vacant Property 18I Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
LRN Distribution Limited 19B Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
DH4 5RJ
Trifix Electronic Services Limited 18B Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring DH4 5RJ
Cre8 Print And Sign Limited Unit 23B Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring
Unit 23C Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Redrose Manufacturing Limited Unit 22B Cherry Way Fence Houses Industrial Estate
Houghton-le-Spring
Re Pet Limited 15 Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Oakville Sedgelych Road Houghton-le-Spring DH4 5NQ
Biz Space (NE) Limited Unit 23A Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring
Litho Devices Limited Unit 22A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Redrose Manufacturing Unit 21B Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring
Redrose Manufacturing Limited Unit 21A Cherry Way Fence Houses Industrial Estate
Houghton-le-Spring
Temptation Brewery Company 18D Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring DH4 5RJ
Trifix Electronic Services Limited 18C Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring DH4 5RJ
Attractions 17D Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Trifix Electrical Systems Limited 18A Cherry Way Fence Houses Industrial Estate Houghton-le-
Spring DH4 5RJ
Farrier Services 19D Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
LWC Limited Mulberry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RH
L And B Cook Motorsport Limited 19C Cherry Way Fence Houses Industrial Estate Houghton-
le-Spring DH4 5RJ

G And J Wood Machinery Limited 18G - 18H Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Auto Items Limited 17B Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
RE Pet Limited Unit 16 Cherry Way Fence Houses Industrial Estate Houghton-le-Spring
Imperial Blinds 18F Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
N.E.Express Limited 14 Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
The Manager Braeside Sedgeleth Road Houghton-le-Spring DH4 5NQ
Act Europe Ltd Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ
Specialist Services 19A Cherry Way Fence Houses Industrial Estate Houghton-le-Spring DH4 5RJ

Final Date for Receipt of Representations: **27.12.2022**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, site notices being displayed adjacent to the site and a notice being posted in the local press.

Press notice expiry date: 27/12/2022

Site notice expiry date: 27/12/2022

Neighbour notifications expiry date: 13/12/2022

Consultation expiry dates: 13/12/2022, 20/12/2022, 01/03/2023, 06/03/2023, 07/03/2023 and 20/03/2023

The following consultees were consulted on the application.

- Flood Risk and Coastal Group (the Lead Local Flood Authority)
- Planning Policy
- Public Health
- Transport (the Local Highway Authority)
- Business Investment
- Natural Heritage
- Tyne and Wear Archaeology Officer
- Land Contamination Advisor
- Environment Agency
- Northern Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Ward Councillors

Neighbour Notification Responses

Owner / occupier of 21 Flixton, Houghton-le-Spring

- Inappropriate development
- Over-development
- Traffic generation - There has been a lot of issues with traffic already on Mulberry way - the access in to the LWC has caused a lot of issues with large lorries queued on Mullberry way. The proposed development is going to increase traffic around that area.

- Impact on habitat - Land where trees have been flattened and pushed towards the stream used to have wildlife such as herons, ducks and wild deer - that habitat has been removed. Bats and owls could be seen or heard when it was getting dark in that area.
- The site should have been landscaped towards the stream with a walkway for the public, then maybe some of the wildlife would not have disappeared.

Internal consultee responses

Environmental Health

No objections subject to a condition being attached to any planning permission to require the applicant to submit a Construction Environmental Management Plan (CEMP).

Other comments made are summarised as follows:

- Whilst application details indicate large numbers of caravans to be stored at the site, it is located on the outer margin of the industrial estate. Other than traffic movements there would be no anticipated significant impacts arising from the operation.
- Given that security or operational site lighting may be required, this should be designed, located and rated to prevent spill or glare impacting sensitive receptors off-site.
- The conclusions of the air quality screening assessment are agreed with - the proposed development would have no adverse impacts upon local air quality.
- A CEMP is required. Sensitive receptors are some residential to the north, a water course (Moor Burn) to the eastern boundary, and commercial/industrial operators on the industrial estate that may be sensitive to dust.

Flood and Coastal Team (the Lead Local Flood Authority)

First representation

In relation to flood risk and drainage it is considered that the proposed caravan storage park would be acceptable. No conditions are required as there are no changes to the current site levels or permeable surface. However, the Environment Agency have requested additional information to be added to the Flood Risk and Drainage Assessment, and so the Lead Local Flood Authority should be re-consulted when the revised information is submitted.

Second representation

No further comments to make in relation to the amended Flood Risk and Drainage Assessment submitted.

Transportation Development (the Local Highway Authority)

First representation

Insufficient information has been submitted.

- The submitted plans giving details of the swept path analysis of a car towing a twin wheeled caravan is not acceptable as the dimensions of the twin wheeled caravan do not meet the 26ft 2in (8 metre) specification of a twin wheel caravan. A revised block plan should be submitted demonstrating a car towing a caravan, to show that the site can accommodate 2 vehicles with 8-metre caravans passing without conflict. This is to ensure that the proposed aisles width, access width and radii at the access are of adequate geometry, and to demonstrate that parking and manoeuvring from each bay can be achieved.

- The submitted plans show 6.1 by 3.0 metre bays. Whilst the width of the bays is acceptable, the length of the bays will not accommodate an 8 metre twin wheel caravan, and there would be the potential of caravans being obstructed due to overhang from bays. The applicant is required to revise the plans showing the bays to meet the 8 metre length to accommodate a twin wheel caravan.

Second representation

The applicant has provided a revised swept path analysis along with a revised plan showing 8 metre bays which are considered acceptable. There are no further highway safety concerns arising from the proposed development.

Land Contamination Advisor

First representation

The Phase 1 Environmental Site Assessment should be updated to provide / clarify various matters. Given the nature of the development proposed, and on the assumption that satisfactory responses are received in relation to asbestos containing material (ACMs) and the existing stockpiles, it is likely that a condition should be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Second representation

It remains unclear if stockpiled materials are site-won or imported. Further recommendations are therefore required based on the nature of the stockpiled material. If necessary, appropriate testing should be undertaken on soil samples recovered from these stockpiles to either undertake waste classification assessment for off-site disposal or validation sampling to confirm that materials are chemically and geotechnically suitable for reuse on site in accordance with the requirements of current guidance (CL:AIRE Definition of Waste: Code of Practice (DoWCoP)). Either additional detail on the proposed use of the stockpiles at the site should be included in a revised Phase 1 report or a Phase 2 report should be submitted upon completion of appropriate testing of the stockpiles.

Case Officer Comments: The applicant's agent was made aware of the above comments, and they responded by stating that they would prefer a Phase 2 Contamination Ground Investigation Report to be controlled by way of a condition attached to any planning permission (instead of providing an amended Phase 1 report prior to the application being determined).

Natural Heritage

First representation from Council's Ecology Advisor

Holding objection

The Ecological Appraisal submitted notes that a Biodiversity Net Gains assessment should be provided in support of the planning application to demonstrate how the proposals would result in a net gain for biodiversity, in line with adopted local and national policies. This is of particular importance given that the site lies within a designated Wildlife Corridor, and the assessment should be based on the habitats present before the site was cleared, in line with current best practice guidelines. No further ecological surveys or assessments are considered necessary to inform the proposals at this stage, with appropriate working methods, mitigation and compensation measures to be secured via condition.

Second representation from Council's Ecology Officer

Objection

Prior to site clearance in 2020 the site supported a mosaic of mature scrub and grassland. These are likely to have been more suitable for birds and foraging bats than the habitats upon which the Ecological Appraisal (January 2023) is based. Significant harm to protected and priority species cannot be ruled out based on the assessment information submitted in support of the application. The proposed tree works include crown lifting a sycamore (T1), which has been assessed as low bat roost potential in the Ecological Appraisal. Any works to this tree would need to proceed under a method statement to ensure that significant harm does not occur.

Taking into account the pre site clearance baseline, a significant adverse impact on the value and integrity of a wildlife corridor has occurred. Some off-site habitat enhancement works are proposed. However, the extent of these works is not considered to be a suitable replacement for the loss of the functionality of the corridor. On-site enhancements are only possible due to the vegetation clearance work that has occurred prior to engagement of an ecological consultant and production of the supporting ecological information. As this clearance work is itself inappropriate it is not therefore appropriate to consider these measures as a genuine enhancement of the corridor.

In relation to Biodiversity Net Gain (BNG), the calculation used within the Biodiversity Metric is accurate. A net loss in biodiversity is contrary to Policy NE2, which requires a net gain where appropriate. Given the scale of the proposed development and the location of the application site within a wildlife corridor and wildlife network, it is considered appropriate to require BNG. Furthermore, the high quantum and proportion of loss are relevant considerations in the planning balance. As stated within the supporting information, off-site compensation is required to provide BNG. The applicant's agent has indicated that the scheme is unable to provide this compensation but asserts that the enhancements proposed outweigh the net loss in biodiversity value. The BNG calculation demonstrates the contrary.

The proposed development would not accord with Policy NE1 'Green and blue infrastructure' of the adopted which seeks to ensure that development supports the management of existing wildlife corridors. It would also not accord with Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP as the proposed development has not demonstrated that it would not avoid or minimise adverse impacts on biodiversity, it would have a significant adverse impact on the value and integrity of a wildlife corridor, and it would not provide biodiversity net gains.

Business Investment

No response received

External Consultee responses

Environment Agency

First representation

Objection due to the submission of an inadequate Flood Risk Assessment (FRA). The submitted FRA does not therefore adequately assess the flood risks posed by the development

Objection due to insufficient information submitted to assess the impact on Priority Species, due to the likely affect that the proposed development would have on the Moors Burn corridor and habitats on site. Insufficient details of mitigation or compensation measures have been submitted to address any identified risks.

All of the recommendations set out in the submitted Arboricultural Method Statement and Impact Assessment, and the Ecological Appraisal should be carried out.

Second representation

No objections subject to conditions being attached to any planning permission to ensure that the proposed development would be constructed in accordance with the mitigation measures within the submitted Flood Risk Assessment, and to require the submission of a Construction Environmental Management Plan (CEMP) which should include a Sediment Management Plan, a Biosecurity Plan, a Pollution Prevention Plan, a vegetation clearance and habitat protection plan, and a Protected Species Protection Plan.

Advice to applicant provided regarding an Environment Permit and in relation to the applicant signing up for flood warnings.

Tyne and Wear Archaeology Officer

The submitted archaeological desk-based assessment concludes that the site has moderate potential for medieval archaeology due to the potential for a medieval mill (HER 327) and high potential for post-medieval archaeology due to the presence of Sedgeleth mill and associated mill race (HER 3139). It concludes that intrusive groundworks such as ground reduction works have the potential to impact any surviving underlying archaeological deposits, features and or structures.

The site appears to have been recently stripped and potentially levelled in the 1990s. The depth of this intrusive work is unknown. Despite these works, there remains potential that archaeological remains survive within the application site. While the proposed development may require limited intrusive groundworks in association with the installation of hardstanding, archaeological monitoring would be required during the undertaken of any intrusive groundworks, including but not exclusive to drainage, utilities and landscaping. It is recommended that conditions be attached to any planning permission in relation to an archaeological watching brief being undertaken, and a report of the results of observations of groundworks being submitted to and approved in writing by the Local Planning Authority.

Northumbrian Water

No comments to make as the flood risk assessment states that no connections would be made. If plans do change and a surface water connection is required, we would insist that the applicant connects to the surface water sewer at a restricted rate of 3.5l/s. If any further connections are required for foul water this can be dealt with through a Section 106 sewer connection application.

For information a public sewer crosses the site and may be affected by the proposed development.

Northern Gas Networks

No objections

Northern Powergrid

No objections

Northumbria Police

No objection to the proposed development. However, we would recommend that the design of the main gates is reviewed. The hinges are too exposed, and the locking arrangements should incorporate better cowling for the padlocks; or preferably the gates themselves should be supplemented with drop down bollards immediately inside that would be raised outside hours of trading/access and prevent the gates being opened if the padlocks are attacked.

Ward Councillors

None received

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 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) 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 (including noise and air quality).
4. Impact on highway and pedestrian safety, and sustainable travel.
5. Impact on ecology.
6. Impact on flooding / drainage and water quality.
7. Impact in relation to land contamination.
8. Impact on archaeology; and
9. Impact on trees

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council,

working with local communities, its partner and key stakeholders will create at least 7,200 new jobs particular in key growth sectors, and develop at least 95ha of employment land. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of existing communities through the growth and regeneration of Sunderland's sub areas including the Coalfield, by delivering the majority of development in the Existing Urban Area, and by emphasising the need to develop in sustainable locations in close proximity to transport hubs.

Policy SP6 'The Coalfield' of the adopted CSDP states that The Coalfield character and settlements will be protected whilst ensuring its future sustainability. It states that in order to achieve this, the economic development will be focussed on identified Employment Areas (Policies EG1 and EG2).

The proposed development would contribute to delivering growth and sustainable patterns of development by developing employment land, within the Existing Urban Area, and in a relatively sustainable location. It would contribute to the regeneration and future sustainability of The Coalfield, by focussing an employment use (storage) on an identified Employment Site - in this case a 'Key Employment Site' designated under Policy EG2 of the adopted CSDP (see 'Economic Growth Policies' immediately below). On this basis it is considered that the proposed development would accord with strategic Policy SP1 and strategic Policy SP6 of the adopted CSDP.

Economic Growth Policies

Policy EG2 'Key Employment Areas' allocates Key Employment Areas (KEA) to safeguard them for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) uses. This includes xv. Dubmire - KEA15. KEAs are those existing employment areas which are still required to meet anticipated needs for employment floorspace over the plan period but are recognised as older and less effective employment areas, in locations of weaker demand.

Since 1st September 2020, uses falling under Class B1 now fall under Class E(g) 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application site is part of a wider site allocated under Policy EG2 'Key employment areas' (xv. Dubmire - KEA15) of the adopted CSDP. The proposed development would seek to deliver a use (Use Class B8 'storage') which would comply with the designated employment area allocation. Therefore, the proposed development would accord with economic growth Policy EG2 of the adopted CSDP.

Summary

Given the above assessment it is 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 seeks to achieve high quality design and positive improvement. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. It states that development should assist in designing out crime, create visually attractive and legible environments, provide landscaping as an integral part of the development and provide visually attractive areas for parking.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water resources, carefully source materials, provide for flexibility and adaptability, enhance biodiversity, and include a sustainability statement.

The proposed development would be part of an existing employment area. The height of the touring caravans to be stored at the site would be considerably lower than the adjacent factories and industrial buildings. The existing portacabin / office to be retained has no unacceptable visual impacts, and the proposed fencing would be in keeping with existing boundary treatment elsewhere in the industrial estate. At this industrial estate (a non-sensitive location), it is considered that the proposed development would be of an acceptable scale, layout, and appearance. It would have no unacceptable visual impacts when viewed from the public domain including Cherry Way, and over a distance from Mulberry Way.

If planning permission is to be granted, it is recommended that a condition be attached to any planning permission to require the operational development to be constructed in accordance with the external building materials as specified in the application.

In relation to soft landscaping, existing embankments, trees, and hedgerows along the site boundary would be retained and appropriately landscaped. Proposed landscaping would largely relate to ecology enhancements (see 'Impact on ecology' below). However, it would also provide some visual enhancements, and so if planning permission is to be granted it is recommended that a condition be attached to any planning permission to require the submission of a detailed landscape scheme (to be read in conjunction with any ecology requirements). Hard landscape would be acceptable.

No lighting is proposed as part of this planning application, which has been confirmed in writing by the applicant's agent

In relation to designing out crime, Northumbria Police have raised no objections. However, they have stated that the design of the main gates which could be amended to improve site security. If planning permission is to be granted, it is recommended that an informative be attached to any planning permission to make the applicant aware of this.

The applicant has considered sustainable design and construction. However, in this case the amount of building work is limited to the construction of new steel palisade fencing and re-surfacing. Energy supply would be limited to the existing site cabin and the layout of the site could be easily modified in the future. Flooding and impacts on biodiversity value have also been considered - see 'Impact on ecology' and 'Impact on flooding/drainage' below.

Concerns raised in a representation regarding the proposed development being inappropriate and over development of the site are noted. However, for the reasons set out above it is considered that this would not be the case. Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and impact on visual amenity. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

3. Impact on residential amenity (including noise and air quality)

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 air quality, noise, dust, vibration, odour, emissions, and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that 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.

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.

Given the nature of the proposed development and separation distances to nearest residential properties, it is considered that it would have no unacceptable impacts on the occupiers of neighbouring residential properties in relation to privacy, outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development in relation to air quality, noise, dust, or other emissions. The application site is located at the edge of an industrial estate. However, they have suggested that a condition should be attached to any planning permission to require the submission of a Construction Environmental Management Plan (CEMP) - to ensure potential impacts associated with the construction of the development are identified and prevented or minimised.

Given the comments from the Council's Environmental Health Officer, if planning permission is to be granted, it is recommended that their suggested condition in relation to the CEMP be attached to any planning permission. If planning permission is to be granted, it is also recommended that an informative be attached to any planning permission to provide the applicant with further details regarding the information that should be included within the CEMP.

Subject to the compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of any existing sensitive receptors in the vicinity of the application site, either during the construction process or when it is in use / operation. It is therefore considered that the proposed development would accord with Policy HS1, Policy HS2 and Policy BH1 of the adopted CSDP.

4. Impact on highway and pedestrian safety, and sustainable travel

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 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; they are assessed and determined against current standards for the category of road; and they will 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; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards, and that planning

applications should include Transport Statements / Travel Plans where necessary demonstrating no detrimental impact to the existing highway.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development (see their comments summarised above). This follows the submission of a revised swept path analysis and a revised proposed site plan illustrating that bays would be eight metres in length.

Concerns raised in a representation in relation to traffic generation are noted. However, given the comments from the Council's Transportation Department, it is considered that the proposed development would be acceptable in relation to highway safety and sustainable travel. The proposed access / turning arrangements, caravan bay lengths, car parking and cycle parking would all be acceptable. However, if planning permission is to be granted it is recommended that a condition be attached to any planning permission to require hardstanding areas, caravan parking bays, car parking bays and cycle parking be installed / constructed as per submitted details, and then made available for their designated purposes. If planning permission is to be granted it is also recommended that a condition be attached to any planning permission to ensure that the caravans can only be stored within the designated caravan parking bays, and at no other location within the application site. This is to maintain acceptable manoeuvrability within the site, and in the interests of highway safety.

Given the above, it is considered that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety, and it would be acceptable in relation to sustainable travel. Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on ecology

Policy NE1 'Green and blue infrastructure' of the adopted CSDP states that development should support the management of existing wildlife corridors - to contribute to maintaining and improving the Green Infrastructure Network.

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity. It states that development should avoid or minimise adverse impacts on biodiversity, and that 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.

Impact on protected and priority habitats

An Ecological Appraisal has been submitted as part of the planning application. It concludes that the proposed development would not impact on any designated sites. It concludes that without appropriate avoidance measures, mitigation and / or compensation, likely impacts of the proposed development would be loss of habitats of low value, low risk of impacts to habitats and species utilising the adjacent Moors Burn, increased disturbance on adjacent habitats, risk of harm to hedgehogs, common toad, small mammals and badgers, damage to crown or roots of retained trees, and pollution of the watercourse. It therefore recommends avoidance measures as follows:

- Avoid lighting that may affect bats;
- Providing a means of escape for mammals from excavations left open over night;
- Tree protection measures; and
- Preparation of a Construction Environment Management Plan (CEMP)).

- It also recommends a compensation scheme as follows
- Landscape planting to include berry and fruit bearing species.
- The inclusion of wildflower areas and mixed scrub planting within the landscape proposals; and
- The erection of bat and bird boxes on retained trees.

The Council Ecology Advisor originally advised that no further ecological surveys or assessments would be necessary to inform the proposed development at this stage, and that appropriate working methods, mitigation and compensation should be secured by conditions. They also advised that although a Sycamore tree to the northwest corner of the site has a low bat roost suitability, any works to this tree would need to proceed under a precautionary method statement. Following the submission of additional information in relation to Biodiversity Net Gains (see the assessment in relation to this below), the Council's Ecology Officer has advised that significant harm to protected and priority species cannot be ruled out based on the Ecological Appraisal submitted. This is because this Ecological Appraisal did not consider the mosaic of mature shrub and grassland on the site prior to site clearance.

The comments from the Council's Ecology Officer are noted. However, site clearance works undertaken were not development requiring planning permission. Whilst the mosaic and mature shrub and grassland on the site prior to site clearance may have been more suitable for birds and foraging bats, these species are afforded statutory protection. It was therefore a legal requirement for the applicant to ensure no harm to birds and bats during site clearance works, and without any evidence to the contrary it must be assumed that the applicant fulfilled their statutory obligation in relation to this. It is therefore considered that in relation to impact on protected and priority species, that the planning application should be assessed based on the original comments from the Council's Ecology Advisor. If planning permission is to be granted, it is therefore recommended that a condition be attached to any planning permission in relation to the avoidance measures and compensation scheme within the submitted Ecological Appraisal, namely:

- Avoiding any external lighting that may affect the site's suitability for bats.
- Any excavations being left open overnight to ensure a means of escape for mammals.
- Trees being protected.
- The submission of a Construction Environmental Management Plan (CEMP).
- Landscaping planting including berry and fruit bearing species, and wildflower areas and mixed scrub planting being provided within the landscape proposals.
- The erection of bat and bird boxes on retained trees.

Comments are noted in relation to Sycamore tree having a low bat suitability and the need for any works to this tree proceeding under a precautionary method statement. However, there is no evidence of bats being present, and in any case, bats are afforded statutory protection. Therefore, if planning permission is to be granted, it would not be necessary nor reasonable to require the submission of a precautionary method statement in relation to works to the Sycamore tree. Instead, if planning permission is to be granted it is recommended that an informative to applicant be attached to any planning permission to remind the applicant of this matter.

Pollution impacting ecology

The Environment Agency has raised no objections to the proposed development in relation to pollution impacting on ecology. However, they have recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with a Construction Environmental Management Plan (CEMP). The CEMP should include a Sediment Management Plan, a Biosecurity Plan, a Pollution Prevention Plan, a Vegetation Clearance and Habitat Protection Plan and a Protected Species Protection Plan; as well as mitigation measures to ensure that the wildlife corridor of the Moors Burn would be sufficiently

protected and compensated for. If planning permission is to be granted, it is recommended that this condition as suggested by the Environment Agency be attached to any planning permission.

Biodiversity Net Gain / Wildlife Corridor

A Biodiversity Net Gains (BNG) Assessment and associated BNG Metric has been submitted as part of the planning application. The existing baseline conditions for the BNG calculation is based on habitats that were in situ in January 2020, and so before the site was cleared. This is in accordance with Paragraph 026 of 'Natural Environment' within National Planning Policy Guidance and in accordance with BNG requirements. The proposed development would seek to provide ecology enhancement areas (areas of grassland, scrub, tree planting and the creation of ponds) both within and adjacent to application site, which would form part of a detailed management plan (to be produced and complied with). However, the BNG Assessment concludes that even with these ecology enhancement areas, the proposed development would result in a net loss in biodiversity units within the habitats element of the metric, with a net loss of 22.32 units (a loss of 79.75%). A gain in the hedgerow element of the metric would be provided with a gain of 0.25 units. It concludes that to deliver BNG in relation to the proposed development, off-site compensation would be required.

The Council's Ecology Officer agrees with the conclusions of the submitted BNG Assessment and associated Metric. They have stated that the proposed development including on-site and off-site ecological enhancements would still result in a significant loss in biodiversity (based on the baseline before the site was cleared in January 2020). This has (and would continue to have) a significant adverse impact on the value and integrity of the wildlife corridor that the application site forms a part. Policy NE2 clearly states that where appropriate developments must demonstrate how they would provide net gains in biodiversity. In this case it is considered appropriate to require the proposed development to provide net gains in biodiversity, given the position of the application site within a wildlife corridor.

Not only would the proposed development not provide BNG, but it would provide a significant loss in biodiversity. On this basis, the proposed development would not accord with Policy NE2 of the adopted CSDP.

Planning Balance in relation to loss of biodiversity

The applicant's agent has sought to demonstrate material considerations that would be sufficient to weigh in favour of the proposed development in the planning balance - relating to viability and the ecological enhancements mentioned above.

In relation to viability, correspondence has been submitted by Frew Pain & Partners which concludes that the proposed development would be unviable if it is considered necessary to provide off-site BNG compensation - which is estimated to be approximately £330,000. It states that the application site has limited attraction for various commercial reasons. It states that the current rent proposed to lease the application site would need a simple 7.5-year payback before the landlord can make any positively generated rental income. It states that further site works required to make the site fit or purpose (fence / surfacing / etc), would be likely to the push the payback up to 10 years before any rental income is forthcoming to the landlord. On this basis, the off-site compensation does not make the land commercially viable for the proposed development.

Whilst the submitted correspondence is noted, it is not a viability assessment. The assertions made within the correspondence are not supported by any evidence and so are not presented in

accordance with National Planning Policy Guidance. It is therefore considered that this correspondence should only be given limited weight in the planning balance.

In relation to ecological enhancements, the applicant's agent has stated that they would provide significant benefits towards the wildlife corridor. They would create a species rich meadow grass seeding, as well as three clay-lined ponds - which the applicant's agent states would provide great ecological enhancements. The applicant's agent states that operational development would deliver ecological gains greater than if the site was sterilised and left to regrow over twenty years.

Whilst the ecological enhancements are noted, they are only enhancements based on the existing biodiversity value of the site (and so post site clearance). It is a matter of fact based on submitted details that the application site had significantly greater biodiversity value prior to site clearance. Paragraph 026 of 'Natural Environment' within National Planning Policy Guidance states that "it may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain)". The applicant's own ecologist acknowledges that the baseline for BNG is based on habitats that were in situ in January 2020. Given that the applicant has destroyed biodiversity within the application site, it is considered that ecological enhancements based on the existing site should be given only limited weight in the planning balance relating to BNG.

The applicant has not demonstrated, based on a robust Viability Assessment, that the off-site compensation required in relation to BNG would make the scheme unviable. The proposed ecological enhancements are based on the existing site, and not the greater biodiversity of the application site before site clearance - which is the baseline required for a BNG Assessment. Given the nature of the proposed development for the storage of caravans, it would not generate any employment which would provide economic benefits.

Overall, it is considered that the materials considerations provided by the applicant's agent would not be sufficient to outweigh the need for the proposed development to provide net gains in biodiversity. However, not only would the proposed development provide no BNG, but instead it would provide a significant loss in biodiversity units, which has a significant adverse impact on the value and integrity of the wildlife corridor. It is therefore considered that the proposed development would be unacceptable with this significant loss in biodiversity. It would not accord with Policy NE2 of the adopted CSDP, and so for this reason it is recommended that planning permission be refused.

6. Impact on flooding/drainage and water quality

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding. It states that development will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment (FRA) that development will not increase flood risk on site or elsewhere, and if possible, reduce the risk of flooding. It states that development will be required to include or contribute to flood mitigation, compensation and/or protection measures, where necessary, to manage flood risk associated with or caused by the development.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact. It states that development must be accompanied by a Flood Risk Assessment where appropriate, and demonstrate that it passes the Sequential Test and if necessary, the Exceptions Test in flood

zones 2 and 3. It should also incorporate a Sustainable Drainage System (SuDS) to manage surface water drainage.

Policy WWE4 'Water quality' of the adopted CSDP states that development that discharges water into a watercourse will be required to incorporate appropriate water pollution control measures.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

Moors Burn is situated beyond the northern and eastern boundaries of the application site. The amended Flood Risk and Drainage Assessment concludes that the majority of the proposed development would be positioned within Flood Zone 1, the lowest risk of flooding. There are small areas along the northern boundary that lie within Flood Zone 2. The site is raised above the nearby Moors Burn by approximately three metres. The existing site is permeable, and this would remain the case following the implementation of the proposed development; therefore, surface water flows would not be increased. A plan will be put in place to ensure that bays would be filled outside of the areas at risk at flooding first. All bays within the flood risk areas would be fitted with an anchor system (such as a chain) to be fixed to caravans to ensure that they would not move during times of any flooding.

The proposed development for a storage use is classed as 'less vulnerable' within the National Planning Policy Framework (NPPF) 'Flood Risk Vulnerability Classification'.

The Environment Agency have raised no objections subject to conditions being attached to any planning permission to ensure that the proposed development would be constructed in accordance with the mitigation measures within the submitted Flood Risk and Drainage Assessment, and to require the submission of a Construction Environmental Management Plan (CEMP) which should include a Sediment Management Plan, a Biosecurity Plan, a Pollution Prevention Plan, a vegetation clearance and habitat protection plan, and a Protected Species Protection Plan. The Environment Agency have also provided advice to the applicant in relation to the Environment Permit regime, and in relation to signing up for flood warnings.

The Council's Lead Local Flood Authority has considered the submitted Flood Risk and Drainage Assessment and advised that the proposed development would be acceptable in relation to flood risk and surface water drainage.

Given the comments from the Environment Agency and the Council's Lead Local Flood Authority, it is considered that the proposed development would have no unacceptable impacts in relation to flooding and surface water drainage. However, if planning permission is to be granted it is recommended that the conditions suggested by the Environment Agency be attached to any planning permission. If planning permission is to be granted it is also recommended that informatives be attached to any planning permission in relation to their advice to the applicant.

Northumbrian Water have raised no objections to the application. However, they have advised that if plans do change and a surface water connection is required, that they would insist that the proposed development connects to the surface water sewer at a restricted rate of 3.5l/s. If any further connections are required for foul water this can be dealt with through a Section 106 sewer connection application. They have also advised that a public sewer crosses the site and may be affected by the proposed development.

If planning permission is to be granted, it is recommended that an informative be attached to any planning permission in relation to the advice provided by Northumbrian Water.

Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk and drainage, water quality or on Northumbrian Water's assets. It is therefore considered that the proposed development would accord with Policy WWE2, Policy WWE3, Policy WWE4 and Policy WWE5 of the adopted CSDP.

7. Impact in relation to land contamination

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it 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.

A Phase 1 Land Contamination report has been submitted with the application. However, the Council's Contaminated Land Advisors have stated that either additional detail on the proposed use of the stockpiles at the site should be included in a revised Phase 1 report or a Phase 2 ground investigation report should be submitted upon completion of appropriate testing of the stockpiles. The applicant's agent has stated that they would prefer a Phase 2 Contamination Ground Investigation Report to be controlled by way of a condition attached to any planning permission (instead of providing an amended Phase 1 report prior to the application being determined).

Given the above, if planning permission is to be granted it is recommended that conditions be attached to any planning permission in relation to the submission of a Phase 2 ground investigation, a remediation strategy, and verification report, and in relation to the event of any unexpected contamination being found that was not previously identified. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

8. Impact on archaeology

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly accessible archive report.

The Tyne and Wear Archaeology Officer has advised that while the proposed development may require limited intrusive groundworks in association with the installation of hardstanding, archaeological monitoring would be required during the undertaken of any intrusive groundworks including but not exclusive to drainage, utilities, and landscaping. They have recommended that an archaeological watching brief would be required including a report of the findings of observations.

Given the comments from the Tyne and Wear Archaeology Officer, if planning permission is to be granted it is recommended that their suggested conditions be attached to any planning

permission - in relation to an Archaeological Watching Brief and an Archaeological Watching Brief Report. Subject to the discharge of and compliance with recommended conditions, it is considered that in relation to archaeology the proposed development would accord with Policy BH9 of the adopted CSDP.

9. Impact on trees

Policy NE3 'Woodlands / hedgerows and trees' of the adopted CSDP states that development should consider trees and hedgerows both on individual merit as well as on their contribution to amenity and interaction as part of a group within the broader landscape setting.

The planning application has been accompanied by an Arboriculture Method Statement inc. Impact Assessment. This concludes that there are Category B and Category C trees adjacent to the application site. None of these trees would need to be removed to enable the proposed development. Given that main ground works have already been undertaken, tree protection barriers would not be necessary. Trees overhanging the caravan storage areas may need to be pruned (crown lifting) to provide necessary clearance - no Category B trees would need to be removed.

It is considered that the trees to be affected by the proposed development have limited visual amenity value when viewed from the public domain, and in any case, they are unlikely to be impacted by the proposed development. If planning permission is to be granted it is therefore recommended that an informative be attached to any planning permission to remind the applicant of the tree protection measure within the submitted Arboriculture Method Statement inc. Impact Assessment.

It is considered that the proposed development would accord with Policy NE3 of the adopted CSDP.

Conclusions

The proposed development would contribute to delivering growth and sustainable patterns of development, and it would seek to deliver a use (Use Class B8 'storage') which would comply with the designated employment area allocation. It would therefore be acceptable in principle. It would also have no unacceptable impacts in relation design and visual amenity, residential amenity, highway / pedestrian safety and sustainable travel, flooding/drainage and water quality, contamination, archaeology, and trees subject to the discharge of and / or compliance with conditions attached to any planning permission.

In relation to ecology, the proposed development would have no unacceptable impacts in relation to protected and priority species or in relation to pollution subject to the discharge of and / or compliance with conditions attached to any planning permission. However, the proposed development would not provide net gains in biodiversity, and instead it would provide a significant loss in biodiversity of 22.32 biodiversity units, which would have a significant adverse impact on the value and integrity of the wildlife corridor that the application site forms a part. It would therefore not accord with Policy NE2 'Biodiversity and geodiversity' of the adopted Core Strategy and Development Plan.

Material considerations provided by the applicant's agent relating to the scheme being unviable if off-site BNG compensation is required and relating to ecological enhancements based on the existing biodiversity value of the site should only be given limited weight in the decision-making process for the reasons articulated above. They would not be sufficient to outweigh the fact that

the proposed development would not accord with Policy NE2 in the planning balance. It is therefore recommended that planning permission be refused.

Recommendations

It is recommended that planning committee refuse planning permission.

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: REFUSE

Reasons:

1. The proposed development would not provide net gains in biodiversity, and instead it would provide a significant loss in biodiversity of 22.32 biodiversity units, which would have a significant adverse impact on the value and integrity of the wildlife corridor that the application site forms a part. It would therefore not accord with Policy NE2 'Biodiversity and geodiversity' of the adopted Core Strategy and Development Plan, and there are no material considerations provided that would be sufficient to outweigh this loss in biodiversity and non-compliance with development plan policy.

Reference No.: 23/00145/FUL Full Application

Proposal: **Change of use from vacant land to an open storage and distribution yard, erection of workshop, tool store, office, and boundary fencing. Creation of 2.5 m high bund and associated landscaping. (Amended description 28.4.23) (amended plans received on 26.4.23)**

Location: Land to the West of Cherry Way, Cherry Way, Dubmire Industrial Estate

Ward: Houghton

Applicant: B Capital Limited

Date Valid: 11 March 2022

Target Date: 31 July 2022

PROPOSAL:

Planning permission is sought for the use of land West of Cherry Way to erect a 3-metre grassed bund to the rear of Cedar Terrace and galvanised fencing, entrance gates and hardstanding for open storage yard. It would house mobile plant, machinery, equipment, containerised workshops and welfare facilities associated with the civil engineering, construction, energy and utilities industries.

DESCRIPTION OF SITE AND SURROUNDINGS

The site relates to an industrial area located at Cherry Way in Dubmire Industrial Estate, Houghton le Spring. The site is a large open space of 0.8 hectares, which lies behind Cedar Terrace and flanked by Mulberry Way. The surrounding site consists of industrial units and lies adjacent the residential development

THE PROPOSED DEVELOPMENT

The proposal is the change of use from vacant land to an open storage and distribution yard, erection of workshop, tool store, office, and boundary fencing.

The agent prepared a statement, following concerns to detail that there would be no construction activity performed on site and there would be no manufacture, processing or assembly activity. Returning plant, machinery and equipment would be maintained on site by 3. No. employees using handheld tools.

There would be no storage of hazardous substances or gasses on site (including hydrogen). Small quantities of fuel, diesel or oil would be required to support the maintenance function, but the quantities would fall significant below the threshold that triggers the need for hazardous substances consent. During construction of the site, approx. 5. No construction staff would be required for a period of 4 weeks. All deliveries during this period will be scheduled outside of peak-flow traffic periods.

During construction and once operational, the yard would function between the hours of 08:00hrs -18:00hrs Monday to Friday and 09:00hrs-13:00hrs on a Saturday with no work on a Sunday or Public Holiday. It is likely that construction and operational activity at the yard would be at the start and end of each working day when plant, machinery and equipment is either travelling to or from a project.

In summary, the proposal is more 'storage' than 'distribution', it is likely there will be long periods inactivity during the working day when plant, machinery and equipment is active elsewhere. When the site is in 'storage mode', the effects beyond the site boundary are likely to be low-level and benign.

The units proposed for office/welfare tool store and workshop would be containers which measure 12.19 metres length and 2.5 metres in height. The office unit would have a front entrance door and two windows in the front and one window in each side elevation.

The application has been supported by the following documents:

- Planning statement by B Capital Holdings Ltd dated 18th January 2023
- Phase 1 Land contamination report B Capital Holdings Ltd dated April 2024
- Planning statement by Zetland Group dated 20th March 2023
- Ecology report by E3 Ecology dated 26.4.23

PLANNING HISTORY

On this site, was a former clothing factory named N Hyers which was demolished around the time of the redevelopment of Mulberry Park.

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within proximity to the application site, two site notices being posted, and a notice being posted in the local press.

The following consultees were consulted on the application.

- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Natural Heritage
- Three Ward Councillors
- Land Contamination

Site notice expiry date: 4.5.23

Neighbour notifications expiry date: 23.5.23

Consultation expiry dates: 25.5.23

There have been 3 objections to the proposal and 4 representations in support:-

OBJECTIONS

- Noise from use
- Poor access
- Loss of light
- Loss of privacy
- Traffic generation

LPA Response – With regard to noise from use, the justification for the proposal is set out below

in the report. The hours of operation will be limited, and traffic generation and highways considerations are set out in the Highways Safety section of the report. Regarding loss of privacy, it is considered that the bund would provide any loss of privacy and an enhanced outlook for the neighbouring properties.

The application is made by B Capital Ltd and as a company called Zetland. I understand that the latter is in the business of acting as technical advisers and agents particularly in new technologies and land acquisitions and planning etc, but another branch of the company deals in renewable energies and technologies involving the storing and distributing hydrogen gas and/or similar activities. I would like the applicant to be transparent by outlining in the application what exactly will be stored on and distributed from this site so that appropriate safety concerns can be addressed by the appropriate bodies and by residents living near the facility. It is extremely difficult, if not impossible to voice concerns if we haven't been told what will be stored and distributed from the site and we may therefore be way off the mark. If it is not hydrogen, then is it another hazardous gas or chemical substance? If it is none of these, then what will be stored and distributed?

LPA RESPONSE - The agent submitted a clarification statement: -

The site would be an open storage yard for mobile plant, machinery, equipment, containerised workshops, and welfare facilities associated with the civil engineering, construction, energy, and utilities industries.

Primarily, the yard will be a secure compound for the storage, management and maintenance of the abovementioned resources in-between projects or where secure overnight storage at an operational site is not possible.

Please refer to Appendix A: Amended & New Plans, for an amended Proposed Layout Plan (Plan 3), amended Sections through the Proposed Layout Plan (Plan 3A) and a new Office, Workshop & Toolstore Unit Details Plan (Plan 6) comprising 3. No secure containers.

No construction activity would be performed on site and there would be no manufacture, processing, or assembly activity (this would tip the proposal into a B1 or B2 'Light' or 'General' industrial use which would be out with B8 'Storage & Distribution' use).

Returning plant, machinery and equipment would be maintained on site by 3. No employees using handheld tools. Given the absence of any manufacture, processing, or assembly capability there would be no material air or noise emissions, no illumination and no material waste stream. There would be no storage of hazardous substances or gasses on site (including hydrogen). Small quantities of fuel, diesel or oil would be required to support the maintenance function, but the quantities would fall significantly below the threshold that triggers the need for hazardous substances consent. During construction of the site, approx. 5. No construction staff would be required for a period of 4 weeks.

All deliveries during this period will be scheduled outside of peak-flow traffic periods. During construction and once operational, the yard would function between the hours of 08:00hrs - 18:00hrs Monday to Friday and 09:00hrs-13:00hrs on a Saturday with no work on a Sunday or Public Holiday. It is likely that construction and operational activity at the yard would be at the start and end of each working day when plant, machinery and equipment is either travelling to or from a project. In summary, the proposal is more 'storage' than 'distribution', it is likely there will be long periods inactivity during the working day when plant, machinery and equipment is

active elsewhere. When the site is in 'storage mode', the effects beyond the site boundary are likely to be low-level and benign.

The application mentions only 4 parking spaces and it proposes that there will be only 3 employees. There was a storage and distribution centre called LWC (now closed) further south along Chery Tree Way which had insufficient parking on their site for most of their employees which grew exponentially within a couple of years and as a result they had to park up on Cherry Tree Way and the grass verges causing damage to them and disruption and danger to traffic and pedestrians. We would therefore ask for confirmation as to whether or not any further employees parking will be accommodated on the site itself?

LPA RESPONSE AND AGENT CLARIFICATION

'Confirm the number of vehicle movements expected each day'. Large construction projects may require up to 12 two-way vehicle movements per day (12-in & 12-out) but the majority of construction projects are not large, and operations are often disrupted by equipment constraints, supply shortages or adverse weather. Accordingly, the likely vehicle flow is likely to be up to 6 two-way movements but it's also likely there will be regular periods of fewer or no daily movements given the intermittency and unpredictability of the construction industry. Most movements will be made by light goods vehicles (below left) for the transfer of smaller machinery and equipment components. Larger components may use a rigid flat-bed trailer.

The application does not, so far as we can see, state the proposed hours of operations at the site, which is very important in determining the impact on noise nuisance for nearby residents. We request that the proposed hours of operations be stated. Again, LWC would often begin deliveries etc at 6pm and before which caused intrusive noise nuisance and disruption to sleeping households. We completely accept that some noise is to be expected from a nearby light industrial estate during work hours, but it is inappropriate to carry on a distribution business out of sensible and socially acceptable hours given the fact that this is also a residential area.

LPA RESPONSE

No operations shall be undertaken on the development between the hours of 7pm and 7am Monday to Friday and 1300pm and 0900 am on Saturdays.

The application and plan show a proposed 2.5 m high Bund at the rear of the site in the boundary which borders the back gardens of houses on Sedgelech? Road and on the cross-section plan there is also a raised soil storage bund. The application does not make it clear to the lay person why the bund(s) are needed or what materials the storage bund would be used for. We would therefore request transparency in this regard and ask for information on its exact purpose.

LPA RESPONSE

Planning Statement, para 2.3.2, records the excavated topsoil would be retained on-site in the form of an earth bund thereby avoiding the generation of waste and the HGV trips to transport it off-site. This proposal maintains flexibility and adaptability allowing future restoration or environmental enhancement of the site to be performed using native soils. The bund has been deliberately placed at the western end of the site to maintain a buffer and introduce a separation distance between the proposed yard and the neighbouring dwellings along Sedgelech Road

(also Known as Cedar Terrace). The buffer will help maintain current levels of residential amenity and privacy and once formed, it would be seeded with a native wildflower/grass mix to further screen the site and enhance resident privacy. Note also that the site is to be enclosed by 2.2m high galvanised steel palisade fencing which will prevent any unauthorised public access. In summary, the separation distance introduced by the buffer, the elevated screen planting and the restricted public access would work in combination to protect, conserve, and improve the amenity and privacy of the residents of Sedgelych Road/Cedar Terrace.

Image 1 shows an extract from the adopted CS policy map, highlighting in pink CS Policy EG2 land. I note that within the EG2 boundary, an existing site has recently become vacant and would lend itself suitable to Class B8 use (formerly LWC premises). It is my view that further development should not be granted permission where there is a site within 200m suitable for the use proposed by the applicant, given planning permission is already in place for the existing site.

LPA RESPONSE

The Applicant does not own any other land in the area and therefore has no ability to breathe new life into previously developed sites. Given both sites are designated for employment use within the Core Strategy, subject to proper planning consideration and control, there should be no reason why both sites could not support storage and distribution uses in the interests of local economic growth and prosperity.

The application details a 2.5m high bund, to be constructed from the site's land. I reference the Land Contamination Report dated 13 Jan 2023 which states: "The site history indicates that a factory of unknown purpose occupied the site for around 50 years, prior to its demolition. Based on this, made ground is anticipated which may present of source of contamination and the following contaminants of concern may be anticipated on site: - Heavy metals, PAHs, TPH and asbestos". This is a public health and environmental concern for residents of surrounding properties. Given the planning statement references land to be 'scrapped back', stored on site, and fashioned into the 'bund', mitigation seems unlikely to greatly reduce the negative impact of environmental contaminants. The report states the risk is 'moderate' for end users and is not limited to construction workers or employees of the proposed site.

LPA RESPONSE

The Council's Land Contamination Specialist has reviewed the submitted information and suggested conditions to ensure the site is safe from contamination.

The Planning Statement references construction work being "scheduled within the hours of 09:00hrs-17:00hrs, Monday-Friday which is outside of local peak-flow traffic periods." I refute this assertion and suggest peak traffic flow around the site is within windows of 07:00 - 10:00, and 16:00 - 18:00 Mon - Fri. Access is also required for emergency services and further flow into the area could cause bottlenecks around the Mulberry Way/Cedar Terrace junction and in the opposite direction towards Cherry Way. The statement references activity being 'scheduled' to fall in the window stated but makes no assertion that activity will indeed remain within these hours. Access to the site is poor due to traffic flow and parking associated with the neighbouring industrial estate.

LPA RESPONSE

The Council's Network Management Team have reviewed the information submitted and suggested conditions

Residents will be subject to increased noise, land, and air pollution, not only in construction, but once the development is operational. The 'bund' that aims to mitigate this is

- a) not sufficient, and
- b) an issue in its own right by way of reducing light into properties on Cedar Terrace and being overbearing at a taller height than residential boundary fences.

Residents of Cedar Terrace will suffer a detrimental loss of privacy within their properties.

I don't believe that a 2.5 m bund would be sufficient to "protect" our homes on Cedar Terrace from any noise pollution from the site. I have two nightshift workers who sleep during the day. Obviously, some noise is to be expected but the bund as described is unlikely to prevent the noise from disturbing anyone in the upstairs of our homes. I work from home, in the dining room which overlooks the site in question.

LPA RESPONSE

The bund would be placed approx. 20m-22.5m to the east of the rear elevation of the Cedar Terrace dwellings and approx. 5m in-off the rear boundary fence line. Once installed and seeded the plateau-top of the bund would be visible from dwellings and within private gardens but it would not be prominent in the view or lead to a material loss of light or privacy. The bund has been deliberately designed and placed to conserve the privacy of residents whilst not being overbearing on the general amenity of the wider area.

I would like to point out the case of the Cooperage in Newcastle which was closed in 2009 due to noise complaints from occupants of apartments which were built centuries after the Cooperage was built in the 14th century. Certainly, the Cooperage had a music licence from at least the 1980s when I used to frequent it, but pressure from residents who purchased their apartments in the knowledge that they were next to a music venue forced its closure. This is only one case of many music venues closed after complaints from residents of newly built apartments nearby.

We have lived here since Sept 2004. We do not want a noisy business this close to our homes. The noise from the building site would be bad enough. The LWC planning application was originally for a much shorter building but during construction I noticed that it was much higher than described in the Planning Application and was advised when I complained that they had made an additional request to build higher. We were not consulted on this. We would certainly have vehemently objected to that. If this were to happen to this Application, then it would adversely affect the value of our homes.

I would suggest that the planning applicants look at the empty LWC site which is available and surely suitable as it's a warehouse plus yard. Why do they need to build when there is already an empty building which surely must be suitable for their needs, or at least adaptable? Surely that would be better for the environment?

LPA RESPONSE

The applicant has chosen the site to be determined by the LPA and do not own other sites, therefore this is the site to be determined as part of the application. The use would be different to that of LWC who operated different hours and were storage and distribution.

There are a pair of Great Spotted Woodpeckers which have been visiting our garden since we moved the house. They fly off to the Sycamore tree which is in the field of the proposed site. So clearly, they are roosting there. Also, we have bats flying around our garden & have done for the whole 18.5 yrs since we bought the house. I can provide photographs of the woodpeckers but cannot see how to attach them. Also, we've seen a family of hedgehogs in our garden for several years. I also have photographs of them. And my husband has seen great crested newts in our garden since we moved in.

LPA RESPONSE

The Councils Ecology Team are considering the impact on the natural heritage of the site and details of the consultee response can be found in the ecology section of the report.

REPRESENTATIONS IN SUPPORT OF THE PROPOSAL

The grass area always has fly tipping on it, and I support the investment in the area hopefully keeping it clean and would be good to see new opportunities for employment in the area. This is already an established industrial estate, and we need investment ongoing in the area, which has suffered considerable industrial closures. At the present time that area is left unattended and not used for any useful purpose, for example dogs are allowed to foul the area and debris dumping ongoing. We need to encourage further, any company investment and fully support this type of application.

The land has been a Heavily grassed area, not aesthetically pleasing on the eye and catches all the litter when the wind picks up with the grass being so long and is full of dog dirt. Much needed additional storage which is limited within the area.

Job Creation: The development of a new storage site that creates 3 jobs can provide employment opportunities to local people. This not only supports the growth of the business but also helps to reduce unemployment in the area.

Economic Growth: The growth of a business in a local area can lead to an increase in economic activity. This can result in an increase in local spending and the creation of new businesses, which can further contribute to economic growth.

Underserved storage: There is a lack of storage within the local area. The proposed development would increase local storage facilities.

Community Benefits: The new storage site can also benefit the local community in other ways. For example, the business may choose to support local charities or participate in community events, contributing to the social and cultural development of the area. Overall, developing a new B8 storage site that creates 3 jobs and supports the growth of a business in a local area can have wide-ranging benefits for the local community and economy.

LAND CONTAMINATION

The site was first developed with the construction of a factory in the late 1950's. The factory was demolished circa 2001, and the site is currently open space comprising a field. A review of the report of the Phase 2 intrusive site investigation carried out by Patrick Parsons in 2018 determined that the concentrations of PAH contamination previously identified on site is well below the assessment criteria for a commercial land use. Only a single potentially significant pollutant linkage is identified, due to presence of asbestos encountered during the previous investigation. The report therefore recommends the preparation of a remediation strategy to address the presence of asbestos contamination.

The proposed works are acceptable, and I would therefore recommend the following conditions.

Detailed Remediation Scheme

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.

Implementation of Approved Remediation and Verification

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.

Reporting of Unexpected Contamination

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

POLICIES:

Core Strategy and Development Plan Policies:

EG2 Key Employment Areas
BH1 Design Quality
HS1 Quality of Life and Amenity
ST2 Local Road Network
ST3 Development and Transport
NE2 Biodiversity and Geodiversity

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' policies within the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (20th July 2021) 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. Impact on ecology.
6. Impact on Contamination

1. Principle of Development

The site is allocated as Policy EG2 within the Core Strategy and Development Plan which relate to Key Employment Areas (as designated on the Policies Map) and will be safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses:

It is noted that the site falls within a Key Employment Area (KEA) and therefore CSDP Policy EG2 is applicable. This policy identifies Dubmire as KEA15 and seeks to ensure that the allocated KEAs are safeguarded for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. As a result of this, it is considered that the proposal would be deemed acceptable, and in accordance with EG2 in regard to the proposed use.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should maximise opportunities to create mixed-use developments which support the function and vitality of the area in which they are located; be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; promote natural surveillance; and create visually attractive and legible environments.

The proposal has been reviewed in the context of its surroundings and as the units would be to serve industrial land the design and materials for fencing etc would not be out of keeping with the surroundings and the design proposal is considered to be acceptable. The bund would be provided to screen the development from the residential properties to provide a more visually acceptable outlook from the gardens of the adjacent properties.

3. Impact on residential amenity

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations and be protected against existing and proposed sources of noise through careful design, layout, and uses of materials.

Furthermore, with regard to the impact upon amenity, the proposal should be assessed against CSDP Policy HS1, which states that:-

1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality.
- ii. noise.
- iii. dust.
- iv. vibration.
- v. odour;
- vi. emissions.
- vii. land contamination and instability.
- viii. illumination.
- ix. run-off to protected waters; or
- x. traffic.

2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and

3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

Environmental Health has examined the submitted documentation. The proposal is considered to be acceptable in principle subject to the inclusion of the suggested following conditions:

Operating hours.

No operations shall be undertaken on the development between the hours of 7pm and 7am on any day.

Provision of boundary mound.

Operation of the development shall not commence until the proposed 2.5m high earth mound indicated along the Phase 1 and 2 boundary of the site with the rear of the existing residential properties is installed as set out on the submitted plans. The earth mound shall be seeded to minimise dust and shall remain in place for the life of the development.

Construction Environmental Management Plan.

Prior to the commencement of site clearance and construction an Environmental Management Plan shall be submitted for the approval of the LPA. The plan shall identify all potential impacts upon nearby occupiers and the local environment arising from site works and shall identify mitigation measures to prevent or minimise those impacts. The mitigation measures set out in the approved plan shall be implemented.

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 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; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will 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; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

Further to Transportation Developments previous comments dated 1 st February 2023, the applicant has clarified that the yard will be an open storage yard for mobile plant, machinery, equipment, containerised workshops, and welfare facilities associated with the civil engineering, construction, energy and utilities industries. Primarily, the yard will be a secure compound for the storage, management and maintenance of the above resources in-between projects or where secure overnight storage at an operational site is not possible and there will be no construction activity would be performed on site and there would be no manufacture, processing, or assembly activity.

The applicant has also confirmed that the majority of movements will be made by light goods vehicles for the transfer of smaller machinery and equipment components and larger components may use a rigid flat-bed trailer.

The applicant proposes to create two access points for to serve the site however, the creation of a second access point would be undesirable, the applicant is required to clarify the need for an additional access.

The applicant has provided a block plan giving details of visibility splays from the access points however, these are no considered acceptable, a revised block plan showing an X distance measuring 2.4 metres back from the give way line and a Y distance of 43 metres measured along the nearside kerb line of the main arm.

The applicant states within the supporting information provided on 20th March 2023, that there will be 3 members of staff, the applicant is required to provide details of parking for staff within the site curtilage.

It must be ensured that the turning movements of large vehicles can be met. A plan showing the swept path movements of the largest vehicle associated with the site entering, exiting, and turning within the site to be demonstrated.

The applicant is required to give details of bin storage and servicing strategy for the site.

The applicant submitted additional plans following the above comments with regard to movement within the site. The Engineers reviewed the information and confirmed that the proposal would now be acceptable in highway safety terms subject to a condition for signage prior to the operation of the site. The proposal would therefore comply with Policies ST2 and ST3 of the CSDP.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. Impact on ecology

Adverse Ecological Effects.

Policy NE2 of the Core Strategy and Development Plan requires development proposals to avoid or minimise adverse ecological effects in accordance with the mitigation hierarchy. The mitigation hierarchy is defined in NPPF paragraph 180a, which specifies that, where it is not possible to avoid or adequately mitigate harm, compensation is required in respect of that harm.

The NPPF also states that planning permission should be refused where any residual ecological effects amount to significant harm to biodiversity. Policy NE2 does not specify that the hierarchy applies to significant harm only, and instead refers to adverse effects in general.

In a local context compensation is therefore required in respect of all adverse ecological effects. After the mitigation hierarchy is applied in respect of important ecological features and any residual effects comprise significant harm to biodiversity there is also a clear reason for refusal under NPPF.

Based on the proposed plans and the assessment submitted, including the descriptions of baseline habitats, The City Ecologist is satisfied that the proposals can be implemented while preventing significant ecological harm. This is subject to the specified measures being secured by condition. Suggested wording to secure an appropriate lighting design, Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) is provided below.

Ecological Enhancement inc. Biodiversity Net Gain

The framework of national and local policy requires development to provide ecological enhancements, which include but are not exclusive of a measurable biodiversity net gain (BNG). Enhancements should include the creation of opportunities for Priority species, which are not considered within the habitat-based Biodiversity Metric used in BNG calculation. In this instance, as the proposals are for minor development, it is not considered appropriate to pursue a measurable biodiversity net gain. However, ecological enhancement will need to be demonstrated through installation or creation of ecological features that contribute to the biodiversity value of the site. Appropriate measures have been suggested in the submitted ecological information, which can be secured through a combination of the CEMP and LEMP conditions.

Summary.

Should Members be minded to approve the proposal the following conditions are recommended.

1. Prior to occupation, a “lighting design strategy for biodiversity” for shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under

no circumstances should any other external lighting be installed without prior consent from the local planning authority.

2. 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, within reference to nesting birds, hedgehog and other terrestrial mammals, and existing trees and vegetation to be retained.
- 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.

3. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.

- a. Description and evaluation of features to be created and/or managed, with reference to trees and scrubs (planted and retained), grassland creation/monitoring/management, creation of hibernacula, and installation of 2 bat boxes and 2 bird boxes.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- 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 five-year period).
- g. Details of the body or organisation 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.

Land Contamination

Policy HS3 Contaminated Land of the CSDP acknowledges that it is important to know where contamination exists or is suspected of being contaminated or where a sensitive use is proposed it is dealt with appropriately before the development takes place.

The application has been supported by a land contamination report and the City Council's Land Contamination consultant reviewed the information and has confirmed that with the imposition of appropriate conditions should Members be minded to approve the proposal is considered to be acceptable and in accordance with policy HS3.

Conclusions

The proposed development is considered to be of a suitable scale, form, massing and design to integrate within the industrious locality and would be considered acceptable subject to the following conditions in compliance with the above national and local policies.

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 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.

Recommendations

The proposal is recommended for approval subject to the draft conditions listed.

RECOMMENDATION: APPROVE

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:

HGV Turning plan received on 9.6.23.

Proposed layout plan received on 9.6.23.

Visibility splay plan 1 received on 9.6.23.

Visibility splay plan 2 received on 9.6.23.

Existing section received on 18.1.23.

Existing site layout received on 18.1.23.

Proposed access plan received on 18.1.23.

Proposed boundary fencing plan received on 18.1.23.

Proposed section plan received on 18.1.23

Proposed site layout received on 18.1.23

Location plan received on 18.1.23

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 not be occupied until details of the vehicular access signage to include visibility splays, has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: To ensure that development has no unacceptable adverse impact on the local road network and comply with policies ST2 and ST3 of the CSDP.

4. No operations shall be undertaken on the development between the hours of 7pm and 7am Monday to Friday and 1300pm and 0900 am on Saturdays. In order to protect the amenity of the adjacent occupiers and to comply with Policy HS1 of the CSDP.
5. Before the development commences with the exception of the erection of the boundary fence a CEMP should be submitted that shall include, but not necessarily be limited to:
 - Hours of working (as agreed above)
 - Prohibition of burning of waste and vegetation
 - Control of noise and emissions to air from vehicles and plant operated on site - all to be provided with manufacturer's silencers and noise reduction measures (see BS5228:2009) and no vehicle engines or generators left to idle or operate overnight.
 - Control of dust from site scrape and laying of new top surface - compaction, wetting of surfaces, monitoring of dust emissions and weather conditions
 - Control of dust from construction of the proposed earth mound
 - Cleaning of the highway and prevention of track out of materials
 - Site lighting - located, angled and rated to prevent spill and glare affecting highway users and neighbouring occupiers.

In order to protect the amenity of the adjacent residential properties and comply with Policy HS1 of the CSDP.

6. Other than demolition and erection of the boundary fence, 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.

7. 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.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. 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.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) with the exception of the erection of the boundary fence 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, within reference to nesting birds, hedgehog and other terrestrial mammals, and existing trees and vegetation to be retained.
 - 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.

10. Operation of the development shall not commence until the proposed 2.5m high earth mound indicated along the Phase 1 and 2 boundary of the site with the rear of the existing residential properties is installed as set out on the submitted plans. The earth mound shall be seeded to minimise dust and shall remain in place for the life of the development. In order to comply with Policy HS1 of the CSDP.
11. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

12. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.
 - a. Description and evaluation of features to be created and/or managed, with reference to trees and scrubs (planted and retained), grassland creation/monitoring/management, creation of hibernacula, and installation of 2 bat boxes and 2 bird boxes.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - 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 five-year period).

- g. Details of the body or organisation 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.

Reference No.: 23/00261/FUL Full Application

Proposal: **Erection of 3 no. three bedroom terraced houses with front and rear gardens (Amended address) (amended site plan received 16.03.23)**

Location: Land To The Rear Of 94 Abbey Drive Houghton-le-Spring

Ward: Houghton

Applicant: BG Construction And Developments Ltd

Date Valid: 2 February 2023

Target Date: 30 March 2023

PROPOSAL:

Introduction

Planning permission is sought for the erection of 3 no. three bedroom terraced houses with front and rear gardens.

The application site is a parcel of land, measuring approximately 671 sqm, located to the rear of Abbey Drive and accessed via Stoneleigh Close. The site is open green space and is laid to lawn, it is bound by residential properties to the rear and sides and faces onto a garage block.

The land is bound at the front by steel palisade fencing and public access to the site is via the grassed area to the side of the existing garages. It is noted that beyond the garages is a large open grassed area.

It is proposed that the properties be of two-storey red-brick construction with a white render porch, red concrete tiles grey Upvc windows, black composite doors, black Upvc soffits and guttering, and timber boundary treatments; parking provision is proposed for 6 no. vehicles and one visitor parking space, via a charcoal block paved area to the front of the properties.

The application site is identified as amenity greenspace in the Council's Greenspace Audit.

The following information has been submitted in support of the application;

Preliminary Ecological Appraisal

Letter from Lichfields Planning Consultancy r.e. Green Space policy considerations

Phase 1 Contaminated Land Desk Study

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Cllr John Price

Cllr Mark Burrell
Cllr Juliana Heron
Network Management
Planning Policy
Environmental Health
Northumbrian Water
Northern Powergrid
Natural Heritage
Land Contamination

33 Otterburn Crescent Houghton-le-Spring DH4 5HU
98 Abbey Drive Houghton-le-Spring DH4 5LB
14 Stoneleigh Close Houghton-le-Spring DH4 5LS
51 Otterburn Crescent Houghton-le-Spring DH4 5HU
53 Otterburn Crescent Houghton-le-Spring DH4 5HU
49 Otterburn Crescent Houghton-le-Spring DH4 5HU
12 Stoneleigh Close Houghton-le-Spring DH4 5LS
16 Stoneleigh Close Houghton-le-Spring DH4 5LS
18 Stoneleigh Close Houghton-le-Spring DH4 5LS
47 Otterburn Crescent Houghton-le-Spring DH4 5HU
45 Otterburn Crescent Houghton-le-Spring DH4 5HU
2 Stoneleigh Close Houghton-le-Spring DH4 5LS
94 Abbey Drive Houghton-le-Spring DH4 5LB
90 Abbey Drive Houghton-le-Spring DH4 5LB
4 Stoneleigh Close Houghton-le-Spring DH4 5LS
8 Stoneleigh Close Houghton-le-Spring DH4 5LS
39 Otterburn Crescent Houghton-le-Spring DH4 5HU
92 Abbey Drive Houghton-le-Spring DH4 5LB
96 Abbey Drive Houghton-le-Spring DH4 5LB
41 Otterburn Crescent Houghton-le-Spring DH4 5HU
10 Stoneleigh Close Houghton-le-Spring DH4 5LS
88 Abbey Drive Houghton-le-Spring DH4 5LB
43 Otterburn Crescent Houghton-le-Spring DH4 5HU
35 Otterburn Crescent Houghton-le-Spring DH4 5HU
37 Otterburn Crescent Houghton-le-Spring DH4 5HU
6 Stoneleigh Close Houghton-le-Spring DH4 5LS
86 Abbey Drive Houghton-le-Spring DH4 5LB
5 Stoneleigh Close Houghton-le-Spring DH4 5LS

Final Date for Receipt of Representations: **20.03.2023**

REPRESENTATIONS:

12 no. representations have been received objecting to the proposed development. The following concerns were raised:

- Encroachment
- Inappropriate use
- Loss of light
- Loss of privacy
- Noise from use
- Overdevelopment
- Poor access

- Traffic Generation
- Loss of green play space
- Increased pressure on schools and GP practices

CONSULTEES

Northern Powergrid- No objection.

Council's Highways team -

Highway Comments received 28.02.23 - The applicant is seeking planning permission for the erection of 3 no. three bedroom terraced houses with front and rear gardens, the proposed site is to be accessed via an existing access from Stoneleigh Close. The applicant has provided a block plan of the proposed site which gives details of 1 parking space per dwelling, this does not meet SCC parking standards, the applicant is required to provide a revised block plan showing 2 parking spaces per dwelling along with 1 visitor parking space.

Highway comments received 03.04.23 - Further to the highway comments dated 28th February 2023, the applicant has provided a revised block plan which addresses car parking, however, during a recent site visit, it was noted that there is no footway linking the proposed site with the existing footpath onto Stonleigh Close.

The lack of pedestrian footway is a highway safety concern, as there is a potential for vehicle/pedestrian conflict. It will not be possible for the applicant to provide the required pedestrian link as the access road onto Stonleigh Close is too narrow, therefore, Transportation Development does not support the proposed development and recommends refusal.

Planning Policy- CSDP Policy SP8: Housing Supply and Delivery sets out that the Councils housing requirements will be achieved by (inter alia) the delivery of small sites, defined as a development of four homes or less. The proposal would constitute a small site, which would assist in the delivery of the housing requirement. It is noted that the proposal would result in development on land which is currently considered to be amenity greenspace.

This means that policy NE4: Greenspace is applicable and should be considered for the development on this area of the site. This policy aims to protect, conserve, and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit and Report by:

1. designating greenspaces in the A&D Plan;
2. requiring development to contribute towards the provision of new and/or enhanced greenspace where there is an evidenced requirement.
3. requiring all major residential development to provide:
 - i) a minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
 - ii) a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.
4. refusing development on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:
 - i) the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or
 - ii) a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality, and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the council prior to development commencing; or
 - iii) replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or

outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

Given that this development would comprise of introducing built components onto a greenspace site, it is expected to comply with NE4. The Council's Greenspace Audit identifies that the Houghton ward has above average amenity greenspace provision, however the areas are of a below average quality. This should be taken into account when considering development proposals in the Houghton area and compliance with Policy NE4.

The design impact of the scheme should be considered against CSDP Policy BH1. The main criterion to note in this instance are 1 and 7, which detail that development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness and create visually attractive and legible environments through provision of distinctive high-quality architecture, detailing, building materials, respectively.

In addition, the proposal should meet space standards set out in CSDP Policy BH1: Design Quality. There is no information within the application to demonstrate whether the dwellings will be in compliance with these standards.

The proposal's approach to biodiversity net gain is also relevant. In this respect CSDP Policy NE2 at Criterion 1 applies. This sets out that proposals, where appropriate, must demonstrate how it will provide net gains in biodiversity. Furthermore, the National Planning Policy Framework (NPPF) at paragraph 170 (d) states that planning decisions should contribute to and enhance the natural local environment by (inter alia) minimising the impact on and providing net gains for biodiversity. The application site is located within the 250m buffer for the Sand and gravel bedrock superficial MSA and surface coal MSA, therefore it is within a mineral safeguarding area, designated under CSDP Policy M1: Minerals Safeguarding Areas and Infrastructure. Given the nature of the proposals, it is unlikely that the development will be deemed incompatible with the mineral strategy.

Other relevant policies include:

- CSDP Policy ST2: Local Road Network
- CSDP Policy ST3: Development and Transport

Conclusion

The proposal would result in development on amenity greenspace and subsequently its loss, as such robust justification is needed for the loss of this greenspace and compliance with policy NE4. In addition to the above, highways access, biodiversity, design, and amenity should be considered.

Policy comments following submission of the open space assessment dated 05.06.23

With regards to the additional information which the agent has provided, I note they have argued that since the space isn't allocated as the A&D Plan is still in draft form, and therefore the amenity space allocation doesn't hold weight, I would point out that the 2020 Greenspace Audit allocates the site as amenity open space, and NE4 would apply regardless as it relates to all greenspace and green infrastructure.

We are happy that the submitted letter can constitute an open space assessment, which complies with the requirement set out in NE4, and it does provide justification as to the loss of the open space in quantitative terms. However, during the decision-making process and your report writing, we would still expect consideration as to whether or not the proposal is considered to comply with point 4 of NE4 (relating to the impact on amenity etc).

Environmental Health- No objections subject to the approval of a Construction Environmental Management Plan CEMP to protect the local environment and neighbouring occupiers. This can be secured by condition.

Ecology- A preliminary Ecological Appraisal dated April 2023 was submitted during the course of the application and the Council's Ecologist confirmed no HRA contribution would be required, given that the site is outside the 7.2km buffer and the proposal would be acceptable from an ecological perspective, subject to a condition ensuring the enhancement measures set within section 8 of the report.

Land Contamination- Overall, the conclusions of the DBS Environmental report are agreed with. The findings of the proposed Phase 2 ground investigation should be submitted to SCC for review. The aquifer designation of the superficial deposits should be confirmed as part of the Phase 2 report. We recommend that the following planning conditions CL01, CL02, CL03 and CL04 are included in the Decision Notice:

- CONL1 - Site Characterisation
- CONL2 - Detailed Remediation Scheme
- CONL3 - Implementation of Approved Remediation and Verification
- CONL4 Reporting of Unexpected Contamination

The site is subject to the following policies;

Core Strategy and Development Plan (CSDP)

SP1 Development strategy
SP6 Coalfield
SS7 The Coalfield Housing Growth Areas
SP7 Healthy and safe communities
SP8 Housing Supply and Delivery
HS1 Quality of life and amenity
HS2 Noise-sensitive development
HS3 Contaminated land
SP8 Housing supply and delivery
H1 Housing mix
BH1 Design quality
BH2 Sustainable design and construction
NE2 Biodiversity and geodiversity
NE3 Woodlands/hedgerows and trees
NE4 Greenspace
NE9 Landscape character
WWE3 Water management
ST2 Local Road network
ST3 Development and transport

Development Management Supplementary Planning Document (SPD)
Planning Obligation Supplementary Planning Document (POSPD)
Allocations and Designations Plan (ADP)
Allocations and Designations Policies Map (ADPM)
5 Year Housing Land Supply - Annual Position Statement (APS)
Greenspace Audit and Report of December 2020 (GSAR)
National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Technical Housing Standards - Nationally Described Space Standard

COMMENTS:

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development. Some of the Council's former Unitary Development Plan policies, primarily those relating to allocations, have been retained for an interim period and remain relevant to the consideration of this application. The Council's Development Management Supplementary Planning Document (SPD) is also of relevance and is adopted as interim guidance. The emerging Allocations and Designations Plan and associated documents are also relevant but hold limited weight.

Policy backdrop

The NPPF Chapter 5 details how the NPPF can support the Government's objective of significantly boosting the supply of homes, paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, the NPPF states at paragraph 64 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The NPPF at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. NPPF paragraph 8 sets out the principles for achieving sustainable development and has three overarching objectives (a) economic - to help build a strong, responsive, and competitive economy, (b) social - to support strong, vibrant, and healthy communities and (c) environmental - to protect and enhance our natural, built, and historic environment.

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 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.

Planning considerations

The main issues to be considered in determining this application are: -

1. The housing land supply and delivery position
2. Land use and open space considerations
3. Design and impact on amenity
4. Ecology
5. Highways
6. Other material planning considerations

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 need assessment conducted using the standard method provided in national planning guidance.

The NPPF at 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.

CSDP Policy SP1 sets out the principles for development for Sunderland City and seeks to support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders with an aim to deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure across the plan period with CSDP Policy SP6 setting out the policies for strategic growth across the sub-region of the Coalfield.

CSDP Policy SP8 sets out the principles for housing delivery. The policy states that the council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year. One of the ways in which this target will be achieved is through the development of 'windfall' sites (i.e., sites such as this which have not previously been identified as being available for housing).

The Council's current five-year housing land supply APS was published in July 2022 and the Inspector examination determined that the Council can demonstrate a housing land supply in excess of 5 years. The draft APS (May 2023) indicates that Sunderland has a 6.6-year housing land supply.

Whilst it is acknowledged that the proposed site would constitute a windfall site assist in meeting the housing need supply, the site is allocated Greenspace and is detailed in the draft ADP Policy

15 (Greenspace) and is not identified for development. The use of the site would result in a departure from existing planning policy. Clear justification must be presented for the use of the land to warrant the departure.

2. Land use and open space considerations

The subject parcel of land comprises an area of open amenity space which is located to the rear of Abbey Drive.

The NPPF stipulates at paragraph 99 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

On a local level the proposal is subject to the provisions of CSDP Policy NE4. NE4 advises that the Council will protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the council's Greenspace Audit and Report. The policy outlines that this is to be achieved in part, by adhering to the requirements of sub-section 4 as set out below, insofar as;

refusing development on greenspaces which would have an adverse effect on its amenity recreational or nature conservation value unless it can be demonstrated that:

- i. the proposal is accompanied by an assessment that clearly demonstrates that the provision is surplus to requirements; or
- ii. a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and accessibility, and where of an appropriate quantity, to existing and future users is provided by the developer on another site agreed with the council prior to development commencing; or
- iii. replacement on another site is neither practicable or possible an agreed contribution is made by the developer to the council for new provision or the improvement of existing greenspace or outdoor sport and recreation facilities and its maintenance within an appropriate distance from the site or within the site.

The Council's Greenspace Audit Report (GSAR) sets out in detail the existing provision of Greenspace within the City and highlights where shortfalls exist.

The GSAR at section 5.80 (page 70) qualifies that the true value of greenspaces in an amalgam of the site quality, accessibility and need. High quality sites exist that have a low value because they have limited access, or maybe their value is diminished because there is an abundance of similar provision close-by. On the other hand, a site may be of low quality but is highly valued because it is the only such provision around. Sites that demonstrate multiple functions generally have more value to them, being more attractive to a wider population than a single function site. Sites may also have a strategic value, such as nationally recognised wildlife habitat, or a supporting role in a Conservation Area.

The neighbourhood, Burnside, is considered low in greenspace quantity and very low in greenspace quality. At a wider ward level, the Houghton ward is above average in terms of quantity but below average in terms of quality. However, within the Greenspace Audit 2020 the total site score is 88 bringing the site within the parameters of 'average' (with a 20-point

adjustment now given to the site due to low quantity in terms of amenity greenspace in the neighbourhood) and as such is detailed as above average.

In justifying a loss of greenspace in accordance with Policy NE4 of the CSDP, consideration should also be given to Appendix 6 of the Greenspace Audit which states.

- Whether there are deficiencies in other types of open space in the area, such as allotments or natural greenspaces.
- All functions that open space can perform have been considered and the loss of the open space would not have an adverse impact on the ability of the wider area to achieve these functions.
- The open space is not protected by a planning or statutory designation, nor is it of historic, ecological or landscape significance.
- The open space does not form part of, nor has it the potential, to create a link between spaces.
- The open space does not contribute to or have the potential to contribute to the character or the amenity of the area.
- There is no identified open space deficiency in the area and its loss does not create one.
- The community has been consulted and the proposal for an alternative use is widely supported.
- There is no net loss of biodiversity or increase in an area of deficiency in access to nature; and
- Other statutory authorities, such as the Environment Agency, do not identify the open space as providing a significant ecosystem service.

The Council's Planning Policy section confirmed that the land in question is currently considered to be amenity greenspace and that policy NE4 would need to be considered.

The applicant has submitted a supporting letter from Lichfield's in respect of Green Space which states that the land is 'white land' with no policy designation or specific allocation for development.

The Council's Policy team were consulted and set out that the 2020 Greenspace Audit identifies the site as amenity open space, and NE4 would apply regardless as it relates to all greenspace and green infrastructure, regardless of whether it is formally allocated in the Plan.

The Policy team considered that the letter constituted an open space assessment, which complies with the requirement set out in NE4, and provided justification as to the loss of the open space in quantitative terms. However, consideration as to whether or not the proposal would comply with point 4 of NE4 (relating to the impact on amenity etc) would still be required.

The open space assessment put forward the argument that this is modest parcel of land and there are several areas of generous greenspaces within the locality which serve a recreational purpose to the community.

Although objections to the proposal have mentioned the use of the space for amenity purposes such as play space, given its secluded location and limited access to the site (especially as it is fenced off from the direct access via Stoneleigh Close), it is considered that the open area to the rear of the existing garages is a safer and more accessible location for recreational activity.

As such it is considered that the loss of this small, grassed area would not be unacceptable with regard to the impact on local amenity and would not materially diminish the availability of amenity/recreational space in the locality. A financial contribution secured into a planning

obligation would assist in mitigating the loss of space, by providing a financial sum that could assist in the uplift of a nearby site.

Notwithstanding the above and the conclusion relative to open space, a planning decision must be made having had regard to all material planning considerations and with regard to assessing the overriding benefits of developing the land.

3. Design and impact on amenity

The National Design Guide advocates that well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape, and local architectural precedents; the characteristics of the existing built form; the elements of a place or local places that make it distinctive; and other features of the context that are particular to the area.

The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive and memorable and helps people to find their way around. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods.

Paragraph 124 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 127 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.

Paragraph 130 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.

CSDP Policy BH1 sets out the principles for good design and seeks to achieve high quality design and positive improvement by creating places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. In order to achieve this, development should be of a scale, massing, layout, appearance and setting, which respects and enhances the positive qualities of nearby properties and the locality and retains acceptable levels of privacy to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

The Residential Design Guide SPD advocates at Section 5 that residential development should reinforce and respond to the built form qualities that make a positive contribution to the character and appearance of an area and that materials and detailing are informed by an understanding of the local vernacular qualities that make a significant and positive contribution to the character of the wider area and that inward facing development which turns its back on its surroundings should be avoided.

Section 7 - Complete and thorough design relates to the arrangement and configuration of housing types proposing that new residential development takes account of the forms and proportions of the local area.

The characteristic of the locality is defined by two-storey semi-detached residential dwelling houses. The proposal relates to the construction of 3 no. 3-bed link properties with gardens to the front and rear, which would not be in keeping with the surrounding built form.

The location in between existing dwellings and the existing garage block would result in a relatively isolated development; the location, style and layout would be incongruent with the existing built form and out of character with the existing residential development.

There would be sufficient spacing around the new dwellings and their primary windows to ensure that there would be no significant overlooking or loss of privacy to the windows and gardens of surrounding properties.

However, the proposal would be situated in such close proximity with the boundary of no. 94 Abbey Drive and flank so much of the side boundary of its rear garden, that it would appear highly overbearing and increase overshadowing in relation to this property's rear garden area, to the detriment of the residential amenity of this dwelling.

In terms of the amenity afforded to prospective occupiers of the new development, the outdoor amenity space is considered to be sufficient and the room sizes accord with spacing standards however, with regard to outlook, the windows to the front would look onto the garage block and its forecourt. This 'backland' environment behind the existing properties would not provide an attractive outlook for occupiers of the new dwellings.

Taking the above into account, the style, layout and character of the proposal would result in an isolated development which would be incongruent with the existing built form and out of character with the existing residential development. With regard to residential amenity the proposal would not afford occupiers with an appropriate outlook or attractive living environment and would have a negative impact on the residential amenity of no.94 Abbey Drive. As such the proposal would be contrary to the NPPF and Policies BH1 and HS1 of the CSDP.

Ecological impact

At the national level, the NPPF sets out requirements for development to contribute to and enhance the natural and local environment, including ensuring that impacts on biodiversity are minimised and net biodiversity gain is achieved where possible. It also seeks to preserve and enhance the natural environment, including avoiding development that results in the loss or damage of irreplaceable habitats. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

CSDP policies NE1 and NE2 require development to maintain and improve green and blue infrastructure and to protect biodiversity and geodiversity. Policies NE3 and NE4 seek to conserve trees, woodlands and hedgerows whilst protecting and conserving the quality of greenspaces. CSDP Policy NE9 seeks to conserve and enhance the varied landscape character of Sunderland and to ensure that adequate mitigation measures are implemented to protect and/or enhance the landscape.

A preliminary Ecological Appraisal dated April 2023 was submitted during the course of the application and set out that the main habitat which covers the site is improved grassland and given the site is location in an urban setting, plant species diversity is minimal.

It concluded that the main value of the habitat at present is as an informal recreation area on the edge of a green corridor and that the impact on protected or other species would be limited.

With regard to enhancement measures on site the report suggested that exterior lighting be kept to a low level so as not to impact foraging bats, gaps be left at the base of fences to allow the

passage of hedgehogs, integrated bat boxes be provided and the landscaping scheme would include plants that would provide a good nectar source and berries for bees and birds.

The Council's Ecologist confirmed that the proposal would be acceptable from an ecological perspective, subject to a condition ensuring the enhancement measures set out above.

Highways

The NPPF promotes the use of sustainable transport. The NPPF, at paragraph 107 advises that local parking standards for residential development should amongst other matters take into consideration the availability and opportunities for public transport, whilst paragraph 108 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Paragraph 111 is clear in stating that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts of the development are severe.

Sunderland City Council seek to improve transport connectivity and facilitate growth through improvements to the road network, public transport network and cycle network. CSDP Policy SP10 seeks to improve connectivity and enhance the city's transport network whilst CSDP Policies ST2 and ST3 set out the sets out the local road network hierarchy for development to ensure it does not have a severe impact on the safe operation and management of the Local Road Network for all highway users and to ensure the free flow of traffic, the safe use of the highway network and that pedestrian and cycle routes are incorporated within and through the site, linking to the wider sustainable transport network.

The application proposes the construction on 3 no. 3-bed dwelling houses. There would be on-site parking provision provided as part of the development. The Transportation Development Team (TDT) have been consulted as part of the assessment of the proposal.

The initial response set out that an inadequate number of parking spaces were provided and a subsequent revision to the block plan addressed this issue and meet SCC parking standards, with 2 parking spaces per dwelling along with 1 visitor parking space.

However, during a subsequent site visit the Highway Officer noted that there is no footway linking the proposed site with the existing footpath onto Stonleigh Close. It is considered that the lack of pedestrian footway is a highway safety concern, as there is a potential for vehicle/pedestrian conflict. Given that it would not be possible for the applicant to provide the required pedestrian link as the access road onto Stonleigh Close is too narrow and runs between existing houses, the Transportation Development team recommended refusal of permission.

The proposal raises highway/pedestrian safety concerns, and as such is considered to be in conflict with policy ST3 of the CSDP.

5) Other material planning considerations

Land Contamination

CSDP Policy HS3 states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use, and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

The application has been accompanied by a Phase 1 Contaminated Land Desk Study. The City Councils Public Health Team (PH) and Land Contamination Officer (LCO) have been consulted

as part of this application process and have raises no objection. The PH have requested the imposition of a planning condition requiring the submission of a Construction Environmental Management Plan (CEMP) and the LCO has requested the imposition of planning conditions pertaining to Site Investigation, Remediation and Contamination. It is considered that with the imposition and adherence to the recommended planning conditions, the proposal with accord with local and national planning policies in this respect.

Conclusion

The proposed development is not considered to conflict with the relevant CSDP policies and Plan objectives relating to impacts on amenity space (subject to the securement of an appropriate financial contribution), ecology and land contamination issues.

However, for the reasons set out above, it is considered that the proposal would be detrimental to visual and residential amenity (both in terms of occupiers of existing dwellings and future occupiers of the proposed dwellings) and would result in conditions that are prejudicial to pedestrian and highway safety.

The proposal is thus considered to be unacceptable, and Members are therefore recommended to refuse planning permission for the reasons set out 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: REFUSE

Reasons:

1 The style, layout and character of the proposal would result in an isolated development which would be incongruent with the existing built form and out of character with the existing residential development and as such would not respect and enhance the positive qualities of nearby properties and the locality. The proposal is contrary to CSDP Policies BH1 and HS1.

2 The proposal fails to provide satisfactory living conditions due to poor outlook from the new dwellings, with the windows to the front of the properties looking onto an existing garage block in an environment to the rear of the existing properties. The proposal is therefore contrary to policy BH1 of the Core Strategy Development Plan.

3 The proposal would be detrimental to the amenity of the rear garden area of no. 94 Abbey Drive, by reason of visual intrusion and dominance and overshadowing and as such would be contrary to policy BH1 of the City Council's adopted Core Strategy and Development Plan.

4 In the absence of a safe pedestrian route to the proposed properties, the development would lead to the creation of conditions hazardous to pedestrian and highway safety contrary to policy ST3 of the CSDP.

Reference No.: 23/00441/FUL Full Application

Proposal: **Conversion of a dwelling house to a 4no. bedroom HMO with erection of bike shed to rear (Amended plans received on 5.6.23, to show garage and trees retained)**

Location: 24 Humbledon Park, Sunderland SR3 4AA

Ward: Barnes

Applicant: TTL Property Solutions Ltd

Date Valid: 27 February 2023

Target Date: 24 April 2023

APPLICATION SITE/PROPOSAL

The planning application seeks to change the use of the dwelling from a residential property to a 4 bedroomed HMO with the erection of a bike shed to the rear.

There would be no alterations to the external fabric of the property, only internal alterations to accommodate the use. Externally the wooden constructed shed would be located in the rear yard and measure 1.9 metres wide, 2.4 metres length and 2.1 metres maximum height.

The applicant has submitted an amended plan on 5.6.23 to show that the existing garage on site would be retained and utilised as one of the parking spaces on site.

There is also an amended plan showing the position of the existing trees and an email to state that the trees will be retained and unaffected by the development.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Richard Dunn
Cllr Anthony Mullen
Cllr Ehtesham Haque
Network Management
Environmental Health
Planning Policy
Northumbria Police

7 Fortrose Avenue Sunderland SR3 1UT
6 Fortrose Avenue Sunderland SR3 1UT
27 Humbledon Park Sunderland SR3 4AA
26 Humbledon Park Sunderland SR3 4AA

Flat B 25 Humbledon Park Sunderland SR3 4AA
Flat A 25 Humbledon Park Sunderland SR3 4AA
10 Fortrose Avenue Sunderland SR3 1UT
23 Humbledon Park Sunderland SR3 4AA
22 Humbledon Park Sunderland SR3 4AA
9 Fortrose Avenue Sunderland SR3 1UT
8 Fortrose Avenue Sunderland SR3 1UT

Final Date for Receipt of Representations: **24.03.2023**

REPRESENTATIONS:

PUBLIC REPRESENTATIONS

11 Representations have been received against the proposal, and one petition points which are set out below: -

Highways Issues

- Traffic Generation.
- Poor access.
- increased traffic and activity would be detrimental to local amenity.
- The potential for two additional vehicles without parking facilities could restrict road access to the rear and be an obstruction as well as a safety hazard.
- Part 3.13 of the planning statement states, "it is not considered that the occupants would be reliant on the use of private vehicles which reduces the need for parking on the site". This is a misleading statement as an individual can have a private vehicle regardless of any reliance for such a vehicle and the landlord would not be able to refuse their tenants the right to own a private vehicle, as such it is always a possibility that all four occupants could at any time own a private vehicle.
- It is not clear why a bike shed is needed when it is stating parking is available for 2 vehicles.

Amenity issues

- Noise from use
- Encroachment
- Overdevelopment
- Attraction of anti-social behaviour to the area
- Loss of privacy
- Inappropriate use
- Section 3.9 states "The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance". In the introduction of Sunderland City Council's Homes in Multiple Occupation Supplementary Planning Document (HMOSPD) it states: Noise and disturbance resulting from intensification of the residential use and/or the lifestyle of occupants. Increasing the property from 3 bedrooms to four will increase occupancy by 33 percent and the very nature of an HMO is that the resident are not related. We have no way of pre-determining the lifestyle of the 4 unrelated potential occupants or how that may impact on the amenities via undue noise or disturbance but an additional 33 percent increase in occupancy will have an impact.

Family orientated residential area, our concerns should be considered before allowing planning permission to convert a family home into a multiple occupancy property just to maximise the profits of Landlords.

I believe this proposal is not compliant with aspects of the Policy H8 Core Strategy and Development Plan as it will have a detrimental effect to local amenity.

This would also be a loss of a very sought-after family sized property in the city allowing HMO's to establish themselves in this street will lead to a steady and irreversible decline in the street, huge additional congestion and the destruction of the stability of this street and adjoining area. I draw comparison with Holmelands Park in Ashbrooke (no subdivisions of property allowed- I used to live there) and Belle Vue Park next door which declined to 'bedsit land' and has taken decades to stabilise and begin its recovery.

Threats to local Community safety who knows who will be attracted to the HMOs concerned. An exploitative landlord could thoroughly destabilise the area. We have a nursery opposite, a health institution supporting vulnerable children and a college, with hundreds of young people attending each day. All could potentially be vulnerable this HMO with, perhaps, transient individuals of uncertain backgrounds is allowed to become established. What would stop the rot. We could have dozens and dozens of such people parked right opposite these important social centres.

-This would not only change the demographics of the area but also could be used as a precedent in the future for other property developments changing the appeal of this area. LPA Response – the above comments have been noted and it considered in the report that the submission of the Management Plan may have alleviated some concerns over noise and disturbance and effect of the character of the property within the area, however, to date no Plan has been received and the application is to be determined without one.

Policy H6 controls the level of HMOs within an area and those clustered together. The property would be the only one of this type within the area and the Article 4 would allow the LPA control over any other proposed HMO's in the area to prevent a concentration of such properties.

The LPA cannot predict what type of character would occupy the property or assume that their occupancy would lead to increased crime within the area or any impact upon vulnerable people within the vicinity. All issues set out above will be taken into consideration in the determination of the application.

Consultation Issues

-Letter not received, no communication from Council.

LPA Response – A letter was produced on 2.3.23 and posted with a deadline date of 14.3.23.

A Site notice was also attached to lamp post outside No.24; therefore the Council have fulfilled their statutory consultation requirement in this instance.

PUBLIC PROTECTION AND REGULATORY SERVICES

The Council's PPRS team have commented that they have no objections to the proposal and the information below may be useful to the applicant.

Housing Standards – HMO Licencing

Properties are classed as Houses in Multiple Occupation under the Housing Act 2004 if:

- There are three or more tenants
- There are two or more households living there, i.e., the occupants are not related to each

other

- The tenants share some basic amenities such as a kitchen, bathroom, or toilet
- The property is the only or main residence for all the occupants
- The property is not used for any other purpose
- Rents are paid for occupation or there is some other form of consideration e.g., accommodation is provided as part of employment etc

A licence is required for an HMO if five or more people are living in two or more households within a

- Building
- a converted flat
- purpose built flats (with up to two flats in the block, and any of which are occupied as an HMO)

Please see the Council's website for further information on relevant legislation and guidance covering Houses in Multiple Occupation. Sunderland City Council have published specific guidance to landlords on standards expected within HMO properties across the City, this includes information relating to amenity standards, fire safety and arrangements for management of the property.

Please note: Smaller HMOs (those occupied by 3 or 4 persons in 2 or more households) are still deemed as HMOs but do not require a licence in Sunderland at present. However, these properties must be compliant with relevant Legislation, guidance and meet with Sunderland City Council HMO Standards. Further information on Legislation, guidance and licencing information can be found at: www.sunderland.gov.uk/hmo Should the applicant wish to speak with an officer in relation to HMO licencing they can contact the Council's Private Sector housing team.

NORTHUMBRIA POLICE COMMENTS

1. Northumbria Police recognise that HMO's serve a purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.
2. We hold some reservations concerning the loss of a family home for the sake of an HMO.
3. The Applicant quite rightly notes that parking for up to 2 vehicles can be facilitated on the site which meets the council's requirements of 1 parking space per 3 beds. Nevertheless, we are sceptical about their further statement that "given the sites highly sustainable location, it is not considered that occupants would be reliant on the use of private vehicles which reduces the need for parking at the site".

A four bed HMO will house unconnected individuals whose transport requirements will be determined by their circumstances and employment, not on access to a good bus service, one should we submit consider it reasonable to expect that each resident may need/have a car.

Northumbria Police have no objection to this development from a crime prevention perspective, but we have some reservations concerning the impact on residential amenity.

POLICIES:

In the Core Strategy and Development Plan (CSDP) the site is subject to the following policies.

- BH1 Design Quality
- ST2 Local Road Network
- ST3 Development and Transport

HS1 Quality of Life and Amenity
NE2 Biodiversity and Geodiversity
H6 Homes in Multiple Occupation (HMOs).

CONSIDERATIONS

The NPPF advocates a presumption in favour of sustainable development. For decision-taking this means NPPF 11(c) approving development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise; meaning amongst other things any other supplementary/ supporting planning documents and the government's guidance as set out in the NPPF.

Sunderland Core Strategy and Development Plan 2015-2023 (CSDP) was formally adopted on the 30th of January 2020. The CSDP is the starting point for the determination of planning applications. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development.

The main issues to be considered in determining this application are: -

Principle of the development.
Impact on neighbouring amenity
Highway and pedestrian safety
Ecological and landscape impact

COMMENTS:

PRINCIPLE OF DEVELOPMENT

The site is subject to policy EN10 which was retained from the Unitary Development Plan (UDP), which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and as such, the extension, being residential in nature reflects the existing pattern of land use.

ARTICLE 4 FOR HMO'S

In September 2012, the Council established an Article 4 Direction in specific parts of Sunderland, for the purposes of controlling the conversion of dwelling houses (C3) to small HMOs (C4)12. The Article 4 Direction is in place for the Barnes, Hendon, Millfield, St Michael's, and St Peter's wards (see Figure 3). The Cabinet Report which recommended the introduction of the Article 4 Direction indicated that these wards contain the highest concentration of HMOs within the city. Indeed, in 2012, 92.5 percent of known HMOs within the Sunderland administrative area were within the five wards covered by the Article 4 Direction. The Article 4 Direction was subject to a public consultation process and the provision of a minimum of 12 months prior notice before taking effect. The Direction was thus brought into force on the 16 December 2013. The Article 4 Direction remains in force.

THE TECHNICAL HOUSING STANDARDS- NATIONALLY DESCRIBED SPACE STANDARD, (March 2015).

The above standard deals with internal space within new dwelling and is to be used across all tenures. It sets out the gross internal floor area of new dwellings.

The standard requires that:

- a. The dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
- b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide
- d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m²
- e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)
- g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m² in a double bedroom and 0.36m² in a single bedroom count towards the built-in storage requirement
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area (GIA)

In this instance the standards state that the minimum GIA should be 97 m². The applicant has stated that the internal floor area would be 289 m², however floor to ceiling heights have not been included and as such it is not known whether the ceiling heights would be acceptable in this instance.

CORE STRATEGY DEVELOPMENT PLAN

The Councils adopted Sunderland Core Strategy and Development Plan (CSDP), Policy H6, sets out the Councils policy with regard to HMOs. The policy indicates that development for HMOs should ensure that:

- The property is located where increased traffic and activity would not be detrimental to local amenity.

- The intensity of use would not adversely affect the character and function of the locality;
- The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance.
- Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan; and
- The proposal would not result in an over concentration of HMOs within the locality.

The CSDP sets out in background text to support the policy that proposed HMOs should demonstrate that they would not have a detrimental effect on the character and function of the locality, its local amenity, or neighbouring properties. In addition, it sets out that when considering whether there is an over concentration of HMO properties within the locality, the Council will consider each proposal on its individual merits, considering the number of existing HMOs, clustering, and the character of the area. The background text also sets out that particular attention will be given to ensure that a good standard of amenity is in place for future occupiers of the HMO and proposals will need to retain acceptable levels of privacy and protect amenity.

1. Planning permission for HMOs will not normally be granted:

i. Where it would result in any residential property (C3 use) being 'sandwiched' between two HMOs or

ii. Where the number of HMO dwellings exceeds 10% of the total number of residential properties, within a radius of 100 metres from the application site.

2. Where either of the above criteria has been breached, planning permission will only be granted in exceptional circumstances.

3. Notwithstanding the threshold limit and exceptional circumstances set out above (criterion 1 and 2), other material considerations including, but not limited to, highways, amenity, character, neighbouring amenity, highway safety and residential amenity of future and existing occupiers arising from the impact of the proposal will be assessed in accordance with the Council's development plan, in particular Core Strategy and Development Plan Policy H6: Homes in Multiple Occupation (HMOs).

In summary, the intensity of the use would not be over and above what could be accommodated as a family unit and as such it is not considered that the use would adversely affect the character and function of the area. There are no other HMO's within the area within 100m of the site and it is not bounded by other HMO's and as such would be considered not to lead to a concentration within the area. The proposal is therefore considered to comply with Policy H6 of the CSDP and is acceptable in principle.

IMPACT ON AMENITY

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraphs 130 and 134 set out that good design is a key aspect of sustainable development and require that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Finally, 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.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which

respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings. It also states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

The design and external appearance of the property would not be altered therefore the visual character of the dwelling would be retained. The plans illustrate that the refuse would be stored to the rear and parking provided at the rear and the existing garage retained as parking space as well as a hardstanding, in keeping with the function of other properties within the area and in compliance with Policies ST2, ST3 (Highway safety) and H6 of the CSDP.

The trees on site would be retained, which the applicant has stated would not be affected by the development, therefore it is considered that the visual character of the dwelling would not be altered to an unacceptable degree. Consequently, it is therefore not considered that the proposed development would lead to any adverse harm the character or appearance of the area and host building. The proposal would therefore accord with paragraphs 130 and 134 of the National Planning Policy Framework (NPPF) (as amended) and policy BH1 of the CSDP, which seeks to ensure design quality and acceptable visual amenity within its surroundings.

Regarding amenity for the occupiers, it is considered that there would be sufficient shared space for the occupants provided by the shared living room and kitchen/dining room, with each bedroom having an acceptable outlook for the proposed occupants. The proposal therefore complies with the Technical Housing Standards above as it provides a large area of shared space to achieve a high standard of amenity. Subject to a condition requiring the submission of a maintenance and management plan for the unit to secure the visual appearance and operation of the building should Members be minded to approve the application the proposal is considered to accord with policy BH1 of the CSDP.

CSDP Policy HS1 states that: -

1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality.
- ii. noise.
- iii. dust.
- iv. vibration.
- v. odour.
- vi. emissions.
- vii. land contamination and instability.
- viii. illumination.
- ix. run-off to protected waters; or
- x. traffic.

2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and

3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

NOISE ISSUES

It is noted that the local residents have concern over noise, however, the Local Planning Authority cannot predict or assume that noise would be a nuisance, however, it is considered that a management plan could set out how issues would be dealt with, but in the absence of the plan the application will be determined as submitted. It should also be noted that the PPRS Team also deal with any noise nuisance issues, should they arise. The proposal is considered to comply with Policy HS1 in this respect.

Regarding noise the LPA are no able to predict or assume that there would be noise disturbance and as such being residential in nature, it is considered that the proposal would be acceptable in this instance.

HIGHWAY ISSUES

Policy ST2 of the Core Strategy states that proposed development should retain off street parking in the interests of highway safety.

The Council's Transportation Engineers have no objections and as such the proposal would therefore be considered to comply with Policy ST2 in this respect.

ECOLOGY

The proposed development would need to accord with Policy NE2 'Biodiversity and geodiversity' of the CSDP. The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites.

A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary such as HMOs) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per bed space tariff of £248.72.

The site is positioned within 7.2km of European designated sites. Therefore, as part of any planning application, the applicant is required to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), in order for the Council to secure the required payment (£994.88), to mitigate recreational impacts generated by the proposed development.

The applicant has failed to engage in entering into a Section 106 agreement and as such no mitigation measures are proposed in support of the application. With this in mind, the proposal is not considered to comply with policy NE2 of the CSDP and cannot be supported by the City Council's Ecologist.

CONCLUSION

Whilst it is acknowledged that the intensity of the use would not be over and above what could

be accommodated as a family unit and as such it is not considered that the use would adversely affect the character and function of the area. There are no other HMO's within the area within 100m of the site and it is not bounded by other HMO's and as such would be considered not to lead to a concentration within the area. The proposal is therefore considered to comply with Policies H6 and BH1 of the CSDP regarding amenity.

Notwithstanding the above, the proposal is contrary to Policy NE2 of the CSDP, failing to mitigate potential impacts on the integrity of European designated sites and as such it is concluded that on planning balance, the impacts of the proposal upon the integrity of the designated sites is considered to outweigh any potential benefits that may be brought forward by converting the existing dwelling into an HMO.

REASON

The proposal does not include the provisions required to contribute towards a package of mitigation, to eliminate any adverse effects on the integrity (from recreation impacts) upon the European designated sites and as such is contrary to policy NE2 of the CSDP.

Equality Act 2010 - 149 Public Sector Equality Duty

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

Nature of Decision Made : Refuse

Reason for Refusal:

The proposal does not include the provisions required to contribute towards a package of mitigation, to eliminate any adverse effects on the integrity (from recreation impacts) upon the European designated sites and as such is contrary to policy NE2 of the CSDP.

Reference No.: 23/01121/SUB Resubmission

Proposal: **Change of use from C3 (residential) to C4 (5-bedroom HMO).**

Location: 265 Chester Road, Sunderland SR4 7RH

Ward: Barnes
Applicant: Mr Paul Smith
Date Valid: 22 May 2023
Target Date: 17 July 2023

PROPOSAL:

SITE

Planning permission is sought to change the use of a residential dwelling (Use Class C3) to a House of Multiple occupation (HMO) (Use Class C4) at 265 Chester Road, Sunderland, SR4 7RH.

The proposed change of use affects a terraced property fronting Chester Road, opposite St. Gabriel's Church and close to Sunderland Royal Hospital. The property is located in the Barnes Ward of Sunderland.

BACKGROUND AND PROPOSAL

The use of a property as an HMO occupied by no more than 6 no. residents falls within use class C4 of the Town and Country Planning (Use Classes) Order. Normally, the change of use of a single dwellinghouse (use class C3) to a C4 use can be undertaken without planning permission by virtue of the 'permitted development' rights afforded by Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GPDO'). The Council has, however, issued a Direction (made under Article 4(1) of the GPDO) which serves to remove this 'permitted development' right in five electoral Wards, including Barnes. As a consequence, within these Wards it is necessary to apply for planning permission to change the use of a dwellinghouse to an HMO falling within use class C4, as is the case with the current application.

The proposal is for a 5no. bed HMO. All of the bedrooms would have ensuite bathrooms and there would be 2no. bedrooms on the ground floor and 3no. on the second floor.

The shared living space would consist of a kitchen/ dining area to the rear.

There are 2 no. onsite parking spaces provided within the rear yard and bin storage is also provided to the rear. The yard is accessed via a rear lane.

No external works are proposed.

SITE HISTORY

An application for the same proposal (app ref: 23/00698/FUL) was refused on 16th May 2023.

The reason for refusal was the absence of an agreed financial contribution towards the mitigation of harm to European designated sites, generated by additional recreational pressures resulting from the additional housing, and the resultant conflict with policy NE2 of the Council's Core Strategy and Development Plan - Biodiversity and geodiversity.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Richard Dunn
Cllr Anthony Mullen
Cllr Ehtesham Haque
Environmental Health
Northumbria Police
Network Management
Planning Policy

Saint Gabriels Church, Saint Gabriels Avenue, Sunderland, SR4 7TF
Flat 3 263 Chester Road Sunderland SR4 7RH
Flat 5 263 Chester Road Sunderland SR4 7RH
Flat 4 263 Chester Road Sunderland SR4 7RH
Flat 1 263 Chester Road Sunderland SR4 7RH
Flat 2 263 Chester Road Sunderland SR4 7RH
Methodist Church Ewesley Road Sunderland SR4 7RJ
Methodist Sunday School Ewesley Road Sunderland SR4 7RJ

Final Date for Receipt of Representations:

REPRESENTATIONS:

Councillor response: Councillor Ehtesham Haque objected to the proposal given the strain on parking the HMO would cause in the area. The Councillor requested that the proposal be heard at the Planning and Highways Committee.

Public response
None received.

It is noted that public consultation doesn't expire until 26.07.2023. Any further representations received will be reported to Members ahead of the committee meeting.

Internal consultee responses
Transportation Department (the Local Highway Authority)

Comments: It is noted this is a resubmission of a previous application (23/00698/FUL), for which comments were made on 02 May 2023. The re-submitted application has no additional impacts, in terms of highways and transportation and therefore no further comments are required on submitted documents and plans.

Recommendation: No objections on highways or transportation grounds.

Environmental Health

Considers that proposal is acceptable.

Information for the applicant relating to licencing requirements, including the standard room sizes required for licencing applications, was provided.

The applicant provided additional detail relating to room size and the Environmental Health officer confirmed on the 18.07.23 that the proposal would meet the licencing requirements.

Planning Policy

Noted that the application should be assessed against the requirements of policy H6 'Homes in Multiple Occupation (HMOs) and that the proposal would not be contrary to the guidance within the adopted Homes and Multiple Occupation Supplementary Planning Document (HMO SPD) (2020) as the proposed HMO would not result in an over-concentration of HMOs within 100m of the site and would not cause a dwellinghouse to be 'sandwiched' between two HMOs.

Policies BH1 and HS1 relating to residential amenity and noise should also be considered and it was requested that a management plan be provided.

Northumbria Police

Provided no objection to the proposal

POLICIES:

In the Core Strategy and Development Plan the site is subject to the following policies;

H6 Considerations in area based housing distributions.

BH1 Design Quality.

HS1 Quality of life and amenity

ST2 Local road network

ST3 Development and transport.

COMMENTS:

PRINCIPLE OF DEVELOPMENT

The proposed development must be considered against the policies contained within the Council's adopted Core Strategy and Development Plan (CSDP). This was adopted in January 2020 and served to replace the majority of policies within the previous Unitary Development Plan (UDP), however some UDP policies have been 'saved' pending the intended adoption of an Allocations and Designations Plan.

The site in question is not allocated for any specific land use within the adopted Core Strategy or the saved elements of the UDP and, as such, is subject to saved UDP policy EN10. This policy dictates that, where the Plan does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In this case, the use would be residential within a predominantly residential area and so broadly speaking, the principle of the change of use would therefore be acceptable with regard to the NPPF and policy EN10 of the saved UDP.

Also relevant to the application is CSDP policy H6 'Homes in Multiple Occupation (HMOs)', which states that development for HMOs should ensure that:

1. The property is located where increased traffic and activity would not be detrimental to local amenity.
2. The intensity of use would not adversely affect the character and function of the locality.
3. The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance.
4. Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan.
5. The proposal would not result in an over concentration of HMOs within the locality; and
6. The accommodation provides a good standard of living space and amenity for occupiers of the HMO.

The Council's adopted Homes and Multiple Occupation Supplementary Planning Document (HMO SPD) (2020) is also applicable. It provides guidance on the management of HMO development and sets out (at page 13) that planning permission for HMOs will not normally be granted:

- I. Where it would result in any residential property (in C3 use) being 'sandwiched' between two HMOs; or
- II. Where the number of HMO dwellings exceeds 10% of the total number of residential properties within a radius of 100 metre from the application site.

The guidance states that where either of the above criteria have been breached, planning permission will only be granted in exceptional circumstances. In addition to the above, the guidance sets out that notwithstanding the threshold limit (as set out above), other material considerations including but not limited to, highways, amenity, character, neighbouring amenity, highway safety and residential amenity of future and existing occupiers arising from the impact of the proposal will be assessed in accordance with the Council's development plan, in particular Policy H6 of the adopted CSDP.

Based on information held by the Council's Planning Policy team, the proposed development would not appear to result in a 'sandwiching effect'. In addition, based on the Policy team's information, it would appear that there are 2no. existing HMOs within 100 metres of the site, and so this proposed development would not result in more than 10 percent of residential properties within 100m of the site being in HMO use.

On this basis, the proposed development would appear to accord with Criteria 2 and 5 of Policy H6 of the adopted CSDP, and guidance within the HMO SPD in relation to the number of HMO's in a certain location. It is therefore considered that a HMO in this location would be acceptable in principle.

Notwithstanding this, it must also be insured that the specific nature of the use would be compatible with the general character and amenity of the area and these matters are considered below.

VISUAL/RESIDENTIAL AMENITY

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining

acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

The proposed development would need to accord with Policy HS1 'Quality of life and amenity' (in relation to noise and traffic), Policy HS2 'Noise-sensitive development', and Criterion 4 of Policy H1 'Design quality' (in relation to impact on residential amenity) of the adopted CSDP. It would also need to accord with Criteria 1, 3 and 6 of adopted CSDP Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

The property is a large-terraced dwelling within a busy area adjacent to an 'A'-class road and close to the Sunderland Royal Hospital, two churches and a number of shops and so it is considered that this relatively low-intensity use of the property would not adversely affect the character and function of the locality. Furthermore, it is not considered that the use of the property as a 5 bed HMO would substantively increase comings and goings on site or create noise over and above the existing residential use. As such the proposed development would not be considered to negatively impact the occupiers of neighbouring properties.

The agent confirmed in the management plan submitted on 17.07.23 that they have over 3 years of managing HMOs and are accredited members of the National Residential Landlords Association.

The management plan includes the following operational detail:

- The HMO will be sourced to young professionals and all tenants will undergo credit and reference checks.
- Any emergency issues tenants have with the property will be responded to within 24 hours.
- Each tenant will be given a copy of the house rules which limit social gatherings permitted past certain times as well as providing the protocol in place to deal with any anti-social behaviour. They will be advised that the landlord/managing agent can gain access to the property given that 24 hours' notice has been provided.
- The procedure to tackle anti-social behaviour caused by tenants of the property or their guests/ associates will start with a verbal warning. If the problem persists a written warning will be issued. Finally, if the issue persists, we will take the appropriate legal action. A clause within the tenant contract will state that they are responsible for any anti-social behaviour by themselves and/or their visitors.
- The property will be inspected monthly. The property will be assessed internally and externally to identify any potential maintenance issues.

The management plan provides reassurance as to how the HMO will be operated and it is recommended that this be conditioned as part of any approval of permission. The management plan will also be considered as part of the Environmental Health team's HMO Licensing process.

The 5 bed HMO would include a 23m² common kitchen and dining area, 3no. 23m² bedrooms, 1no. 20m² bedroom and 1no. 26m² bedroom. All bedrooms would have their own toilet/shower rooms and would have a suitable level of outlook.

It is considered that the 5 bedroom HMO offers adequate living space for potential occupiers in terms of their private space and on balance given the room sizes and number of potential occupiers, the shared space available is considered to be satisfactory in this instance.

It is also noted that the Council's Environmental Health Team have confirmed that all of the bedrooms would exceed the minimum room sizes of 10.0m² for one person or 15.0m² for 2 people.

Given the above, it is considered that the proposal would not negatively impact the residential amenity of neighbouring dwellings and would provide a suitable level of accommodation for prospective occupiers in accordance with the NPPF and policies BH1, HS1 and H6 of the CSDP.

ECOLOGY

The proposed development would need to accord with Policy NE2 'Biodiversity and geodiversity' of the CSDP. Policy NE2 sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity.

The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary such as HMOs) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling (or in this case per bed space) tariff of £248.72.

The site is positioned within 7.2km of European designated sites. Therefore, as part of any planning application, and in order for the Council to discharge its obligations under the Habitats Regulations, the applicant is required to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), in order for the Council to secure the appropriate contribution to mitigate recreational impacts generated by the proposed development.

The applicant has accepted the need for a financial contribution to the coastal mitigation strategy and a contribution of £686.46 has been agreed (calculated based on the tariff of £248.72 x 2.76 additional bedspaces). In the event Members are minded to approve the application, the decision notice would not be issued until the legal agreement to secure the contribution has been completed.

Given the above and the applicant's agreement to the financial contribution, the proposal would not be considered to have a negative impact on the European Designated Sites and would be in accordance with policy NE2.

HIGHWAY SAFETY

The proposal development would need to accord with Policy ST2 'Local road network' and Policy ST3 'Development and transport' of the adopted CSDP. It would also need to accord with Criterion 4 of Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

It is noted that 2no. parking spaces are available to the rear and bin storage will be located within the curtilage of the property.

The property is also located on a busy bus route, with a number of stops served by buses to a number of destinations close by. It is also close to both the shops and services on Chester Road and the City Centre itself, so the use of a car would not necessarily be essential for occupiers. The level of parking in this instance is therefore considered to be acceptable.

The Council's Highway Officer has confirmed there is no objection to the proposal. It is considered that the proposal would not impact upon car parking provision or the highway network and would raise no pedestrian safety concerns, and as such accords with the NPPF and policies ST2 and ST3 of the CSDP.

CONCLUSION

It is considered that the principle of a HMO use is acceptable, as is its impact on residential amenity and highway safety. Additionally, subject to the completion of the legal agreement to secure the financial contribution to the Council's coastal mitigation strategy the implications of the development relative to the integrity of the European-designated sites is considered to be acceptable.

As such it is recommended that the Councillors be minded to approve the application, subject to the conditions set out below and the completion of a s106 agreement to secure the coastal mitigation contribution of £686.46.

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 the conditions set out below and the completion of a s106 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, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

Location, received 22.05.23

Site Location plan, drawing number 03a, received 22.05.23

Existing floor plans, drawing number 01a, received 22.05.23

Proposed floor plans, drawing number 02a, received 22.05.23

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 area within the rear yard area indicated on plan 03a (Site Location) as being available for the parking of vehicles, shall be laid out in accordance with the approved plans and be made available for such use at all times thereafter.

Reason: In the interests of highway safety and to accord with Policy ST3 of the CSDP.

4 The development shall be operated in full accordance with the measures outlined within the Management Plan submitted on 17.07.23.

Reason: In the interests of residential amenity and to accord with policies BH1, HS1 and H6 of the CSDP.

Reference No.: 23/01154/FUL Full Application

Proposal: **Change of use from a single dwelling under Use Class C3 to a Use Class C2 residential care and living unit for children (under 18 years old) with associated staff members 24/7 on site.**

Location: 36 Joan Avenue, Sunderland. SR2 9TA

Ward: Ryhope

Applicant: HMO Northeast T/A Forevercare

Date Valid: 25 May 2023

Target Date: 20 July 2023

SITE

The site relates to an existing two bedroomed semi-detached property which faces northeast. The property is on a corner site and has a narrow garden to the front which widens to the rear.

PROPOSAL

The proposal intends to change the use of the existing dwelling (Class C3) to to a residential care and living unit for 1 child under 18 years old with associated staff members on site 24/7 (C2). The agent has commented that there are no physical extern alterations proposed other than those on the floor plans which show office and bedroom in one room.

TYPE OF PUBLICITY:

Site Notice Posted (expired 28.06.2023).
Neighbour Notifications

CONSULTEES:

Cllr Lindsey Leonard
Cllr Martyn Herron
Cllr Ali Usman
Network Management
Environmental Health
Northumbria Police

32 Joan Avenue Sunderland SR2 9TA
34 Joan Avenue Sunderland SR2 9TA
40 Joan Avenue Sunderland SR2 9TA
17 Joan Avenue Sunderland SR2 9TA

38 Joan Avenue Sunderland SR2 9TA
Land To The West Of 24 Irene Avenue Sunderland SR2 9SZ
24 Irene Avenue Sunderland SR2 9SZ
22 Irene Avenue Sunderland SR2 9SZ
20 Irene Avenue Sunderland SR2 9SZ
30 Joan Avenue Sunderland SR2 9TA
15 Joan Avenue Sunderland SR2 9TA

Final Date for Receipt of Representations: **28.06.2023**

REPRESENTATIONS:

Following the expiry of the consultation period 34 letters of objection were received. A summary of the issues and concerns are listed below.

A resident that lives at 34 Joan Avenue, she has been suffering intimidation and abuse by a juvenile resident staying in a 'Children's Home' run by Forever Care, at 36 Joan Avenue. This resident resides there with her daughter who has special needs and has had to suffer continued abuse.

- This abuse has involved loud music, shouting, swearing, name calling, spitting and the smoking pungent cannabis at all hours. I am sure you agree no resident should be made to feel so scared in their own home. This juvenile has regular carers, but it doesn't seem to have stopped the antisocial behaviour.

- This is a quiet neighbourhood with lots of elderly and vulnerable residents. It does not need a care home for the most difficult juveniles upsetting and terrorising its residents with antisocial behaviour and abuse. I object vehemently to this home becoming a permanent 'home' fixture and ruining this peaceful neighbourhood and I wish to have my objection noted.

- People on this small estate have worked hard to make their homes into places they can be proud of. The unit, which is currently proposed, is not suitable for a quiet and pleasant estate such as this. The current resident is one such example.

- There are a lot of older people on this estate, quite a few who live alone, who are quite rightly apprehensive and anxious about what sort of antisocial behaviour problems they may have to cope with and any following consequences which could arise.

- May I respectfully submit that if this unit was anywhere near members of the planning committee it well might not be approved so why should a small estate like this have to put up with it. Please don't spoil our basically nice quiet lives with this unit, which is happening to some residents now.

- I've lived in this street for 39 years now and this has always been quiet and respectful even when our children were you, I have recently heard that planning permission may be going ahead to turn a bungalow into a care home for children.

- I and most of the neighbourhood strongly object to this as there are lots of vulnerable elderly people now living here, we have already noticed a lot of extra traffic and the parking is terrible now due to the team of carers attending this bungalow.

- There has been lots of mess outside this house along with lots of strange young people entering We feel bungalows in this area should be for the elderly people retiring who just want a quiet life which will not happen as this house is disruptive already.
- We all fully object to any plans going ahead and feel it wouldn't work anyway as it only has 2 bedrooms, I speak for myself and many of my quiet elderly neighbours who don't know how to complain but are very concerned.
- We have just been made aware of residents at 36 Joan Avenue. The distress it's causing neighbours. Are forever care aware of the concerns by all residents in the area. We bought our bungalow on Irene Avenue 2 years ago, A big part of this was the peaceful area and residents. I am sure a lot of residents in bungalows who are elderly are feeling anxious and upset about this situation I know we are. So, we strongly object to this continuing.
- Residential unit for children is very misleading.
- I moved to escape a similar situation.
- Neighbours have experienced appalling behaviour from residents in this home.
- We live opposite this premise for the past 20+ years. In this time, 36 Joan Ave has had numerous patrons in which some of these were very undesirable, in which complaints were made to the council with no positive response. 36 Joan Ave is alleged to be a C3 (disabled) care house, but in the past had residents on the sex offender register. Now the proposal is to change this to a C2 (juvenile) home, in which the background of these juveniles is unknown and very questionable.
- Recently an alleged 15-year-old boy under care has moved in with supposedly 24-hour supervision. This even though no plan permission is past yet and hopefully never will be. This 15-year-old boy has already made quite an impact in the street and being very disrespectful, disruptive (all hours of the night), to his neighbours. This is unacceptable. Joan/Irene Ave is a small quiet private residential area of high standard. Being predominantly elderly people or family. This small peaceful street should not be subject to such Residential care facilities, with Questionable attendees.
- We strongly oppose this planning Application and will fight to have it revoked and the house used in a manner relating to the street, being a peaceful private residential area.
- Inappropriate use
- Noise from use
- We have always been happy, contented and have felt safe on this estate. Children left home and my husband died in 2011. Since then, I have lived here alone and I have always felt safe having never experienced antisocial behaviour, damage to property and vehicles etc.
- I am concerned with youngsters living in a bungalow with carers. Currently there is only 1 child apparently with carers.
- I feel we should have had formal notification for us to express our opinions. My main concern is the possibility of damage to property and vehicles within the estate if occupants are likely to display antisocial behaviour.

- I and plenty of other people in the streets would find it incredibly stressful, worrying, and disruptive should these problems occur.

- I'm writing to object to the application to change the use of 36 Joan Avenue into a living unit for children under 18 years old. What confuses me is the timing of this application as this youth has lived there now over several months without the correct residential care/application granted and this has already caused great concern and a huge amount of upset to our neighbourhood.

- Over the years there's been many disruptions caused by this property including police and ambulance visits.

- This has only got worse over recent months and we are now subject to anti-social behaviour which has never been so much of an issue until now. Where I live, I see the daily footfall to the property with changeover of staff and the youth that currently lives there. This has increased to now include friends of the young male being loud and disruptive through the night which I have CCTV footage of and can be provided upon request. This shows said group out walking and running about Joan and Irene Avenue between the hours of 12 and 3am, to which it woke me and my partner.

- Stating the new application will have 24-hour supervision for the youth (which I believe is already in place) means nothing considering recent issues. This suggests the team currently looking after said youth have no control over him and this raises greater concerns as to that this group are getting up to during this hour when clearly unsupervised.

- Having lived here for 8 years and recently starting a family this isn't the sort of property I want on my doorstep for issues already highlighted by others but include drug use and anti-social behaviour.

- Joan and Irene Avenue have always been a lovely, well-respected area with residents from young to old who value the peace and safety of our homes so for this reason I object to the proposed change of use for this property.

- We are objecting to the above planning application. Our reasons are because of the anti-social behaviour caused by the young person placed in the property. There have been incidents of smoking cannabis which makes the area smell, increased noise at unsociable hours and we often hear shouting and swearing.

- With regards to your plan to turn 36 Joan Ave into a children's home I strongly object. I've lived here for 34 years, and this is a very peaceful street, whereas if you go ahead with your plan the anti-social behaviour is only going to get worse. (See the letter 34 Joan Ave submitted) The letter 34 Joan Ave will only be the start if more youngsters get put there. Also, there could be a knock-on effect with the value of properties in the two streets affected Irene & Joan Ave.

- We are writing to you to lodge our objection to the planning application made by Forevercare to turn 36, Joan Avenue into a children's home.

- We feel that the bungalow in question is totally unsuitable for a lone placement child who requires 4 carers per 24-hour care. The area is a quiet residential area with many elderly residents living alone. We have noticed in recent weeks more youths visiting this area and incidents of rubbish being thrown in gardens.

- We also have doubts of the ability of the carers to give adequate supervision to the child who is housed there at this time. Despite the child's antisocial behaviour towards neighbours and

complaints from neighbours the carers seem unable to do anything to stop these antisocial actions.

- We would also like to know how this child has been housed here since February, but you are just now submitting a planning application for this use. Surely that should have been sorted before using it to house a child.

- We know this is a difficult situation and this child must be housed somewhere but surely there is more suitable accommodation to meet his needs where he will receive adequate supervision. He is living in an area among mostly middle aged and elderly people who have lived in their houses for 40-50 years and feel very worried if application is granted.

- We hope you will give this situation a great deal of consideration both for the needs of the child/children who may be housed there now and, in the future, and the views of neighbours.

- Joan and Irene Avenue are 2 lovely, peaceful residential avenues with many elderly people living here. There are major concerns relating to Forevercare applying to run it as a home for young people, some with major antisocial behaviour. Although I understand homes have to be found to help young people, but a little bungalow in the middle of a tiny, quiet estate is definitely not the answer.

- I would like to record my objection to the above property being used as a children's home. I am aware there is a teenager with additional needs in the property already and as that antisocial behaviour is interrupting the neighbourhood.

- After hearing of the proposal, I object on the grounds of noise, disturbance, and nuisance. Having neighbours harassed in a peaceful neighbourhood is of annoyance and causing stressful inconvenience, of which is unnecessary. I feel the area will suffer from the proposal as it seems little, or no control is administered. To have this dwelling used as it is or worse in future is unreasonable and will increase significant protest.

1- there is already a problem with recorded anti-social behaviour to this location. This seems to be a regular occurrence and numerous residents including we have witnessed this on more than one occasion. These have been reported to the council where these recorded incidents are logged.

2- This property is far from suitable for any type of residential care facility. These properties are 1937 pre-war buildings their construction allows for the easy transmission of sounds to adjacent buildings and buildings are close to each other. With 36 being a semi-detached property this will no doubt have serious impact on the adjoining and adjacent properties.

3- This is a commercial run business, it is providing no benefit to the residents of Irene and Joan Avenues and due to the recorded anti-social behaviour it is actually detrimental and negative.

- Although I can understand the need for establishments their location needs to be carefully considered due to the wider impact it may present. It seems this has not been the case for this location.

- Instead of posting a simple letter on the adjacent lamp post a wider letter drop should have been recorded due to the wider impact of the submission. Due to these and more serious concerns which no doubt the adjoining residents will have made Sunderland council aware, I would request...refuse.

- For quite a few years now, number 36 has become a problem since it was made into some sort of 'halfway house'. The people that occupy it have no interest in being nice neighbours. The state of the upkeep of the property reflects the kind of people that live there. Often the smell of cannabis emanates along with noisy swearing and general anti-social behaviour.

- If we have witnessed this, it must be many times worse for the immediate neighbours.

- This used to be a nice peaceful community.

- I'm sure all of us would like it returned to that. Planning permission has been applied for to run this property as some sort of children's home. This we strongly object to on the grounds that this is a private residential estate. t that this submission is rejected.

- We strongly object to this due to the antisocial behaviour e.g., excessive noise, shouting, frequent smoking of swearing & spitting which has occurred since February.

- The residents of Joan Avenue & the connected cul-de-sac Irene Avenue is made up of young families & elderly retired individuals and feel extremely strongly about this situation. This neighbourhood had always been a safe & peaceful place to live but not currently.

- Antisocial behaviour & the encouragement of disrespect to our neighbourhood Since having a child placed in the property earlier this year there has been endless problems of excessive noise, frequent smoking of cannabis shouting, swearing & spitting.

- Anti social behaviour team & Sunderland Mediation teams have been involved to address the problems.

- We live in a quiet & respectful area & have noticed a lot of activity from youngsters, it is not a neighbourhood where people would walk through to get to neighbouring estate which gives me concerns as to why they are hanging around the area.

- It has recently come to light that a planning application has been made to run this property as a children's home. Can I highlight my concerns with this application, as over the course of the last few years we have had children / young adults living in this house who have constantly been antisocial. There have been police to the property on numerous occasions, all at unsocial hours, which does impact on sleep, working, wellbeing, but also feeling of safety.

- I have historically been subject to abuse, swearing, threatening behaviour, and feeling intimidated, which is unacceptable and not how you should be made to feel in your own home. I am aware there is drugs and has always been drugs used at this property and this is also a major concern. Joan Avenue was always a very quiet and respectful street and now a place where I am more cautious. I have a young granddaughter whom I do not feel should be subject to this, nor do I feel it is appropriate for a home of this nature be in the middle of a private housing estate.

- I strongly object to the planning application for the above property, this is a residential area of 2 streets that is predominately home to middle aged and elderly residents some of which are disabled or vulnerable and having a children's home in this area is totally unacceptable. The property which is a bungalow should not be used to house under 18s unless they have mobility issues. While I understand that these children must be housed somewhere this is not the appropriate area. The antisocial behaviour that this property is attracting is detrimental to the surrounding area and value of surrounding properties and by housing under 18s in this way is only attracting more antisocial behaviour I believe if this is passed it will set a precedent for the area.

- As residents of Joan Avenue since 1984 we are both completely against using a house on this residential estate for anything other than private housing. we feel we have a voice to be able to object. This small estate of Irene / Joan Avenues has been a quiet and safe place to live over the years and a place where our children grew up. Currently number 36 Joan Avenue is C3 and the occupants cause concerns not only around that address but also around Joan Avenue in general, the behaviour is in total disregard for the residents old and young who have made their homes here. To change the use of the house will make the situation worse than current.

- To change the address use to C2 comes with 24/7 onsite support which means that the children require around the clock supervision, comings and goings all times of the day and night will be intolerable for everyone but even more so for the close neighbours who already have much to endure with the current occupants of number 36. You already received an objection from the residents of number 34 who are enduring terrible anti-social behaviour from the current occupants at 36, I am sure you would not accept that situation yourself.

- We are a mix of mature and young people living here in Irene and Joan Avenues. The estate has always been harmonious; however, we feel that upholding this planning application will seriously risk our lifestyle, safety and in some cases the value of our property. We also would like to have a safe and quiet environment to live in during our retirement years, the younger residents want to raise their children in a safe environment.

- We would urge you to consider our objection and in turn refuse the planning application.

- I am sure each one of the residents on this estate would welcome open dialogue to voice our concerns, I feel we are worthy of such a forum before you make the final decision.

- an extract from Sunderland Councils Housing Strategy for Sunderland - 2017-2022 document. This document (most up to date housing strategy for Sunderland) clearly outlines the shortage of bungalows like this property and the Council are currently undertaking a costly program of building new bungalows. In addition, the housing strategy states a key priority is that the city provides a diversified housing offer to meet those identified housing needs and bungalows are one of those priorities. housing of young people with a specialist housing need is also a priority of this document I would however question whether the client group housed by Forever Care at this current time meets this criterion or ever will and therefore will simply reduce an already low level of bungalow housing stock in the city. Housing Strategy for Sunderland - 2017-2022 Ageing population Housing plays a fundamental role in ensuring the health and wellbeing of its residents, particularly older persons, and vulnerable groups. The number of older persons aged 65+ years in Sunderland is projected to increase by 42% from 2015 to 2039. This presents a strategic challenge for the city. It is important that plans are put in place, based on sound evidence of need. Working with partners, providers, and older residents, it is vital to ensure more housing choices are available to support the increasing group of older persons with a variety of housing needs. Currently there is a real shortage of bungalows.....

NORTHUMBRIA POLICE

Comments:-

On the face of it this is a simple application for the change of use of a small bungalow (currently C3 use) to a small Children's home (C2).

Given the size of the property and the expressed intent as per the description of the proposal (see Application Form) it would seem likely that the Applicant is seeking provision for one resident, but the language used is vague and a "living unit for children (under 18 years old) with associated

staff members 24/7 on site" could be read in two ways and our earlier request for clarification hasn't elicited any expression of intent in this regard.

We do not believe the brevity of the submission serves the application at all well. Indeed the scant information provided isn't really in keeping with an application for a Children's Home at all. Only last month in a Ministerial Statement, subsequently covered in the Chief Planners newsletter (19 June 2023), the Housing Minister made the case that Local planning authorities should give due weight to and be supportive of Children's Home applications, but stressed the importance that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.

Northumbria Police are therefore concerned that this application lacks sufficient detail as to the nature of the existing operation and how the home will be run.

We believe this to be a retrospective application, given that according to our call records the Applicant has been associated with this property since at least October 2016, during which time there have been a total of 130 calls for service from Joan Avenue of which 110 (85%) have originated from the premises in question. The majority of the calls (60%) related to Missing Persons.

The Applicant operates in a challenge sector of the care industry and given the circumstance of the residents, one would expect a higher-than-normal rate of calls for service, but for 85% of calls in a street to originate from one address is we would suggest indicative of the impact this premises is having on the immediate locality and public amenity.

In light of the lack of detail and taking into account the level of demand it has generated; we cannot support the application in its current form and would hope that the Applicant might provide more detail as the operation and their location assessment.

ENVIRONMENTAL HEALTH

Thank you for your recent consultation regarding the above application. It is understood that the applicant seeks consent for Change of use from a single dwelling under Use Class C3 to a Use Class C2 residential care and living unit for children (under 18 years old) with associated staff members 24/7 on site.

The application site is a semi-detached bungalow situated on Joan Avenue. There are existing residential properties to either side (adjoined on one side) with further residential properties opposite. To the rear of the property (Southwest) is Leechmere Industrial Estate.

A proposed floor plan was submitted as part of the application. These plans show the ground floor which consists of one bedroom, an office/bedroom (for use by staff), a lounge a kitchen and a wet room.

It is believed that the property is currently being used for an existing client.

This Service is aware the application premises has been the subject of complaints from existing residents due to the behaviours of the current client. Such behaviour was deemed to be unreasonable, continuing and to negatively affected the community's quality of life and so a Community Protection Warning was served upon the resident in March 2023 (under Section 43, Anti-Social Behaviour, Crime and Policing Act 2014). Similar complaints have been made to Northumbria Police.

The impact of such behaviours has been illustrated within public comments submitted by residents in response to this planning application. Many of these references low level drug use, the use of abusive language and shouting within the street by the client. The current usage is having a detrimental effect upon the amenity of the street.

The 'class use' for residential care by its very nature can manage occupants with complex support needs. In some cases, this works well and in other cases the behaviours of the client cannot be effectively managed by the business or its employees, and it falls to residents living next to the facility to inadvertently manage the client's behaviour by complaining to the local authority, police etc. This appears to be the case in this current situation.

Whilst these facilities are essential to support the integration of children into independent living, the behaviours of the current resident should not be used to describe every tenant that may occupy the property, it raises the issue as to whether this 'class use' is located in a suitable building or suitable location, so when things go wrong can this be managed by the business so as not to have a detrimental impact on local residents.

The application premises is adjoined to another property within proximity to many other residential properties. Thought has been given by this Service as to whether planning conditions requiring adjustments to the property to provide additional sound attenuation could make this application acceptable. Unfortunately, such modifications would not lessen the impact of behaviours occurring outside of the property upon existing residents.

Equally, the planning application and the site could be suitable to a client with a lower level of support needs or for a client who is further through the scheme, however I am unable to suggest how this could be defined.

Alternatively, a detached property which does not have a concentrated surrounding of existing residents maybe such an alternative to this current site, to allow behavioural issues to be addressed within the confines of the property without having a direct impact on residents.

Choosing a suitable property or local can assist with this by providing a 'buffer zone'.

It is recognised this application can represent an emotive subject and it is a provision which is needed within society, however ultimately it is a business operating through a business model which at times appears to have difficulty addressing a client's high support needs. This has spilled over into the community and has resulted in antisocial behaviour.

Given the evidence and examples of ongoing problems relating to the current operation of this property I would recommend this application is refused.

Should the Planning Team approve this application, this service would request that a planning condition is created requiring the applicant to submit a management scheme for approval by the local planning authority. This scheme should detail how antisocial behaviour (including unreasonable/excessive noise) will be addressed and managed at the property.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood.

In the Core Strategy and Development Plan the site is subject to the following policies:

H1 Housing Mix.
BH1 Design Quality.
HS1 Quality of Life and Amenity.
ST2 Local road network.
ST3 Development and transport.

COMMENTS:

This report has been prepared regarding both the adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP).

- The principle of the development.
- The impact of the development on visual and residential amenity.
- The impact of the development on highway and pedestrian safety.

PRINCIPLE OF DEVELOPMENT

The adopted Core Strategy and Development Plan (CSDP) as well as the saved policies contained within the Unitary Development Plan (UDP) focuses predominately on the principle of development of change of use from a single dwelling house to care accommodation within Use Class C2.

The site is subject to policy EN10 which was retained from the Unitary Development Plan (UDP), which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the surrounding land use is predominantly residential and as such, the change of use which is in generally residential in nature would usually be acceptable in principle, however, although the Agent has confirmed the use is not retrospective, it is apparent from the details and complaints from neighbours, that that the use appears to be operating currently for the use applied for in the planning application. Due to the level of harm that the use appears to be causing to the amenity of the area the use is considered to be uncharacteristic of the suburban family orientated neighbourhood and contrary to Policy EN10 of the UDP

CSDP Policy H1: Housing Mix indicates that:-

1. Residential development should create mixed and sustainable communities by:
 - i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council's SHMA or other evidence.
 - ii. providing a mix of house types, tenures and sizes which is appropriate to its location
 - ii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and
 - iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 - accessible and adaptable dwellings.
2. Development where appropriate and justified, should also seek to:
 - i. provides larger detached dwellings; and
 - ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.
3. Development should consider the inclusion of self-build and custom house building plots.

Although the Council aim to deliver a range of different housing types it is considered that the proposed use is not appropriate at this location due to the locality being defined as a family orientated neighbourhood and as such is considered unacceptable contrary to H1 of the CSDP.

2. VISUAL AND RESIDENTIAL AMENITY

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraphs 130 and 134 set out that good design is a key aspect of sustainable development and require that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users. Finally, that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

It also states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Given that there are no significant alterations to the dwelling as part of the proposal there would not be any harm to the visual amenity of the area or the host property.

Policy HS1 of the CSDP sets out that development must not result in unacceptable adverse impacts arising from air quality; noise; dust; vibration; odour; emissions; land contamination and instability; illumination, run off to protected waters; or traffic.

With regard to the impact on residential amenity, the Councils Public Protection and Regulatory Services (PPRS) have reviewed the details and have objected to the proposal due to the level of complaints due to the behaviour of the current occupant and impact upon the residents within the street scene by way of noise and disturbance. As the use is believed to be in line with the proposal submitted, given the examples of ongoing problems relating to the property and the impact upon the nearby residents, it is evident that there is adverse harm to the amenity of the area.

Northumbria Police have also objected to the proposal due to the level of complaints received at the property and the lack of Management of the company.

It is noted that according to our call records the Applicant has been associated with this property since at least October 2016, during which time there have been a total of 130 calls for service from Joan Avenue of which 110 (85%) have originated from the premises in question. The majority of the calls (60%) related to Missing Persons. The Applicant operates in a challenge sector of the care industry and given the circumstance of the residents, one would expect a higher-than-normal rate of calls for service, but for 85% of calls in a street to originate from one

address is we would suggest indicative of the impact this premises is having on the immediate locality and public amenity.

They did ask if additional information to provide more detail as the operation and their location assessment, however the Agent declined to submit the information.

It is therefore considered that the use being currently Managed by the applicant has not been operated to a degree that would protect the amenity of the neighbouring properties. The use fails to function well and harms the character and quality of the area and is contrary to Paragraphs 130, 134 and 170 of the NPPF, Policies BH1 and HS1 of the CSDP.

IMPACT OF PROPOSED DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Policies ST2 and ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians, or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The Councils Highways Team offered no objection to the development, and it is not considered that the development would cause harm to highway or pedestrian safety. However, they have suggested that a cycle store is provided for staff in order to accord with in accordance with the NPPF and policies ST2 and ST3 of the CSDP.

CONCLUSION

It is considered that the use fails to enhance and function well within its current surroundings and has led to adverse harm to the amenity of the local residents and the locality, contrary to the above national and local policies and is recommended for refusal.

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: REFUSE

Reason:

1 The use fails to enhance and function well within its current surroundings detrimental to the amenity of the local residents and the character of the area, contrary to to Policy EN10 of the UDP and Policies BH1 and HS1 of the CSDP.