

## PLANNING AND HIGHWAYS COMMITTEE

### AGENDA

Meeting to be held in the COUNCIL CHAMBER, CIVIC CENTRE on  
Wednesday, 16<sup>th</sup> April, 2014 at 5.30 p.m.

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1.	<b>Receipt of Declarations of Interest (if any)</b>	
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6. **Report of the meetings of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 26<sup>th</sup> February, 13<sup>th</sup> March and 25<sup>th</sup> March, 2014** 20
- (copies attached)
7. **Reference from Development Control (Hetton, Houghton and Washington) Sub Committee – 13/01617/FUL** 31
- Erection of 63no. dwellings with associated landscaping, public open space and infrastructure. Land East of Gillas Lane, Houghton Le Spring**
- Report of the Deputy Chief Executive (copy attached)
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- Land at Field House Farm to the south of Robin Lane, to the East of West Rainton, North of Low Pitlington and West of High Moorsley**
- Report of the Deputy Chief Executive (copy attached)
9. **Objections to the City of Sunderland (Queen Alexandra Road Area) (Waiting and Loading and Stopping) Order 20\_** 83
- Report of the Deputy Chief Executive (copy attached)

Elaine Waugh,  
Head of Law and Governance,  
Civic Centre  
SUNDERLAND

8<sup>th</sup> April, 2014

**At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER on TUESDAY, 18<sup>TH</sup> FEBRUARY, 2014 at 5.30 p.m.**

**Present:-**

Councillor Tye in the Chair

Councillors Blackburn, Copeland, Curran, Davison, Dixon, Ellis, E. Gibson, T. Martin, Price, D. Richardson, Scaplehorn, Thompson, Walker, D. Wilson and Wood.

**Declarations of Interest**

There were no declarations of interest

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Ball, Essl, Francis, Howe, Lauchlan, Padgett, Scott, Turton and P. Watson.

**Minutes of the meeting of the Committee held on 19<sup>th</sup> December, 2013.**

1. RESOLVED that the minutes of the meeting held on 19<sup>th</sup> December, 2013 be confirmed and signed as a correct record.

**Report of the Meetings of the Development Control (North Sunderland) Sub Committee held on 18<sup>th</sup> December, 2013 and 28<sup>th</sup> January, 2014**

The report of the meetings of the Development Control (North Sunderland) Sub-Committee held on 18<sup>th</sup> December, 2013 and 28<sup>th</sup> January, 2014 (copies circulated) were submitted.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

**Report of the Meetings of the Development Control (South Sunderland) Sub-Committee held on 17<sup>th</sup> December, 2013, 7th January and the 28<sup>th</sup> January, 2014.**

The reports of the meetings of the Development Control (South Sunderland) Sub-Committee held on 17<sup>th</sup> December, 2013, 7<sup>th</sup> January and the 28<sup>th</sup> January, 2014 (copies circulated) were submitted.

(For copy reports – see original minutes)

3. RESOLVED that the reports be received and noted.

**Report of the Meetings of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 18<sup>th</sup> December, 2013, 8<sup>th</sup> January and the 30<sup>th</sup> January, 2014.**

The reports of the meetings of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 18<sup>th</sup> December, 2013, 8<sup>th</sup> January and the 30<sup>th</sup> January, 2014 (copies circulated) were submitted.

(For copy reports – see original minutes)

4. RESOLVED that the reports be received and noted.

**Consultations from Neighbouring Councils on Planning Applications – Durham County Council. Land to the South West of Station Road, West Rainton, County Durham.**

The Deputy Chief Executive submitted a report (copy circulated) to seek the Committee's agreement to the response to be made to a consultation from a neighbouring authority regarding a planning application affecting a site within proximity to the boundary of the City of Sunderland.

(For copy report – see original minutes)

Danielle Pearson, Senior Planner presented the report and advised that as it was unlikely that the proposal would prejudice the interests of the City of Sunderland, it was recommended that Sunderland City Council advise Durham County Council that it does not have any comments or observations to make with regards to the proposal.

5. RESOLVED that the Committee agreed to the above recommendation, which would then be sent to Durham County Council in relation to application no. CMA/4/112.

**Reference from Development Control (Hetton, Houghton and Washington) Sub Committee – 13/01617/FUL**

**Erection of 63no. dwellings with associated landscaping, public open space and infrastructure.  
Land East of Gillas Lane, Houghton Le Spring.**

The Deputy Chief Executive submitted a report (copy circulated) for Members to consider the planning application 13/01617/FUL which was for the proposed erection of 63 detached dwellings, associated public open space, infrastructure and landscaping at the land east of Gillas Lane, Houghton Le Spring.

(For copy report – see original minutes)

Mrs Pearson presented the report which focussed on the following considerations:-

- Principle of the Development
- National Planning Policy
- Local Planning Policy
- Open Space
- Impact of the Development on the open space provision
- Ecology
- Flood Risk
- Risk to Controlled Waters
- Ground Conditions
- Play Space
- Proposed Section 106 Contributions

Mrs Pearson advised that the proposed figure in relation to the Section 106 financial contribution for affordable housing has been revised and increased to £386,561.

In response to Councillor T. Martins enquiry, Mrs Pearson advised that Riparian Habitat Management mentioned on Page 41 of the report would entail a cumulative response and programme by the Council in respect of the ecology in the local area. It was proposed that the developer would pay a financial contribution to this through Section 106.

The Chairman introduced Councillor Derrick Smith as ward councillor who wished to speak in objection to the proposal and he circulated photographs of the current flooding and drainage problems faced in the area.

Councillor Smith commented that the development had no local support whatsoever and the proposal was to build upon important settlement break land. The influx of people that would result from the development and the other housing developments recently approved in the area would exacerbate the flooding and drainage issues already occurring in the area and would

have a detrimental impact of local amenities including Schools and doctors surgeries.

The area was still suffering from flooding issues left over from previous developments. Councillor Smith also commented that Persimmons Flood Risk Assessment stated that detailed site investigations needed to be undertaken. This had not happened and had only been a desk top study. One recommendation that surface water would be stored on site had not been followed up and there were no calculations or drawings as to how this would be done.

Councillor Smith requested that Members either refuse this application or defer the application until the developers provide a complete flood risk assessment and an environmental statement on Hetton Bogs so that all concerns are addressed. If they cannot be addressed then the development was unsustainable and should be refused.

The Chairman then introduced Councillor Wakefield who also wished to speak in objection to the proposals. Councillor Wakefield commented that this was the fifth application for housing development in this area during the last 12 months. 3,000 new homes had been approved in the Hetton/Houghton area that has long suffered from flooding and there was little mitigation to stop this from Northumbria Water.

The surface water from this development was proposed to run off into a stream which was already the root cause of the current flooding issues experienced and there was no capacity for this additional run-off. He argued that as the Council are the relevant drainage authority, Members should refuse this application to ensure that the flooding problems in the local area were not exacerbated further.

The Chairman then introduced Jim Murray, a local resident who wished to speak in objection to the proposal. Mr Murray commented that the report was very much focussed on technical issues and legal jargon, whereas he considered his objection to be based on common sense. The proposed location was on settlement break land and it should be safeguarded. The existing residential properties would be overlooked by this development which would cause an invasion of privacy.

Mr Murray commented that the development would cause disturbance and increased noise, impacting on surrounding houses and may lead to a significant impact on road safety. Nobody wanted this proposal to go ahead and it had no public support as an increase in housing would result in an increase in the flooding issues.

Those sites in the area that have already been approved would have a huge effect on the flooding problems that residents already suffer from. Mr Murray argued that this proposal would further worsen these problems. He asked that Members give some moral thought to this point when voting on this

application as this was their responsibility to represent the interests of the residents.

The Chairman introduced Pat Robson who wished to speak in opposition to the proposal. Mrs Robson raised concerns in relation to the effect this would have on the existing wildlife corridor and the water voles present. In her view the surveys had been undertaken at sub optimal times and out of season. It was vital the wildlife corridor be safeguarded and enhanced.

Mrs Robson advised that chemicals entered the Hetton burn downstream which already caused negative impacts and this development would exacerbate the situation. Mrs Robson requested that the application be refused.

The Chairman introduced Bill Little, who wished to speak in opposition to the proposal. Mr Little advised that this was the third committee meeting he had attended in relation to various housing development proposals in the local area. He commented that each application has stated that the burn would be used for drainage for each development therefore increasing the risk of flooding.

Mr Little stated that this had been acknowledged in the flood risk assessment, but there were no figures for the estimated run off. Therefore this proposal could not be classed as sustainable. Mr Little felt that a cumulative assessment of all of the development sites was required in respect of drainage due to the issues in the area already. In addition Northumbria Water have previously stated they could not accept any increased capacity into the Sedgeleth facility until 2015.

Mr Little urged Members to decline the application in its current form and vote in favour of the local residents, who knew the area better.

The Chairman introduced Rosalind Pickersgill who wished to speak in objection to the proposal. Ms Pickersgill commented that many of her friends and neighbours already had no control over what was happening to them in relation to sewage entering their homes during flooding. There was no capacity for further homes so the flooding problems would simply worsen.

The Chairman then introduced Councillor Bob Heron who wished to speak in objection to the proposal. Councillor Heron commented that due to the current government changing of the rules for planning applications through the NPPF, previously protected settlement breaks could now be considered for development, which was out of the Council's hands. However, Councillor Heron referred to the photographs circulated by Councillor D. Smith of the area and the streams that had water running continuously and felt that due to the flash flooding experienced recently it was not good enough that people had to suffer with sewage coming into their homes and until this problem was solved, this application should be rejected as there was no capacity for further development.

Councillor Ellis commented that she was horrified at the pictures of the flooding experienced in the Ward by residents and was not satisfied that this development would not worsen these problems.

Councillor Ellis referred to the adverse effect of the proposal on the wildlife and suggested that this should be protected. Councillor Ellis also commented that she was very interested to hear what Northumbria Water had to say on the proposal as she could not believe Members were being asked to accept another development in this area.

Councillor Dixon commented that all of the speakers had spoken very eloquently and he had great sympathy for their current problems with regard to the flooding in the area. However he noted on page 42 of the officer's report that there was a drainage solution and it would be a condition of any approval that a suitable surface water drainage scheme must be approved by the Local Authority and installed before the development could commence.

The Chairman introduced Les Holt of Northumbria Water who spoke to clarify the situation with the sewerage treatment works and the capacity at Sedgeleth. It had been clarified in 2013 during the course of the previous applications for the Broom Hill sites that the facility has the capacity for over 2000 properties therefore there was certainly the capacity for this proposed development and many others like it.

Mr Holt advised that the main issue was surface water, with three sites on Rough Dene Burn. The taking out of the combined system from the other two development sites would actually have a positive impact on the area and wished to stress that this development would not increase the existing problems or cause an adverse flooding risk.

Councillor Ellis queried how it was stated in 2008 that Sedgeleth did not have the capacity for additional developments, and yet now it did have the capacity. She asked NWL what had changed.

Mr Holt advised that investment was carried out between 2005 – 2011 to improve the capacity.

Councillor D. Wilson asked the applicant's representative if they could confirm that there would be no flooding caused by the development. The Representative for Persimmon Homes advised that the development would be designed with its drainage features so as to not increase the flooding issues in the area.

Councillor Curran referred to the photographs circulated and commented that he knew the area and the extreme weather it had experienced and had reservations that this area would be suitable for additional development given the current problems and the risks surrounding the surface water run-off and capacity..



The Chairman introduced the applicant's representative, Dominic Smith of Persimmon Homes who advised the Committee that in terms of flood risk, National Planning Policy Framework stated that a development must not increase the risk of flooding, which this proposal would not. The Environment Agency, Northumbria Water and the Council's officers have all been consulted and agree that the proposal would not increase the risk of flooding.

In terms of Ecology, Mr Smith advised that the wildlife corridor was around the burn itself and not the development therefore the scheme would be designed as a buffer and act as ecological benefit to the area. Section 106 contributions had been agreed in respect of ecology in the local area.

Mr Smith also commented that there was evidence of a local shortage for housing needs and stated that this application meets all the policy criteria and was in accordance with the National Planning Policy Framework.

In response to Councillor Ellis' query, Mr Smith advised that this application did not require an environmental impact assessment. Mrs Pearson advised that the application had been screened for EIA against the national guidance and it has been concluded that an EIA was not required. Mrs Pearson also commented that all the relevant impacts of the application proposal have been thoroughly assessed and are summarised in the committee report. .

In response to Councillor Ellis enquiry on if the screening of EIA was a subjective decision, Mrs Pearson advised that there were thresholds and criteria set out in national guidance that were applied when considering screening for EIA..

Councillor Wood commented that the Ward Councillors of this area had all spoken against this proposal and it was very clear what their views were and he was concerned over the loss of the settlement break land but it was true that we had a need for more housing. The issue here was if the proposal was a sustainable development or not and whilst requests had been made to defer or reject this application then there had to be specific planning reasons given to do so.

Councillor Wood commented that at this stage he did not feel the officer's report contained a detailed assessment of the flooding risks that had been raised by the objectors.

The Chairman commented that the Committee had received professional advice from both council officers and NWL that the development proposal would not increase the risk of flooding. The current problems were very unfortunate but the sole issue in respect of this application was the impact of this development proposal, not the current flooding problems in the area. Deferring the application would not change the expert advice given already and the Chairman queried what further information Members would expect to come back to a future meeting.

Councillor Ellis referred to page 40 of the report which stated there remained a major concern that needed to be addressed in relation to the cumulative impact of developments across the Houghton – Hetton area and therefore she felt there was no reason why this application could not be deferred until this was addressed.

The Chairman advised that should the application be deferred then the developer could apply for non determination and there was a risk of costs if the deferral of the application was not held to be reasonable.

Councillor D. Wilson commented that he was uncomfortable in making a decision based on the current information available and further detailed clarification of the flood risk assessment was needed.

Councillor Ellis then moved that the application should be deferred, which was seconded by Councillor Wood.

The Chairman requested Members to provide the grounds for the motion to defer the application.

Councillor Ellis advised that the application should be deferred for further information to be provided on the following issues:-

Detailed Flood Risk Assessment given current flooding problems  
Impact on Ecology  
The Section 106 proposals for ecology  
The detail of the proposed planning conditions

Having been put to the vote, with 11 Members voting in favour and 5 Members against the motion to defer, it was

6. RESOLVED that the application be deferred.

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

(Signed) P. TYE  
(Chairman)

**At a meeting of the DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 25<sup>th</sup> MARCH, 2014 at 4.45 p.m.**

**Present:-**

Councillor Curran in the Chair

Councillors Copeland, Davison, Francis, Jackson, Thompson and D. Wilson.

**Declarations of Interest**

14/00287/FUL – Change of use of ground floor from newsagents to hot food takeaway and installation of extraction flue to rear (amended description 26/02/2014)

Councillor Copeland made an open declaration that she had pre determined this application and was in objection to the proposal therefore took no part in determining the application.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Blackburn, E. Gibson and Tye.

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report and a circulatory report (copies circulated) relating to the North Sunderland area, copies of which had also been forwarded to each Member of the Council upon applications made thereunder.

(For copy report – see original minutes).

**14/00287/FUL – Change of use of ground floor from newsagents to hot food takeaway and installation of extraction flue to rear (amended description 26/02/2014) 91 Newcastle Road, Sunderland, SR5 1JB**

Having heard the report presented by Anthony Jukes, Principal Development Control Planner, The Chairman introduced Councillor Copeland who wished to speak in objection to the proposal.

Councillor Copeland commented that this proposal was situated in her ward and she was aware of residents concerns. Parking issues in the area were difficult and with the Localism Act it was her duty to listen to the Community.

Councillor Copeland raised concerns that a fast food establishment so near to peoples homes would create litter, noise, additional cars/traffic and disturbance/upset to residents.

The Chairman then introduced Mrs Leadbitter who wished to speak in opposition to the application and to represent the local residents. Mrs Leadbitter referred to the supporting petition and advised that most of the names on the list lived further away from the premises, therefore would not experience the problems nearby residents would encounter through this proposal.

Mrs Leadbitter advised of parking problems in the area of Crozier Street due to Toyota workers, Metro workers and visitors for the businesses already established in the street parking there. Residents suffered inconsiderate parking over their driveways, blocking entrance and exit to their properties.

The streets were very narrow and parking had an impact on traffic flow which resulted in the backing up of traffic at the lights. Children could not play out in the street due to the dangerous nature of the traffic and the Police had been called out on numerous occasions over the inconsiderate parking.

Mrs Leadbitter also commented that the Newsagents used a Transit van which restricted movement in the street and queried where the additional delivery vehicles would park. Emergency services already struggled to get down the street as it was and residents regularly had complaints in relation to litter and such like in their gardens.

Mrs Leadbitter concluded that the owners of the properties in the surrounding area had major concerns over the impacts this proposal would have.

The Chairman then introduced the business partner of the applicant who wished to address the Committee. Mr Ranjbar advised that the applicant Mr Katabi was suffering from ill health and could not attend the meeting himself. Mr Ranjbar commented that the transit van referred to was used to unload stock and was used in the back lane. In relation to parking issues, most of the Toyota workers went home in the evenings therefore there would not be a problem over parking. They had also requested a loading bay but this had not been possible.

Mr Ranjbar also suggested that if the Council supplied further bins, there would not be an issue in relation to litter in the area.

The applicant had been affected by the recent opening of the new Tesco store and it was for financial reasons that this change of use was required. Should this be approved it would result in more staff being employed instead of having to let staff go.

Mr Ranjbar concluded that the waste bins would be kept inside of the establishment and therefore everything would be kept the same and nothing would change. Councillor Francis enquired if they had estimated how many times the bins would need to be emptied and how long they could be left for.

Mr Ranjbar advised that it would be estimated for the bins to be emptied once a week but this could be increased upon request.

Councillor Jackson enquired as to the implications matchdays at the Stadium of Light had on residents in the area.

Mrs Leadbitter advised that it was very restricting and residents struggled to get in and out of their properties on matchdays.

1. RESOLVED that the application be refused for the reasons outlined in the circulatory report.

### **Town and Country Planning Act 1990 – Appeals**

The Deputy Chief Executive submitted a report (copy circulated) concerning the appeals received for the period 1<sup>st</sup> February, 2014 to 28<sup>th</sup> February, 2014.

(For copy report – see original minutes).

2. RESOLVED that the report be received and noted.

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

(Signed) B. CURRAN,  
Chairman.

**At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 25<sup>th</sup> FEBRUARY, 2014 at 4.45 p.m.**

**Present:-**

Councillor E. Gibson in the Chair

Councillors Copeland, Dixon, Ellis, Price, Thompson, Turton, S. Watson and Wood

**Declarations of Interest**

13/03760/FUL and 13/03799/FUL – St. Anthony's Girls Catholic Academy, Thornhill Terrace, Sunderland, SR2 7JN

Councillors Price and Wood made open declarations that they had attended residents meetings in respect of these applications; However, both Members had retained an open mind on the applications and would be considering the applications based on the information to be presented to the committee meeting.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Ball, Blackburn, Maddison, Tye and P. Watson.

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report and circulatory report (copies circulated) relating to the South Sunderland area, copies of which had been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy reports – see original minutes).

**13/02683/OUT – Residential development of 17no. 3 storey Town houses 8-12 Murton Street, Sunderland, SR1 2QY**

The representative of the Deputy Chief Executive advised that this was an application for outline planning permission with all matters reserved. The principle of the development was considered to be acceptable and had been established through previous planning permissions which have not been implemented. A Section 106 agreement would be required in respect of financial contributions towards the provision of off site play facilities and affordable housing and as such Members were

recommended to delegate the decision to the Deputy Chief Executive who was minded to approve the application subject to the completion of the section 106 agreement.

1. RESOLVED that the decision be delegated to the Deputy Chief Executive who was minded to approve the application for the reasons set out in the report subject to the conditions outlined in the report and subject to the completion of a Section 106 agreement in relation to the provision of off site play facilities and provision of affordable housing.

**13/02786/FUL – Erection of a part four/part five storey 100 bed student accommodation block with three storey building to front Stockton Road (amended description 09/10/13)  
Rear of 24-26 Stockton Road/Former Thirkells Garage Site, Stockton Road, City Centre, Sunderland, SR2 7AJ**

The representative of the Deputy Chief Executive advised that the principle of the development was acceptable and the proposal supported the emerging policy relating to the provision of student accommodation in the town centre; it would also improve the quality of the existing student accommodation offer in the city by providing high quality residential development. There would be a manager's office included and the design of the building allowed it to be potentially used for other purposes in the future if necessary, although this would require a planning application for any material change of use. It was acknowledged that the development did not accord with the minimum spacing requirements however as it was a city centre location it was accepted that the spacing requirements were difficult to achieve given the density of the development in the area. The site was a prominent site within the Ashbrooke Conservation Area and the existing vacant site had a negative impact on the conservation area; the development would therefore improve the setting of the conservation area. It was considered that the proposal was acceptable and Members were recommended to approve the application subject to the conditions set out in the report.

Councillor Wood welcomed the principle of the redevelopment of this vacant site. However he was concerned about the proposals to use the development for student accommodation as he was not convinced that there was a need for any more student accommodation in this area; he had suspicions that the applicant may want to change the use in the future. He also expressed concerns over the parking provision; he did not feel that 4 spaces was sufficient especially as the local streets already suffered with parking problems and residents had been campaigning for residents' parking schemes for a long time.

Mr Eric Henderson, Highways Engineer advised that this was a sustainable town centre site and there was no policy in place to require a minimum parking standard and as such it would be difficult to justify refusing the application on parking grounds; he referred Members to the application for student accommodation at Egerton Street which had provided more parking for fewer beds which had been refused on the grounds of inadequate on-site parking provision and this application had subsequently been approved on appeal.

In response to a request for clarification, the applicant advised that parking had been given consideration and as the site was in the town centre next to Park Lane Interchange and was close to the university it was considered that would be little demand for on-site parking. They had other properties across the city totalling 90 bedrooms for student accommodation and there was very little parking demand from these properties either.

The representative of the Deputy Chief Executive advised that different types of need for student accommodation had to be looked at. Quantitative need was easy to determine however qualitative need was more difficult to analyse. This proposal was for student bedrooms which would be of a high quality and which would all be en-suite; it was felt that there was a need to provide different standards of accommodation as some students would prefer the more expensive higher quality accommodation. Therefore there would be clear qualitative benefits from the development.

The Committee then heard from Karen Read who spoke in objection to the application on behalf of the university. She stated that her client's objection was based on the fact that the application did not meet the requirements of the emerging core strategy policy. The applicant had submitted a need assessment however this had been based on the global student population in the city and did not take into account those students who lived with their parents; were studying at a satellite campus or were living in other accommodation. There was in fact a surplus of 700 beds available in the city and as such it was felt that there would be no requirement for any further accommodation. They were concerned by the limited weight that had been given to the emerging policy. It was felt that should the application be approved that it should be a requirement that there was a manager on site at all times and that the applicant should join an accredited landlord's scheme and remain a member while the building was used for student accommodation.

Councillor Ellis expressed concerns that there appeared to already be a surplus of student accommodation and whether the building would remain viable as student accommodation; she was also highly concerned by the lack of on-site parking the development would provide. She was informed by the representative of the Deputy Chief Executive that the building was of a design which allowed it to be converted should it not be viable as student accommodation; there would however be a requirement for planning permission for a material change of use in the development from student accommodation.

Councillor Wood queried the parking provision requirements if the building was to be used for another use; he was informed that this was considered to be a sustainable city centre location and there were other developments in a similar location which did not provide any parking. The nature of any new use would be the determining factor for whether the parking provision would be considered to be appropriate.

In response to questioning from Councillor Copeland the applicant advised that they had 90 student beds across the city and all of these had been let for September by the previous Christmas. They provided accommodation that students wanted to live in and they were confident that they would be able to fully let this proposed development.



Councillor Thompson asked the University to confirm how many high quality en-suite rooms for students were available in the city. Ms Read advised that she did not have figures for different types of accommodation, only the total numbers for all accommodation.

Councillor S. Watson queried whether parking requirements for within the city centre were different to the requirements outside of the city centre; the representative of the Deputy Chief Executive confirmed that this was the case, within the city centre there was much less requirement for parking as there was easy access for pedestrians and to public transport and local services. This was considered to be a sustainable location and it was also considered that there would be indirect benefits such as an increase in the evening economy as a result of the proposed development.

The Chairman then put the officer's recommendation to approve the application to the vote and with:-

7 Members voting in favour of the recommendation; and

2 Members voting against

It was:-

2. RESOLVED that the application be approved for the reasons set out in the report and circulatory report subject to the 16 conditions set out in the circulatory report.

**13/02903/FUL – The construction of 123 new dwellings with associated hard and soft landscaping with the stopping up of existing roads and footpaths. (Amended plans received 17.01.2014)  
Land Adjacent to St Lukes Road, Front Road, High Ford, Sunderland**

The representative of the Deputy Chief Executive advised that the principle of the development was considered to be appropriate given that the site had previously been used for housing. There would be a mix of 2 storey houses and bungalows and all of the dwellings would have private outdoor space and parking provision. Access into the site would be taken from the existing access points. Representations had been received during the consultation period and these had been given consideration as detailed on page 26 of the report. The site was within a wildlife corridor and to ensure that there would be no undue impact on wildlife an ecology assessment had been submitted which detailed mitigation measures to ensure that there was no harm; it was considered that the development would be acceptable in ecological terms provided conditions were imposed requiring mitigation measures to be undertaken as detailed in the assessment. There was also a Section 106 agreement required in relation to a contribution for off site play provision. Members were recommended to delegate the decision to the Deputy Chief Executive who was minded to approve the application subject to the completion of the section 106 agreement.

Councillor Thompson stated that it was pleasing that there would be bungalows built as there was an increasing demand for them as the population aged. He asked how many bungalows there would be and was informed by the representative of the Deputy Chief Executive that there would be 13 bungalows built on the site.

Councillor Price stated that he was happy to see an application come forward for this site as he was tired of seeing large former housing sites remain undeveloped.

Councillor S. Watson agreed that it was good news that this site was finally to be redeveloped.

Councillor Copeland queried how many of the houses would be available for affordable housing and was informed that there would be 12 affordable units included in the development.

3. RESOLVED that the decision be delegated to the Deputy Chief Executive for approval for the reasons set out in the report subject to the conditions and completion of the section 106 agreement by 31<sup>st</sup> March 2014.

**13/03253/EXT1 – Extension of time to previously approved application 09/04379/OUT (Outline Planning application for the erection of 66no. residential dwellings and creation for new access from Neville Road) Site of The Forge, Neville Road, Pallion, Sunderland**

The representative of the Deputy Chief Executive advised that this was an application to extend the time limit for the implementation of a permission which was previously granted but for which work had not yet commenced. There had been no material policy changes since the previous approval and the proposed land use was still considered to be acceptable. Members were recommended to approve the application.

4. RESOLVED that the application be approved for the reasons set out in the report and subject to the 23 conditions set out therein.

**13/03760/FUL – Erection of a two storey temporary classroom block comprising 8 classrooms and enclosed stairwell for a period of two years on land to the north of the existing Sports Hall and East of Somerleyton House St. Anthony's Girls Catholic Academy, Thornhill Terrace, Sunderland, SR2 7JN**

**13/03799/FUL – Phased Redevelopment of St Anthony's Girls Catholic Academy including the demolition of Our Ladys Hall, Frances de Sales Building, Lourdes Building, Clitheroe, OConnell Building and Sports Hall/Swimming Pool Block and demolition of the east wing of Somerleyton House to provide: replacement teaching accommodation, chapel, sports hall, dance studio and changing rooms; along with the refurbishment of the remainder of Somerleyton House, Westburn House Annex and North Lodge and ancillary buildings; together with associated landscaping, games courts, car parking spaces, creation of replacement vehicular access off Thornholme Road, external lighting, CCTV, removal of ten trees. (Amended Description and Plans received 10.01.2014)  
St. Anthony's Girls Catholic Academy, Thornhill Terrace, Sunderland, SR2 7JN**

Members were advised that as both applications related to the same site and were related to the same development scheme, it was recommended that members consider both applications together.

Members agreed with this course of action.

The representative of the Deputy Chief Executive advised that the applications were for the comprehensive redevelopment of the school in a number of phases to provide new teaching accommodation and the refurbishment of the retained buildings and to allow the installation of a temporary classroom block for the duration of the works. Members were informed of the access arrangements for both pupils and site traffic; the entrance onto Thornhill Terrace would be reopened for pupil access and the vehicle access on Thornholme Road would be improved to allow access to a new staff car park. There were 10 trees proposed to be removed; 4 of these were in poor condition and only one had been identified as being of moderate amenity value. There was new planting proposed to replace the existing trees.

The principle of the development was considered to be acceptable given that the site was already used as a school and the design of the development was sympathetic to the heritage of the school and wider area and would not compromise the residential amenity of the surrounding area.

The applications had been submitted alongside applications for listed building consent which were being considered by officers under delegated powers.

Members were recommended to approve both planning applications with the temporary classroom block limited to a period of 2 years.

Members were also shown a short video prepared by the applicant which visualised the proposals including the locations of the buildings to be removed and their replacements and the routes for pupil and site traffic movement around the school.

Councillor Price questioned the reference to a park and ride scheme being implemented during the works period and asked what percentage of the workforce would be using the park and ride. The representative of Kier North East (the contractor) advised that there would be parking at a local church and staff would then be transferred to the site by bus. The site was near to a metro station and the bus station; they would be doing everything they could to minimise disruption to local residents during the works.

Councillor Price then queried what dust suppression measures would be implemented. The representative of Kier North East advised that there were two possible options: the sheeting of the buildings; or damping down of the buildings using water jets, it was considered that damping down would be the most appropriate course of action. There would also be a wheelwash facility to ensure that no dirt from the site was transferred to the surrounding road network.

Councillor Thompson asked whether the number of pupils would be increased and also referred to the existing problems with parking around the school when parents were dropping off and collecting their children; he queried whether there were any plans to address this issue. The representative of the Deputy Chief Executive advised that there were no plans to increase the number of pupils at the school. The highways engineer advised that traffic was a real issue with all schools; the main way to reduce the traffic issues was to encourage parents not to take their children to school in the car. It had been suggested that a turnaround area be provided on

Thornhill Terrace however it was important to consider that there were no grounds for saying that the existing arrangements were substandard.

The Chairman then introduced Councillor Kay who addressed the Committee as the Ward Councillor. He stated that there had been parking issues in the area for several years and he did not think that the school would be granted planning permission if there was not an existing school already on the site. He felt that the consultation that had been undertaken with residents had been excellent and had improved residents' confidence in the development proposals. He was however concerned over the staff entrance from Thornholme Road; he was concerned that traffic turning into the site would cause further congestion on what was already and exceptionally busy road; should multiple vehicles arrive at the same time they would need to queue on the main road while waiting for the barriers to open. He did accept that there was a need for the barrier to ensure that parents did not use the staff car park as a drop off point. He also queried how the site traffic reversing into the site would affect the flow of traffic.

The highways engineer advised that he would expect there to be a free flow of traffic off Thornholme Road into the car park although the school would need to have a measure in place to ensure that parents did not use the car park for dropping off children. Construction traffic would need to be managed by the contractors who would need to ensure that they did not cause any highways issues. The representative of Kier North East advised that the gates would be kept open at the peak arrival time to ensure that staff were not queuing on the road. There was a delivery schedule for the construction traffic and drivers would be given a site map showing them how to access the site; there would also be the gateman who would ensure that the flow of traffic was well managed.

Councillor Price suggested that the applicant should provide the residents association with the delivery schedule in respect of planned deliveries to the site during the period of the works.

Councillor Wood commented that the proposed condition 34 should ensure that there would not be any issues from the access on Thornholme Road should the application be approved.

The officer's recommendations in respect of the applications were then put to the vote in turn

Firstly, the officer's recommendation in respect of application number 13/03760/FUL was put to the Committee and it was:-

5. RESOLVED that the application be approved for a limited period of two years for the reasons set out in the report and subject to the 7 conditions set out therein.

Secondly the officer's recommendation in respect of application number 13/03799/FUL was put to the Committee and it was:-

6. RESOLVED that the application be approved for the reasons set out in the report and subject to the 34 conditions set out therein.

**13/04257/VAR – Variation of Condition 2 (approved plans) and condition 14 (wall within four months) of previously approved application 13/02208/VAR to allow alterations to northern boundary treatment (part retrospective)  
Grindon Hall Christian School, Nookside, Sunderland, SR4 8PG**

The application was for the variation of the existing planning permission through the variation of two planning conditions. Two letters of representation had been received from residents. The issues raised by the residents had been considered and were detailed in the report. The proposed amendments were acceptable in planning terms.

7. RESOLVED that the decision be delegated to the Deputy Chief Executive who was minded to approve the application for the reasons set out in the report, subject to the 14 conditions set out therein and subject to no further representations being received on grounds not already addressed.

**Town and Country Planning Act 1990 – Appeals**

The Deputy Chief Executive submitted a report (copy circulated) concerning the appeals received and determined for the period 1<sup>st</sup> January, 2014 to 31<sup>st</sup> January, 2014.

(For copy report – see original minutes).

8. RESOLVED that the report be received and noted.

(Signed) E. GIBSON,  
Chairman.

**At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on WEDNESDAY, 26<sup>th</sup> FEBRUARY, 2014 at 4.45 p.m.**

**Present:-**

Councillor Thompson in the Chair

Councillors Davison, Heron, Lauchlan, Padgett, Richardson, Scott, Tate, Wakefield, Walker and Wood

**Declarations of Interest**

Councillor Tate made an open declaration in the items for information on the agenda in any applications that were relevant to the Hetton area, as a member of Hetton Town Council who was a consultee on those applications.

Councillors Tate and Walker declared a DPI in application 13/04116/FUL – Refurbishment of existing bungalows at Roche Court and Wenlock as a Member of the Gentoo Sunderland Limited Board and as an employee of Gentoo respectively.

**Apologies for Absence**

Apologies for absence were given for Councillors Blackburn and Scaplehorn.

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report (copies circulated), which related to Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy report – see original minutes)

**13/02636/VAR – Variation of condition 17 (opening hours) for previously approved application 04/02864/FUL (Construction of 20 no. pitches with associated changing pavilion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area.) for use 3 afternoons per week from 1:30pm until 3:30pm and during the week but not restricted to use by schools. On light nights the facility is offered for training**

**purposes from 4:00pm until 8:00pm on Monday to Friday, pitches being cleared by 9:00pm. Weekends the facility is to be used by the Russell Foster Youth League teams from 8:30am to 2:00pm Saturday and 9:00am to 2:00pm Sunday. During school holidays use is permitted from 9:00am until 9:00pm on all days. In addition, no more than 6 pitches will be used at any one time during the above hours at The Russell Foster Football Centre, Staddon Way, Houghton-le-Spring, DH4 4WL**

The Chairman advised that Councillor Sheila Ellis was in attendance at the meeting and wished to speak in objection to the application and also informed the Committee that a written objection from TWAG had been received which was read out for the Committee to consider in their deliberations.

He informed Members of the Committee that the principle of the development would not be under consideration at this meeting and that focus should be given only to the variation of hours that was before them as part of this application.

Councillor Ellis addressed the Committee on behalf of local residents and expressed the misery that they faced since the development had been opened due to the increase in traffic and noise in the area. She explained that the site was surrounded on two sides by residential housing and that residents had concerns over their peace of mind and peace and quiet in the area which was a priority for them and they asked for the Committee to support them. She advised that the noise was one which 'surged' rather than a consistent noise and any extension in hours would make problems already experienced far worse.

Councillor Wakefield commented that he lived close to the site and that the reduction had had a big difference but that there were still issues with regards to parking and traffic measures due to people parking with no consideration for others to try and get away from the site quickly following football games / training. He also referred to a previous sound bund that had been in place and asked if it could be considered that this be replaced as a condition.

The Planning Officer advised that any bund that had been in place previously was not as part of a condition on the planning application and may have only been in place informally as the site was being developed and then removed once works were complete. There was no condition in place and no grounds for putting a condition similar to that discussed on the planning approval.

With regards to traffic management in the area, some restrictions had been put in place and yellow lines along Coley Lane and Staddon Way had been considered but no agreement could be met to a suitable scheme with all of the residents. The Committee were also advised that having looked at the accident register for that area no accidents had been recorded within the last five years.

Members having fully considered the application, and having had their questions answered, it was:-

1. RESOLVED that the application be approved for the reasons as set out in the report and subject to the three conditions detailed therein.

**13/03217/VAR – Variation of condition 22 (hours of operation 7am-7pm) attached to planning application 11/02076/FUL (Redevelopment of campground waste transfer station including: waste reception building, storage facilities, staff site office, visitors centre, wind turbine, car parking and associated infrastructure and landscaping.) to allow opening hours to be extended up until 7:30pm at Campground Refuse Disposal Works, Springwell Road, Springwell, Gateshead, NE9 7XW**

The representative of the Deputy Chief Executive presented the report in respect of the application, summarising the planning issues around the principle of the development and advising that the item was originally heard at this Committee on 30 January, 2014 where it had been deferred pending the provision of additional information regarding the requirement / desire to extend the permitted operating hours of the facility.

The Planning Officer also advised that in hindsight the original application for the development should have requested the hours of operation were 7:00am – 7:30pm as required by the contract signed in 2010 between Gateshead Council, South Tyneside Council and Sunderland City Council and the operators. Unfortunately, this had not been the case and this was the reasoning for the extension in hours being applied for now and was in no way an attempt to increase hours of operation incrementally.

The Chairman welcomed Mr. Alan Barber and Mr. Kris Furness, Assistant Planning Manager at SITA to the Committee who wished to speak in objection and in favour of the application, respectively. Ms. Anna Bell, Regional Manager SITA was also in attendance to answer any questions regarding operations which Members may raise.

Mr. Barber, spoke in objection to the application stating that he would continue to dispute the need for the extension in opening hours as his investigations had found that all waste reception sites closed at 5:00pm and therefore there was no physical need to have the site opened up to 7:30pm for the emptying of skips.

He stated that residents were not in support of the extension of hours and that their concerns and issues should be taken into account. The extension to hours would see families lives interrupted by the noise of wagons and would fall just at the time that small children would be put into bed. The extension to opening hours would adversely affect the amenity of the area and he asked the Committee to refuse the application.

Mr. Furness spoke briefly in favour of the application advising that the waste reception sites worked at two different times, winter months until 6:00pm and in the summer months until 8:00pm. He informed the Committee that the site would only need to be opened until 7:30pm at the busiest times of year and not all year round.

Members having fully considered the application, and the representations made, it was:-



2. RESOLVED that the application be granted approval for the reasons as set out in the report and subject to the twenty three conditions as detailed therein.

**13/03744/FUL – Substitution of house types of Plots 1-10 of planning application 08/03987/REM at site of former Cape Insulation, Barmston Road, Washington**

The representative of the Deputy Chief Executive presented the report in respect of the application as set out in the main body of the agenda and the report for circulation, summarising the planning issues around the principle of the development.

Members having fully considered the report within the agenda, it was:-

3. RESOLVED that the application be delegated to the Deputy Chief Executive who is minded to approve the application subject to no representations being received raising issues that have not been considered within the report, the expiry of the consultation period and the signing of the Deed of Variation, for the reasons as set out in the report and subject to the ten conditions detailed therein.

**13/04116/FUL – Refurbishment of existing bungalows at Roche Court and Wenlock to include changing the existing flat roofs to pitched. Existing open space including three parking bays adjacent to central garages to house a district heating energy centre works to include stopping up of public highways. (Amended Plans received 14.01.2014)**

The representative of the Deputy Chief Executive presented the report in respect of the application, summarising the planning issues around the principle of the development.

The Chairman welcomed Mr. Mounter and Mr. Patterson to the Committee who wished to speak in objection to the application and also Ms. Rebecca Marshall who wished to speak on behalf of the applicant.

Mr. Mounter stated that there were some significant errors in the report on the agenda for the application and referred the Committee to page 36 of the agenda whereby the report stated that the current interrelationship of the property was 14 metre although by his own measurements it was only 7.8 metres. He also referred to the small increase in height from 2.8 metres to 4.9 metres, a difference of 2.1 metres in height, 75% greater than the original height which he did not consider to be a small increase, although he did acknowledge that as Thetford was on a small incline there would be some change dependant upon the property it was referred to.

He explained that the worst property affected by the developments would be no. 32 as they would be subject to the greatest increase in height due to its positioning. He

stated that if these houses were new build then the guidance would recommend that the properties were twice the distance from each other than they were now to be acceptable, yet the report claims that it is considered a small increase in height with no effect.

Mr. Mounter then referred to page 35 of the agenda and the reference to heat loss from the bungalows and explained that if he opened the blinds in his bedroom, which looked directly out onto the properties, there was often frost remaining on the roofs and therefore this evidence did not show that was any major heat loss through the roof and therefore no need for the installation of pitched roofs.

Mr. Patterson also spoke in objection to the application, but advised that he did support the development overall and the positive impacts it would have but not at the result of his own property and life being adversely effected as once the pitched roofs were installed he would have to look out onto a gable end and lose the natural light into his windows.

He explained that only 39 Wenlock would have a huge impact on the residents of Thetford as a pitched roof would block light into his property.

Ms. Marshall of Gentoo advised that there was significant heat loss from the properties and the roofs at present as they were non insulated so needed to be improved which would be the case following the pitched roofs and loft insulation being installed. She explained that the extra 2.1 metre height of the roof would be at 20° pitch which would minimise the impact on surrounding properties as much as possible.

Members queried the distances as set out in the report and the Planning Officer confirmed that they had distance as 11 metre to the rear and 8 metre to the off shot and the guideline of 14 metre was only relevant for new build developments.

When asked if a HIP roof had been considered, Ms. Marshall advised that to protect themselves against energy price rises, and be better for the environment, the intention was to install solar panels on the roofing which is why the option of a pitched roof had been decided upon.

Members having fully considered the report and representations put to the Committee, it was:-

4. RESOLVED that the application be deferred to allow a site visit and further investigations to be undertaken.

**13/04444/FUL – Residential development comprising 43 no. dwellings and associated access, infrastructure and landscaping at land south east of Pattinson Road, Pattinson Industrial Estate, Washington**

5. RESOLVED that the application be deferred for further consultation and a site visit to be undertaken.

### **Items for Information**

6. RESOLVED that site visits be undertaken to the following applications:-
- 14/00192/FUL – Unit 9, Mercantile Road, Rainton Bridge Industrial Estate, Houghton-le-Spring; and
  - 13/04024/FUL – Our Lady Queen of Peace RC School, Church and Presbytery, Station Road, Penshaw.

### **Delegated List**

7. RESOLVED that the items delegated to the Deputy Chief Executive be received and noted.

### **Town and Country Planning Act 1990 – Appeals**

8. RESOLVED that the appeals received and determined be received and noted.

(Signed) G. THOMPSON,  
Chairman.

**At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on THURSDAY, 13<sup>th</sup> MARCH, 2014 at 4.45 p.m.**

**Present:-**

Councillor Thompson in the Chair

Councillors Blackburn, Davison, Lauchlan, Padgett, Richardson, Scaplehorn and Wakefield

**Declarations of Interest**

There were no declarations of interest made.

**Apologies for Absence**

Apologies for absence were given for Councillors Heron, Scott, Tate, Walker and Wood.

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report and report for circulation (copies circulated), which related to Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy report – see original minutes)

**13/04116/FUL – Refurbishment of existing bungalows at Roche Court and Wenlock to include changing the existing flat roofs to pitched. Existing open space including three parking bays adjacent to central garages to house a district heating energy centre works to include stopping up of public highways. (Amended Plans received 14.01.2014)**

The representative of the Deputy Chief Executive presented the report in respect of the application, summarising the planning issues around the principle of the development and advising that the item was originally heard at this Committee on 26 February, 2014 where it had been deferred pending a site visit and further investigation.

The Planning Officer also advised that the Committee had been presented with new plans which clearly showed the interface of the relationship between the properties and that the distance between them was actually 8 metres and not the 14 metres as set out in the original report.

The Chairman welcomed Mr. Mounter and Ms. Rebecca Marshall from Gentoo to the Committee who wished to speak in objection and in favour of the application, respectively and advised that a written objection from Mr. Patterson had been circulated to all Members of the Committee for consideration.

Mr. Mounter spoke in objection to the application, stating that by his measurement the distance between the properties was actually 7.84 metres and not those distances as referred to in the report. He explained that from his living room window at present he had a partial amount of sky and some trees in his view, if this proposal were to go ahead this would reduce the amount of skyline in his view by a quarter and it would be almost like looking straight at a prison wall which he did not think was reasonable.

In relation to the sunset and sunrise times, he explained that at present the sun hits his living room on 15:10 until 16:23, which was approximately one hour of sunlight. If the development goes ahead then the time would be cut in half and yet this was deemed acceptable. He asked if this would be deemed to be in the 'spirit of the law'?

He circulated photographs to the Committee of the roofs which clearly showed frost on them at intermittent times on a morning, and even at the point that frost had cleared on the nearby grass it was still shown on the roofs so he could not understand the argument that the roofs were needed to improve insulation.

In closing, Mr. Mounter explained that he had no objection to the installation of roofs on the bungalows as such but that he did not want to see the adverse effects on his own and neighbours properties and quality of life.

Ms. Marshall of Gentoo spoke on behalf of the applicant and advised that the properties did have some insulation in the roofing at present but that it was only made up of timber and felt and not substantial. She explained that the storage heaters for the properties were timed devices that customers did not have control of and would switch on later in the day which could explain the frost remaining on the roofs. She explained that the energy rating of the properties at the moment was low and the improvements to the properties would increase this.

In response to a Member regarding alternative roofs, Ms. Marshall explained that if the flat roofs remained there would be nowhere to put piping for the heating system and this was partly the reasoning for the pitched roofs.

With regards to the distance between properties the Planning Officer advised that these guidelines were recommended for new build developments but even then they were only guidelines for the Officer to take into account when exercising judgement and making their decision as to what was best for each site on its individual circumstances and merit.

Members having fully considered the application, and the representations made, it was:-

4. RESOLVED that the application be approved for the reasons as set out in the report and subject to the five conditions detailed therein.

(Signed) G. THOMPSON,  
Chairman.

**At a meeting of the DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 25<sup>th</sup> MARCH, 2014 at 5.45 p.m.**

**Present:-**

Councillor Thompson in the Chair

Councillors Davison, Lauchlan, Richardson, Wakefield, Walker and Wood

**Declarations of Interest**

There were no declarations of interest made.

**Apologies for Absence**

Apologies for absence were given for Councillors Blackburn, Heron, Scaplehorn, Scott and Tate.

**Applications made under the Town and Country Planning Acts and Regulations made thereunder**

The Deputy Chief Executive submitted a report and report for circulation (copies circulated), which related to Hetton, Houghton and Washington areas, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(for copy report – see original minutes)

**14/00192/FUL – Erection of extension to west elevation of existing factory including creation of additional car parking at Unit 9, Mercantile Road, Rainton Bridge Industrial Estate, Houghton-le-Spring, DH4 5PH**

Members having given full consideration to the application, it was:-

1. RESOLVED that the application be granted approval for the reasons as set out in the report and subject to the seventeen conditions as detailed therein.

## **Items for Information**

2. RESOLVED that the items for information be received and noted and that application 14/00090/FUL – Land to the east of former Broomhill Estate, Hetton-le-Hole be referred to Planning and Highways Committee for consideration.

## **Town and Country Planning Act 1990 – Appeals**

3. RESOLVED that the appeals determined between 1<sup>st</sup> and 28<sup>th</sup> February, 2014 be received and noted.

(Signed) G. THOMPSON,  
Chairman.



**1. Houghton**

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**Reference No.:** 13/01617/FUL Full Application

**Proposal:** **Erection of 63no. dwellings with associated landscaping, public open space and infrastructure.**

**Location:** Land East of Gillas Lane Houghton-le-Spring

**Ward:** Copt Hill  
**Applicant:** Persimmon Homes  
**Date Valid:** 25 June 2013  
**Target Date:** 24 September 2013

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**PROPOSAL:**

The proposal is for the erection of 63 detached dwellings, associated public open space, infrastructure and landscaping. The site measures approximately 6 acres.

The planning application is accompanied with:

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Statement of Community Involvement
- Open Space Assessment
- Archaeological Assessment
- Desk Top Study
- Planning Statement
- Habitat/Species Survey

The application is a departure from the adopted Unitary Development Plan as such has been advertised accordingly by the way of Site and Press Notices and Neighbour notification letters.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Environment Agency  
Network Management  
Copt Hill - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Fire Prevention Officer  
Director of Children's Services

Force Planning and Police Architectural Liaison Officer  
Nexus  
NE Ambulance Service NHS Trust  
The Coal Authority  
Natural England

Final Date for Receipt of Representations: **11.12.2013**

## **REPRESENTATIONS:**

Neighbour consultation responses

57 letters of representation have been received to the proposed development. The main issues and concerns are listed below:

- Issues in respect of flooding and recent problems at The Grove Rainton Bridge and Diary Lane.
- Overloaded sewage
- The provision of additional housing will seriously breach the human rights of citizens to have a safe environment
- Removal of the settlement break
- Damage the natural environment
- Loss of amenity open space
- Increase of traffic on already congested roads
- Local Planning policy runs counter to the development of this kind.
- Does not comply with the Unitary Development Plan
- Negative impact on Wildlife Corridor
- Housing Shortage
- Encroachment
- Loss of Heritage
- Loss of privacy
- Noise from the use
- Overdevelopment
- Poor Access point
- Length of time residents will be subject to noise and disturbance if the development proceeds

The issues raised above will be addressed in the conclusion section of the report.

The matters listed below are not material considerations in the determination of this planning application.

- Devaluation of properties
- Damage to mental and physical health

County Archaeologist – No objections in principle to the development subject to appropriate conditions

Natural England - No objections in principle to the development subject to appropriate conditions

Environment Agency - No objections in principle to the development subject to appropriate conditions

Northumbrian Water - The applicant intends to dispose of surface water directly to the local watercourse (Rough Dene Burn) and that the foul water will enter the combined public sewer system in Hetton Road. NWL are aware of sewerage issues in the local area, however it has been found that the flows from the proposed development will not pass through any of these areas that have been highlighted to NWL. NWL therefore have no issues with the management of surface water or foul water arising from the proposed development.

Network Management - No objections in principle to the development subject to appropriate conditions

Environmental Health - No objections in principle to the development subject to appropriate conditions in respect of land contamination, and site set up.

## **POLICIES:**

- National Planning Policy Framework

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

L\_7\_Protection of recreational and amenity land

B\_2\_Scale, massing layout and setting of new developments

L\_5\_Ensuring the availability of Public Parks and amenity open space

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

CN\_6\_Retain / enhance important open breaks & wedges between / within settlements

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

CN\_23\_Measures to conserve/ improve wildlife corridors

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

T\_22\_Parking standards in new developments

CN\_18\_Promotion of nature conservation (general)

R\_3\_Infrastructure provision, etc. in association with developments

H\_21\_Open space requirements in new residential developments (over 40 bed spaces)

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

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

## **COMMENTS:**

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

- Principle of residential development;
- Urban Design;
- Highway Access and Car Parking;
- Ecology;
- Flood Risk;
- Risk to Controlled Waters;
- Ground Conditions;
- Archaeology;
- Play Space; and
- Scheme viability/Section 106 contributions.

### **Principal of Development**

The proposed development site is shown as an area of "Settlement Break" and Open Space on the Council's adopted Unitary Development Plan (UDP) proposals map.

The proposed development is a departure from the adopted Unitary Development Plan and has been advertised accordingly.

### **National Planning Policy**

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

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

- The NPPF sets out a presumption in favour of sustainable development. This means that authorities when determining planning applications should:
- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably

outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The impacts of the proposed development are considered under the various headings in this Considerations section of the report

Further, part 6 of the NPPF is concerned with "Delivering a Wide Choice of High Quality Homes" which is relevant to the consideration of this application. Paragraphs 47 and 49 of the NPPF are particularly relevant to the consideration of this application.

Paragraph 47 states that:

To boost significantly the supply of housing, local planning authorities should:

- o Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- o Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- o Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- o For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
  - Set out their own approach to housing density to reflect local circumstances.

Paragraph 49 of the NPPF states that:

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), under the NPPF the planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly

demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently, in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

### **Local Planning Policy**

The proposed development site is allocated as Settlement Break in the Council's adopted Unitary Development Plan (UDP) and is therefore subject to Policy CN6 which states that:

"Important open breaks and wedges between settlements will be retained and enhanced".

The application is therefore contrary to Policy CN6. However, for the reasons stated above, the application needs to be considered against the more up to date development management tests set out in the NPPF.

Furthermore, the application site is considered suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2013(SHLAA) (site 339) as a 'deliverable' housing development site which is available, suitable and viable for residential development.

The site is also shown in the City Council's draft Settlement Break Review (2013) document as potentially developable and likely to result in a moderate overall adverse impact, some of which could be feasibly mitigated.

### **Open Space**

The key policies relating to development on open space and play facilities can be found in Paragraph 74 of the NPPF, which reads:

Existing open space, sports and recreational buildings and land including playing fields shouldn't be built upon unless:

- An assessment has been undertaken which clearly shows the open space, buildings or land are surplus to requirement;
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location or

- The development is for alternative sports and recreational provision, which needs clearly outweigh the loss
- The application is accompanied by an Open Space Assessment.

### **Policy L6 and Policy L7**

Policy L6 states “ the city council will seek to develop a hierarchy of playspace provision for children on the basis of

- (i) a minimum of four district play areas;
- (ii) satellite play areas to be provided within 1 km of every child in the city; and
- (iii) local doorstep play areas provided, where practicable, within pocket parks and on other sites within housing areas throughout the city (see policy L5) in doing so the council will seek to achieve a standard for children's playspace of 0.6-0.8 ha. per thousand population, reasonably distributed throughout the city. in areas where it is impossible to approach this standard, consideration will be given to the more flexible use of space provided for educational or other purposes (see policies L1(iv) and CF8).”

Policy L7 states “ land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6 or
- (ii) the development is for educational purposes; and,
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. Similarly, access to existing or proposed open space will be protected from alternative development.”

### **Policy HA12**

Improvements in the level of provision and quality of amenity open space will be made in the locations shown below:-

- (1) Flint Mill; (2) Langdale St, Low Moorsley; (3) Herrington Burn Linear Park; (4) Gilpin Wood; (5) Eppleton Reclamation Scheme; (6) Bunker Hill; (7) Murton Lane; (8) East of Windermere Crescent; (9) Biddick Woods; (10) Rough Dene Burn

### **Sunderland City Council's LDF**

The Planning and Compulsory Purchase Act 2004 requires that Sunderland City Council prepare a Local Development Framework. At present the Council are preparing the development plan documents that will make up the LDF. The Core Strategy Document is currently at the Preferred Options stage and therefore only has limited weight in the decision making process.

## Sunderland City Council's Greenspace Audit 2012

This document analyses the existing open space designations within the key Area Regeneration Frameworks (ARF's). This is then further broken down to sub areas called City Villages and each area is then assessed in both Quantity and Quality of all forms of open space.

A summary of key the findings in the Audit are as follows:

- Houghton has an *above average* quantity of amenity open space;
- The quality of this open space is *below average* in comparison to the rest of the City;
- The access to formal parks in the area is considered to be *above average* and the quality of these parks is *good*.

### Impact of the Development on the open space provision

The application site is currently designated in the Unitary Development Plan as 'New and Upgraded Open Space/Leisure Use', with the aim of improving the level of provision and quality of open space in this area (see Policy HA12).

Despite this designation, the development site is not readily accessible to the public and is under **private ownership**. As such the site cannot be considered to have fulfilled its allocation as a 'New and Upgraded Open Space/Leisure Use' or to have contributed toward the provision of open space in the local area during the plan period.

However the proposed development would increase the area of accessible public open space(POS) in the local area, through the provision of a large area of POS to the north east of the development complete with footpath links to existing routes/networks. Furthermore the provision of an amenity edge/green corridor along the south eastern boundary of the site will further enhance the level of accessible open space. This edge also offers the opportunity to create an area which supports the local ecology linked to Rough Dene Burn.

Furthermore the purpose behind designating the site as a 'Site for Amenity Open Space' in the UDP was to protect Rough Dene Burn, reinforce the separation of settlements policy and create a publically accessible area of open space. All three of these aims would be achieved through the implementation of a sensitively designed and well managed open space strategy, supported and facilitated by the proposed residential development. The proposals would also accord with the relevant open space policies of the NPPF. In light of the fact that the site is not publically accessible and therefore doesn't represent a contribution toward open space provision in the local area, the development would ensure a 'better provision in terms of quantity and quality', in accordance with Paragraph 74 of the Framework.

### Quantitative

The Council's Greenspace Audit 2012 states that the quantity of amenity open space in the Houghton area is above average. In light of the fact that the site hasn't come forward as 'New and Upgraded Open Space/Leisure Use' as designated in the UDP, the proposals outlined



above demonstrate that the increase in usable POS would further enhance the provision of open space in the local area. As explained previously this site isn't currently accessible and as such doesn't represent what can be classed as public open space. A low density scheme with a high quality public realm would improve the amount of usable open space in the Houghton 'City Village' area.

### **Qualitative**

Despite the relatively high provision of open space in the Houghton 'City Village', the quality of this provision is deemed to be below average by the 2012 Greenspace Audit. The proposed improvements to the POS provision in this area would contribute towards improving the quality (as well as quantity) of open space in the sub-area. The introduction of a well managed area of POS to the north east of the site, in addition to a green ecological corridor along the south eastern edge will improve the quality of what is currently poor, inaccessible open space. The area of open space within the site is considered to be well designed to enhance the overall scheme.

### **Conclusion on Open Space**

Through an assessment of relevant national and local policy, in addition to a quantitative and qualitative assessment of the existing and proposed open space provision within the site, the applicant has demonstrated that the quantity and quality of open space will be improved as a result of these proposals and as such the proposal is considered acceptable in terms of the Local Planning Authorities open space requirements and as such is considered to comply with policy L7 of the Unitary Development Plan.

### **Principle of Development – Summary**

Although the application is contrary to site specific policy CN6 in the development plan, the application needs to be considered in light of the presumption of sustainable development and the impact tests set out in paragraph 14 of the NPPF.

The application site has been identified as being suitable for release for housing in the SHLAA and to assist in the delivery of quality housing to meet the city's housing requirements.

The proposed residential development is therefore considered to be acceptable in principle subject to the assessment of the other impacts of the development which are considered below.

### **Urban Design**

The proposed development comprises 63 executive detached dwellings of traditional design. All dwellings proposed are two storeys in height. All of the dwellings proposed include private outdoor amenity space (private garden areas) and private car parking in the form of integral and detached garages and driveways.

Appropriate spacing, to protect the privacy of occupiers, is retained between dwellings in general accordance with the Council's adopted standards of 21 metres between main facing elevations and 14 metres between main elevations

and blank gable walls.

The proposed development is therefore considered to be acceptable in terms of urban design and as such complies with policy B2 of the Unitary Development Plan.

### **Highway Access and Car Parking**

Policy T14 of the Council's adopted UDP is relevant to the consideration of the highway arrangements for this application.

Policy T14 requires that:

Proposals for new development should:

1. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
2. Not cause traffic congestion or highways safety problems on existing roads.
3. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
4. Make provision for the loading and unloading of commercial vehicles (for commercial development);
5. Indicate how parking requirements will be accommodated.

### **Highway Access**

Access to the site is to be taken via the existing junction from Lingfield the existing housing state which adjoins the application site. The access point has been carefully considered and as such is satisfactory to comply with policy T14 of the adopted Unitary Development Plan.

### **Car Parking**

Private car parking is provided for each property via a variety of means, these being private driveways, integral and detached garages. Visitor car parking is distributed evenly throughout the development, the proposed car parking requires is considered to be compliant with policy T22 of the Unitary Development Plan.

### **Sustainable Transport**

NEXUS has been consulted regarding this planning application and considers the site to be well served by public transport.

The application is accompanied by a Travel Plan; the travel plan has been carefully considered and as such complies with policy T14 of the Unitary Development Plan. It is recommended that if members are minded to grant

planning permission that a condition be imposed to ensure the Travel Plan is fully implemented.

## **Ecology**

The proposed development site lies within a Wildlife Corridor and is therefore subject to the requirements of Policy CN23 of the adopted UDP which states that:

Within the wildlife corridors indicated on the proposals map:

1. Measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts;
2. Development which would adversely affect the continuity of corridors will normally be refused;
3. Where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

It should be noted that the presence of a wildlife corridor does not preclude a site from development. There are many instances across the city where wildlife corridors and built development co-exist on the same site.

This application is accompanied by an ecological assessment of the proposed development site and biodiversity enhancement proposals for the site. The site is considered to be of low ecological value.

The proposal to develop a holistic ecological management approach for the site and adjacent land and wildlife corridor is appropriate and very welcome. A schedule of sustainable habitat improvement and long-term management is crucial to addressing the impact of development and resultant increases in public pressure on local biodiversity and greenspace. If members are minded to recommend approval of this planning application; the production and implementation of such an integrated biodiversity mitigation and enhancement strategy should form a condition of approval and works starting on site.

The cumulative impact of developments across the Houghton-Hetton area remains a major concern that needs to be addressed. There is however an opportunity to integrate the landscape and biodiversity of various phases of built development with local and regional initiatives for species such as water vole and barn owl, and for landscape scale habitat improvements. To enable positive net biodiversity gain and counter the negative impacts of increased public pressure on neighbouring high quality greenspace, a developer contribution to the enhancement and protection of key features is appropriate.

A contribution for ecological enhancement measures is requested, through a Section 106 Agreement (S106), to ensure compliance with National Planning Policy Framework (for example para. 109 and para. 118), the Natural Environment and Rural Communities Act 2006 (S40) and Unitary Development Plan policies CN18 and R3.

The requested sum of £47,800 is commensurate with the level of development

and proposals of this nature. In summary the contribution would deliver the following:

<b>Item</b>	<b>Cost (£)</b>
Access network upgrades	15,300
Grassland restoration	10,800
Riparian habitat management	8,200
Woodland management	13,500
<b>Total</b>	<b>47,800</b>

### **Conclusion of Ecological Issues**

The proposed development is considered acceptable in terms of ecological issues and the inclusion of a financial contribution in respect of ecological enhancement measures.

Should members be minded to grant planning permission relevant conditions should be imposed to ensure the required enhancements are fully implemented in order to achieve a satisfactory form of development and to comply with policy CN23 of the Unitary Development Plan.

### **Flood Risk**

Policy EN12 is relevant to the consideration of this application in terms of flood risk. Policy EN12 of the adopted UDP states that:

In assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

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

The site is located within Flood Risk Zone 1. The application is supported by a detailed flood risk assessment.

Both the Environment Agency and Northumbrian Water have been consulted regarding this application.

The Environment Agency has confirmed no objection to the proposed development but has requested that if Members are minded to approve this application a conditions to the following effect should be attached to any approval granted:

**Condition** – The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment written by 3 E consulting Ref 12749 Version 3 and the following mitigation measures detailed in the FRA:-

1 – If surface water is to be discharged to Rough Dene Burn then runoff should be restricted to 5 litres per second as stated in section 7.01

2- Ensure finished floor levels in the south east area of the development are set above the existing ground levels. In accordance with the recommendations in section 5.10

Reason : To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the future occupants.

**Condition** – The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained In accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **Risk to Controlled Waters**

The Environment Agency has confirmed that the controlled waters at this site are of low environmental sensitivity.

Surface water run off should be discharged either to Rough Dene Burn via a new outfall or to the existing NWL sewer crossing the site. Run off should be restricted to the existing Greenfield run off rate or 12 l/sec if connecting to the existing sewer.

Storm water should be managed in order that the sewer can accommodate the 1:30 year event without flooding and the 1:100 year event plus climate change should be retained on site without detriment to the proposed units.

The proposed development will not exacerbate flood risk either on the site or downstream of it and the proposed development is not at risk of flooding.

It is considered that on the above basis the proposed development is acceptable in terms of flood risk and is in accordance with the requirements of Policy EN12 of the adopted UDP.

## **Ground Conditions**

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

Policy EN14 of the adopted UDP states that:

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

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

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

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

The Environment Agency and the City Council's Pollution Control Team have been consulted regarding the proposed development.

The Environment Agency has no objection to the proposed development.

The City Council's Pollution Control team has confirmed that it has no objection to the proposed development subject to the inclusion of planning conditions on any approval granted requiring submission of further geotechnical assessments, proposed remediation measures, verification report and also a condition to deal with any contamination that is uncovered unexpectedly during the construction phase of the development.

The proposed development is therefore considered to be acceptable in terms of ground conditions and in accordance with the requirements of Policy EN14 of the adopted UDP.

## **Archaeology**

This application is accompanied by an archaeological assessment and the Tyne and Wear Archaeology officer has been consulted regarding the proposed development.

## **Impact assessment**

The archaeological evaluation focused on the main body of the site, west of the modern fence and hedge line. Development of the southern and central parts of this area is unlikely to impact on any archaeological deposits. To the north, ditch [F5] crosses the northern corner of the study area. This feature is comparatively shallow. It is possible this feature may be impacted upon by the proposed development.

The County Archaeologist has requested that further excavation is required to uncover more of the ditch, take soils samples and determine its date. The ditch is not sufficient importance to merit preservation in-situ. Therefore it is recommended that if members are minded to grant planning permission, suitable conditions should be imposed to covering the following:-

- Archaeological trial trenching;
- Archaeological excavation and recording;
- Production of a post excavation report; and
- Publication of archaeological fieldwork.

The proposed development is considered acceptable in terms of archaeology and as such complies with policy B11 of the Unitary Development Plan.

### **Play Space**

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible

However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers,

The developer has therefore agreed to provide a financial contribution, of (63 x £701 ) £44,163 as a Section 106 contribution. Further information in this regard is set out in this report under the heading "Section 106 Contributions".

The proposed off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

### **Section 106 Contributions**

The applicant has provided a financial viability assessment in connection with the application for the proposal which demonstrates the contribution to offsite affordable housing.

The submitted assessment is currently being scrutinised by the City Council's (Property Services) Chartered Surveyor. The final figure is currently being negotiated in respect of the affordable housing offsite provision. The current figure proposed is £370,005.

On the basis of the financial viability assessment submitted, a sum of £386,561 for offsite affordable housing, £47,800 for environmental enhancements £44,163 and for off site play provision is available within the scheme and is required by the Council via a Section 106 agreement in order to achieve a satisfactory form of development and to comply with relevant Unitary Development Plan policies.

- Provision of Educational Places – The Education officer has confirmed there is no educational requirement in this instance.

## Summary

The principle of housing development is considered to be acceptable, similarly the proposed development is considered to be acceptable in terms of urban design, highway access and car parking, flood risk, ground conditions, ecology, archaeology. Affordable housing offsite provision and play space.

**Recommendation: Delegate to the Deputy Chief Executive for approval subject to the satisfactory completion of the section 106 agreement and draft conditions as set out 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. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Amended Drawing Calvert CV-WD05 Feature Elevations Plots 16,32, and 34 received 08.10.2013
  - Amended Hogarth HD-WD05 Feature Elevations Plots 40 and 43 received 08.10.2013
  - Drawing Number Hayden HD-WD01 Plans and Elevations Rev C received 24.06.2013
  - Drawing Number Hogarth HD-WD01 Plans and Elevations Rev G received 24.06.2013
  - Drawing Number Keating HD-WD01 Plans and Elevations Rev G received 24.06.2013
  - Drawing Number Lewis LW-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Potter PT-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Turner TU-WD01 Plans and Elevations Rev D received 24.06.2013
  - Drawing Number Calvert PT-WD01 Plans and Elevations Rev E received 24.06.2013
  - Amended Auto Tracking Plan ENG-ATR-01 received 08.10.2013
  - Amended Potter PTWD05 Feature Elevations Plots 22 and 62 received 08.10.2013



- Amended Hayden HD-WD05 Feature Elevations Plots 26 and 38 received 08.10.2013
- Proposed Site Layout Revision C received 19.02.2014
- Drawing Number 2004-A-GAR-001 Single Garage Construction received 24.06.2013
- Drawing Number 2004-A-GAR-002 Double Garage Construction received 24.06.2013

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

3. Notwithstanding any indication of materials which may have been given in the application, no development above damp course shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
4. The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. measures to control the emission of dust and dirt during construction
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - vii. wheel washing facilities

In the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.

6. Notwithstanding the approved plans, prior to first occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants; noting species; plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details, in the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.
8. Details of all walls, fences, or other means of boundary enclosure associated with the development hereby approved shall be constructed in accordance with Site Layout ref. 263/A/GA/001 rev. C unless otherwise agreed in writing with the Local Planning Authority. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
9. Before occupation of the first dwelling a scheme of traffic calming shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in strict accordance with the approved details and the agreed traffic calming measures fully implemented in accordance with a phasing plan to be first agreed in writing with the Local Planning Authority.

In the interest of highway safety and to comply with the requirements of PolicyT14 of the adopted Unitary Development Plan.

10. 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 conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

11. Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. 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 building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must 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 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 Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
13. Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of 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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

14. 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment written by 3 E consulting Ref 12749 Version 3 and the following mitigation measures detailed in the FRA:-

1 - If surface water is to be discharged to Rough Dene Burn then runoff should be restricted to 5 litres per second as stated in section 7.01

2 - Ensure finished floor levels in the south east area of the development are set above the existing ground levels. In accordance with the recommendations in section 5.10

Reason : To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the future occupants.

16. The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

17. No grounds or development shall commence until a programme of archaeological 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 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 the saved Unitary Development Plan Policies B11 and B13.

18. 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 17 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 saved Unitary Development Plan Policies B11 and B13.

19. 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 in the Unitary Development Plan 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 141 of the NPPF and paragraph 135 of the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide March 2010.

20. The biodiversity enhancement and mitigation measures set out in the E3 Ecology report (May 2013) shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

21. No development shall commence until a written survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.

## Appendix 1 – Amended Flood Risk Assessment

## Appendix 2 – Ecology Report



# AN EXTENDED PHASE ONE AND PROTECTED SPECIES SURVEY



## GILLAS LANE



**Report No 1  
Final  
May 2013**



Produced by:

**E3 Ecology Ltd**

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Job No. 3066

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## SUMMARY

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E3 Ecology Ltd was commissioned by Persimmon Homes NE to undertake an extended phase 1 habitat survey and protected species assessment of land of Gillas Lane, Houghton-Le-Spring. Work was completed in October and December 2012.

The proposed development comprises the creation of approximately 63 new residential dwellings, with their associated infrastructure, public open space and landscaping.

Extended phase 1 survey indicated that the majority of the site is of low ecological value, comprising improved grassland, small areas of tall ruderal vegetation, immature mixed plantation, and a fragmented hawthorn dominated hedgerow. The habitats within the main body of the development area are considered to be of low ecological value.

To the south of the main development area is a small burn (known locally as the Rough Dene). This is surrounded by species poor semi-improved grassland which is grazed, and small areas of gorse scrub and tall ruderal habitats. A small number mature broadleaf trees are also present in this corridor. The habitats within this corridor are considered to be of local value, however as part of a wider corridor network, linking locally important site to the north and south, the habitat overall is considered to be of parish value

A targeted otter and water vole survey was completed in December 2012. No evidence of either species was recorded during the survey, although evidence of red fox and rabbit was found along the margins in the burn in the form of droppings and footprints for both species. The marginal habitat is considered to be insufficient to support any water vole burrow making activity, lacking the cover and diversity required by this species. The watercourse has the potential to be used by passing otter, but there are not considered to be any rest-up or holt locations in this section of the watercourse. The bed of the watercourse is quite heavily clogged with silt and is predominately gravel, making it generally unsuitable for use by crayfish.

No evidence of badger activity was found within the development area. Habitats are largely sub-optimal for this species, providing very little in terms of cover or productive foraging opportunities. No evidence of badger commuting through the corridor either side of the burn was recorded.

Bats are likely to roost within the residential housing that over-look the development site, and may forage along the burn and around the vegetation to the margins of the site. None of the mature trees within the site are considered to offer features potentially of use by roosting bats.

A modest assemblage of birds was recorded during the walkover survey. In total 12 species were recorded during the initial extended phase 1 survey, and subsequent aquatic mammal survey. These were blackbird, starling (overflying), common gull, blue tit, great tit, robin, dunnock, jackdaw, carrion crow, mistle thrush (overflying), grey wagtail and wood pigeon. Overall the development area is considered to be of local value to birds.

There are no ponds within the development area, or within the local area. As such there are no constraints anticipated with protected amphibian species.

Flood Risk Assessment (FRA) modelling of the site has shown that hard surface run-off from the new development can be accommodated within the schemes proposed drainage scheme, and any discharge into the burn can be controlled at a rate in keeping with the current

'greenfield' run-off rate (12 litres per second). The existing drainage catchment already services a wide area and includes both the discharge from public sewers immediately adjacent to the site, and others up and down stream.

No further potential issues with protected species were recorded during the walkover survey.

No further ecological field work is recommended at this stage. The work completed is considered to give a robust appraisal of the ecological constraints present.

Potential impacts of the development in order of conservation significance are:

- Loss of habitat of a low ecological value.
- Low risk of disturbing breeding birds if clearance work is completed during the spring/summer breeding period.
- Potential pollution of the adjacent watercourse from wind-blown site debris.
- Disruption of commuting routes used by small number of common bat species.
- Low risk of disturbing commuting otter
- Reduction in connectivity through the site due to increased disturbance.

To address the potential impacts, the following mitigation measures are recommended:

- Water course will be protected by a physical barrier (Such as a heras style fence) during the construction period to prevent windblown site debris.
- The watercourse will be buffered from the development by a distance of at least 10m.
- No vegetation clearance will commence during the spring-summer (March to August) bird nesting period, unless a pre-works check has confirmed that nesting activity is absent.
- Lighting will be designed to prevent light spilling into the corridor around the burn and habitats at the margins of the development area.
- The landscaping scheme will look to encourage areas of species rich grassland, native scrub and broadleaf tree planting, to increase the number and value of habitats present within the site.

The local planning authority and Natural England are likely to require the means of delivery of the mitigation to be identified. It is recommended that mitigation and enhancement proposals are incorporated into the master-planning documents.

*If you are assessing this report for a local planning authority and have any difficulties interpreting plans and figures from a scanned version of the report, E3 Ecology Ltd would be happy to email a PDF copy to you. Please contact us on 01434 230982.*

## A INTRODUCTION

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E3 Ecology Ltd was commissioned by Persimmon Homes NE to undertake an extended phase 1 habitat survey and protected species assessment of land of Gillas Lane, Houghton-Le-Spring. Work was completed in October and December 2012.

### A.1 Background to Development

The site is located just off Gillas Lane, in Houghton-Le-Spring at an approximate central grid reference of NZ 348 489. Site location is illustrated below in Figure 1.

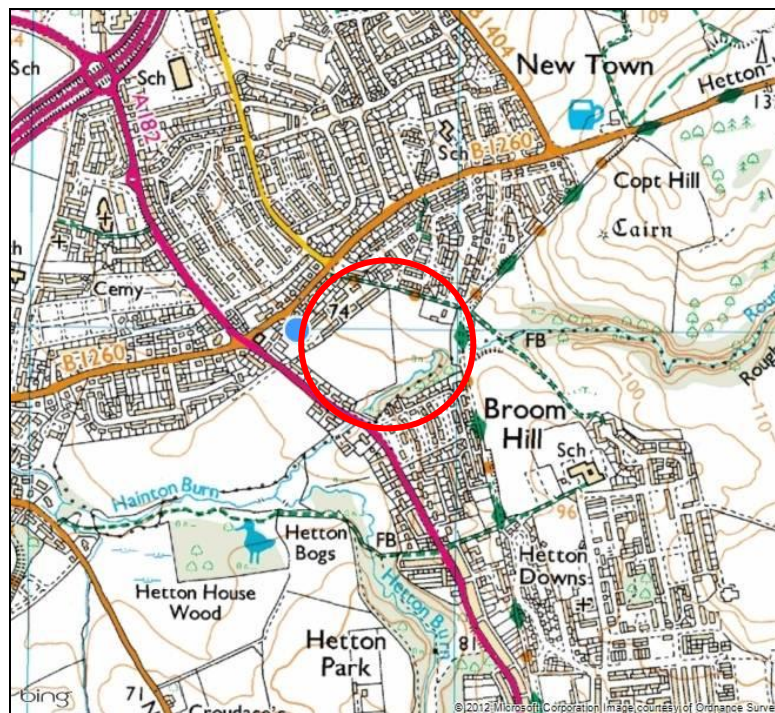


Figure 1 – Site Location  
(Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. CJ Crown Copyright reserved. Licence number 100039392.)

The site is owned by Persimmon Homes NE.

It is proposed to create approximately 63 new residential dwellings, with their associated infrastructure, public open space and landscaping.



Figure 2, below, illustrates the currently available plans for the proposed development.

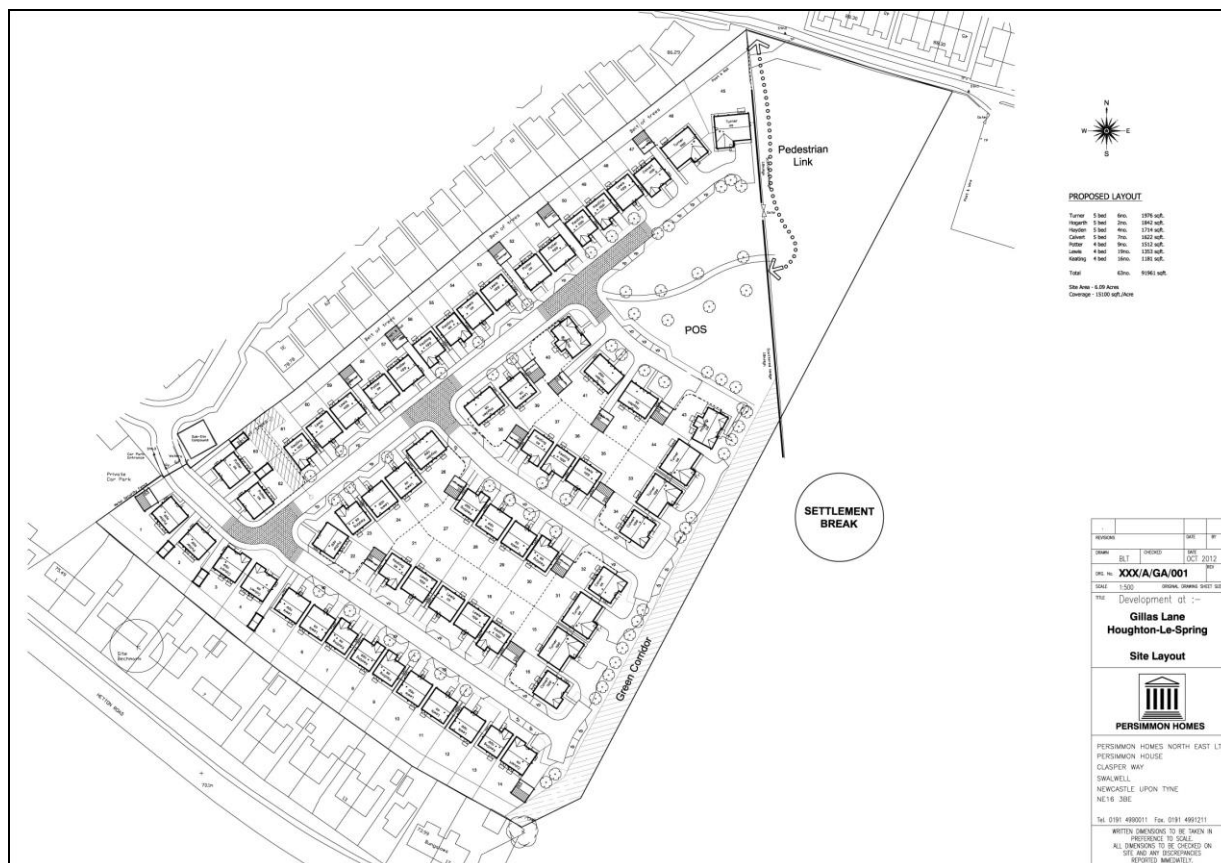


Figure 2 – Proposed Development Plans

## A.2 Personnel

Survey work and reporting was undertaken by:

- Neil Beamsley BSc MIEEM
- Emma Barnes BSc MSc
- Jamie Coleman BSc MSc

The project was supervised by:

- James Streets BSc MSc MIEEM

Details of experience and qualifications are available at [www.e3ecology.co.uk](http://www.e3ecology.co.uk).

## A.3 Objectives of Study

To determine the presence or otherwise of habitats of conservation value or protected species, the extent that they may be affected by the proposed development and, where necessary, to develop mitigation proposals that will allow development to proceed without significant adverse ecological effect.

## B RELEVANT LEGISLATION AND PLANNING CONTEXT

### B.1 National Planning Policy Framework

The Government's National Planning Policy Framework (NPPF) states the following:

- Plan policies and planning decisions should be based upon up-to-date information about the natural environment (Paragraph 158 and 165).
- Plan policies should promote the preservation, restoration and recreation of priority habitats, ecological networks and the recovery of priority species (Paragraph 117).
- Local planning authorities should set out a strategic approach in their Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. (Paragraph 114).
- When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. (Paragraph 118).

### B.2 Protected Species Legislation

The following protected species may be present on a site such as this:

Species	Relevant Legislation	Level of Protection
<b>Bats (All species)</b>	<ul style="list-style-type: none"> <li>• Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended</li> <li>• Classified as European protected species under Conservation of Habitats and Species Regulations 2010</li> <li>• Bats are also protected by the Wild Mammals (Protection) Act 1996</li> </ul>	<p>The WCA (1981) and Habitat Regulations (2010) make it an offence to:</p> <ul style="list-style-type: none"> <li>• Intentionally kill, injure, or take any species of bat</li> <li>• Intentionally or recklessly disturb bats</li> <li>• Intentionally or recklessly damage destroy or obstruct access to bat roosts</li> </ul>
<b>Otter</b>	<ul style="list-style-type: none"> <li>• Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended</li> <li>• Classified as European protected species under Conservation of Habitats and Species Regulations 2010</li> <li>• Otters are also protected by the Wild Mammals (Protection) Act 1996</li> </ul>	<p>The WCA (1981) and Habitat Regulations (2010) make it an offence to:</p> <ul style="list-style-type: none"> <li>• intentionally kill, injure, or take otters</li> <li>• intentionally or recklessly disturb otters</li> <li>• intentionally or damage destroy or obstruct access to otter holts or any place used by the animal for shelter or protection</li> </ul>
<b>Birds</b>	<ul style="list-style-type: none"> <li>• Protection under the Wildlife and Countryside Act (1981) as amended with the exception of some species listed in Schedule 2 of the Act</li> </ul>	<p>The WCA (1981) makes it an offence to (with exceptions for certain species):</p> <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any wild bird</li> <li>• Intentionally take, damage or destroy nests in use or being built (including ground nesting birds)</li> <li>• Intentionally take, damage or destroy eggs</li> <li>• Species listed on Schedule 1 of the WCA or their dependant young are afforded additional protection from disturbance whilst they are at their nests</li> </ul>
<b>Badger</b>	<ul style="list-style-type: none"> <li>• Protection of Badgers Act 1992</li> <li>• Badgers are also protected by the Wild Mammals (Protection) Act 1996</li> </ul>	<p>The Protection of Badgers Act (1992) makes it an offence to intentionally or recklessly:</p> <ul style="list-style-type: none"> <li>• Damage a badger sett or any part of it</li> <li>• Destroy a badger sett</li> <li>• Obstruct access to, or any entrance of a badger sett</li> </ul>



Species	Relevant Legislation	Level of Protection
		<ul style="list-style-type: none"> <li>Disturb a badger whilst it is occupying a badger sett</li> </ul>
<b>Water Vole</b>	<ul style="list-style-type: none"> <li>Full protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended</li> <li>Water voles are also protected by the Wild Mammals (Protection) Act 1996</li> </ul>	<p>The WCA (1981) makes it an offence to:</p> <ul style="list-style-type: none"> <li>intentionally kill, injure, or take water voles</li> <li>intentionally or recklessly damage destroy or obstruct access to any place used by the animal for shelter or protection or disturb water voles whilst they are using such a place</li> </ul>
<p><i>Under the Countryside and Rights of Way Act 2000 (CROW Act) the offence in section 9(4) of the Wildlife and Countryside Act 1981 of damaging a place of shelter or disturbing those species given full protection under the act is extended to cover reckless damage or disturbance.</i></p>		

## C SURVEY AREA AND METHODOLOGY

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### C.1 Survey Area

Figure 3 illustrates the approximate site boundary, whilst Figure 4 illustrates the broad habitats present on site and within an approximate 500m buffer zone.



Figure 3 – Aerial photograph illustrating the extent of the site with a redline boundary (Reproduced under licence from Google Earth Pro.)



Figure 4 – Aerial photograph centred on the site with a 500m radius illustrating the setting and the habitats it supports (Reproduced under licence from Google Earth Pro.)

The study area includes the site and adjacent land to allow for possible secondary impacts in line with Natural England recommendations.

## **C.2 Methodology**

### **C.2.1 Desktop Study**

Initially, the site was assessed from aerial photographs and 1:25000 OS plans. Following this, consultation was undertaken with the Local Records Centre and the Natural England 'Nature on the map' website.

### **C.2.2 Field Survey**

#### **C.2.2.1 *Survey Equipment***

The following items of equipment were utilised during survey work and analysis:

- LED Lenser P7 (210 Lumen) inspection lamp.
- Refrakta 210 lumen inspection lamp.
- Zeiss 8x30 binoculars.

#### **C.2.2.2 *Phase 1 Habitats***

The field survey of the proposed site was conducted using the methodology of Natural England's Phase 1 survey, as outlined in their habitat-mapping manual<sup>1</sup>. Each parcel of land was assessed by a trained surveyor and classified as one of approximately ninety habitat types. These were then mapped and the habitat information supplemented by dominant and indicator species codes and target notes where appropriate.

Survey was undertaken on 10<sup>th</sup> October 2012

#### **C.2.2.3 *Protected Species***

As part of the extended Phase 1 survey, the risk of protected species being present was assessed from the consultation responses, field signs and local knowledge. If present, any trackways regularly used by badger and deer were mapped, and any badger sett usage assessed by the presence of freshly dug earth and/or bedding at the entrance. Wetlands were reviewed for their potential use by great crested newt, otter and water voles, with particular attention paid to possible otter sprainting sites and resting areas. The risk of reptiles using the site was assessed based on the habitats present. Structures and trees were assessed for the risk of supporting roosting bats. Likely use of the site by birds was assessed from the species seen during the survey, and the habitats present.

Where it is considered likely that protected species may be present and adversely affected by the proposals additional specialist surveys have been recommended.

#### **C.2.2.4 *Otter and watervole survey***

Survey was carried out using a 300m walked survey of a single or both banks where access was available, starting with a prominent landmark such as a bridge where possible. All

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<sup>1</sup> Handbook for Phase 1 habitat survey, A Technique For Environmental Audit, English Field Unit, Nature Conservancy Council, 1990

potential sprainting sites and resting areas were recorded. Where potential holt sites were identified, tracks and field signs were used to deduce the likelihood of otter and water vole usage.

A detailed site survey was undertaken and the results assessed against background research on the local otter status and distribution. From these data an assessment of the local nature conservation significance of the site was determined.

The presence or absence of mink, water vole and brown rat signs at each site were also recorded with an indication of the relative abundance of footprints and droppings along the 300 metre stretch. All field signs were marked upon the sketch habitat map.

Habitat information for each section was recorded in two ways, by selecting a number of habitat features and descriptions from the pro forma from the 'Water Vole Conservation Handbook' (R. Strachan, 1998), and undertaking a simplified river corridor survey map of the site. Details of the bank profile, watercourse depth and width and current were recorded, together with additional comments on features such as pollution and threats.

Survey was completed in December 2012.

## D RESULTS

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### D.1 Desktop Study

#### D.1.1 Pre-existing Information

##### **OS map & aerial photographs**

Figures 1 (A1) and 3 (C1) show that the general land use in the surrounding area is residential housing, grazing land and some arable fields.

##### **Nature on the Map**

Consultation with the Nature England Nature on the map website indicates that there are no internationally important sites within close proximity to the development area.

There are three nationally important Sites of Special Scientific Interest (SSSI) within 1.5km of the development area. These are Hetton Bogs, Embleton Grassland and Joe's Pond. In addition Hetton Bogs is also a locally important Local Nature Reserve.

Habitats locally reflect some National Biodiversity Action Plan (BAP) habitats, namely fen, reedbed and ancient and semi-natural woodland.

##### **Previous survey work by E3**

Previous survey by E3 Ecology in the local area has highlighted the presence of common pipistrelle bat, whiskered/Brandt's bat and brown long-eared bat.

#### D.1.2 Consultation

##### **Local Records Centre**

Consultation with Environmental Records Information Centre (ERICNE) indicated that there are a number of locally designated, non-statutory Local Wildlife Sites within 2km of the development area. These are Rough dene, Embleton Quarry, Hetton Bogs, Hetton Park, Redburn Marsh, Hetton Lyons and Robin House/Moorsley Marsh. None of these sites are directly within the development area.

In addition, the local records centre were able to provide details of the following species known to occur with the local area: Water vole, common toad, small heath, common spotted orchid, northern marsh orchid, Western hedgehog, Dingy skipper, wall, brown hare, European otter, stoat, water shrew, noctule bat, common pipistrelle bat, white-letter hairstreak, and great crested newt.



## D.2 Field Survey

### D.2.1 Habitats

#### *Improved Grassland*

The site is dominated by improved grassland. This is grazed by a herd of around 20 cattle on a rotation, with a single wire electric fence dividing each grazing area within the field. Species within the sward are limited. Perennial rye grass (*Lolium perenne*) is dominant, with some occasional cock's foot (*Dactylis glomerata*), ragwort (*Senecio jacobea*), creeping buttercup (*Ranunculus repens*) and redshank (*Polygonum persicaria*).



#### *Immature mixed plantation woodland*

A small band of immature mixed plantation runs along the north eastern boundary of the site. The uniform age and location of this planting zone would suggest that the trees were planted as part of the earlier housing scheme, which over-looks the site. Species within the plantation include rowan (*Sorbus aucuparia*), sessile oak (*Quercus petraea*), hawthorn (*Crataegus monogyna*) and some smaller fruit trees.

#### *Tall ruderal*

Tall ruderal habitats are present along the southern boundary of the site, and form a link between the wider improved grasslands and residential gardens beyond. Species within the habitat include bramble (*Rubus fruticosus* ag.), cock's foot, rosebay willowherb (*Chamerion angustifolia*), creeping buttercup, creeping thistle (*Cirsium arvense*) and curled dock (*Rumex crispus*).



#### *Species poor hedgerow*

A single species poor hedgerow bisects the northernmost section of the site. The hedge is maintained, but has a number of significant gaps and is dominated by hawthorn, with a small number of elder (*Sambucus nigra*) also present. A single semi-mature ash (*Fraxinus excelsior*) tree is present with the hedge-line and a wire stock fence is present to the northern side.



*Rough Dene corridor*

The Rough Dene is outside, but immediately adjacent to the development boundary. The corridor comprises the burn which is approximately 1-1.5m wide, with a smooth flow, rippled in places. The bed is heavily silted, although in the faster flowing areas features a gravel base with some large cobble sized stones. The water depth varies from between 40mm and 400mm. The watercourse is culverted and also has a second drainage outflow discharging into the main flow. The surrounding vegetation is predominately species poor semi-improved grassland. Some evidence of grazing from the resident cattle was evident around the margins of the watercourse. Scrub and scattered semi-mature trees are also present within the marginal habitat.



The habitats present within the sites are indicated on figure 4 below:





## D.2.2 Species

### *Otter and water vole*

Dedicated survey of the watercourse to the south-east of the development site did not highlight any evidence of water vole or otter activity along the burn. The bankside vegetation is generally sparse and offers few potential burrow or feeding opportunities for water vole or holt making locations otter. A number of other mammal footprints were recorded during the survey, these were confirmed as being red fox and rabbit, in addition to domestic dog. A number of fox scats and rabbit droppings were also found along the margins of the watercourse.



### *Badger*

No evidence of badger sett making, commuting or foraging activity was recorded during the walkover survey. Habitats provided by the site are generally of sub-optimal value due to a lack of cover and generally compacted ground. Some low-quality sett building locations may be present in scrub vegetation to the north east, outside of the site boundary, however these are quite exposed to potential sources of disturbance, such as domestic dogs, and are therefore considered to be sub-optimal.

### *Great Crested Newt*

There are no ponds or other water-bodies within the site, therefore great crested newt and other protected amphibians are not considered to be a constraint associated with the development.

### *Bats*

There are no buildings within the site. None of the immature/semi-mature trees within the development area are considered to be of a sufficient age to support features usually favoured by roosting bats. Habitats at the margins of the site may be utilised by foraging and commuting bats, with potential roosting location within the surrounding residential housing.



### *Birds*

A modest assemblage of birds was recorded during the walkover survey. In total 12 species were recorded during the initial extended phase 1 survey, and subsequent aquatic mammal survey. These were blackbird, starling (overflying), common gull, blue tit, great tit, robin, dunnock, jackdaw, carrion crow, mistle thrush (overflying), grey wagtail and wood pigeon.

### *White-Clawed Crayfish*

The bed of the watercourse is quite heavily clogged with silt and is predominately gravel, making it generally unsuitable for use by crayfish. There are a small number of cobbles of a



suitable size to be used by white clawed cray-fish, however these were in locations where the bed was clogged by the siltation.

*Other significant species*

A lack of suitable foraging and commuting habitats within the site makes the presence of species such as red squirrel, reptiles and protected invertebrates highly unlikely.

## E ASSESSMENT

The value and significance of the habitats and species found was assessed against the following criteria developed from the Guidelines for Ecological Impact Assessment produced by the Institute of Ecology and Environmental Management<sup>2</sup>.

Level of Value	Examples
<b>International</b>	<ul style="list-style-type: none"> <li>• An internationally designated site or candidate site.</li> <li>• A viable area of a habitat type listed in Annex I of the Habitats Directive, or smaller areas of such habitat, which are essential to maintain the viability of a larger whole.</li> <li>• Any regularly occurring population of an internationally important species, which is threatened or rare in the UK.</li> <li>• Any regularly occurring, nationally significant population/number of any internationally important species.</li> </ul>
<b>National</b>	<ul style="list-style-type: none"> <li>• A nationally designated site.</li> <li>• A viable area of a priority habitat identified in the UK BAP, or smaller areas of such habitat, which are essential to maintain the viability of a larger whole.</li> <li>• Any regularly occurring population of a nationally important species, which is threatened or rare in the region or county.</li> <li>• A regularly occurring regionally or county significant population/number of any nationally important species.</li> <li>• A feature identified as of critical importance in the UK BAP.</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>• Viable areas of key habitat identified in the Regional BAP or smaller areas of such habitat, which are essential to maintain the viability of a larger whole.</li> <li>• A regularly occurring, locally significant number of a regionally important species.</li> </ul>
<b>County</b>	<ul style="list-style-type: none"> <li>• County designated sites.</li> <li>• A viable area of a habitat type identified in the County BAP.</li> <li>• Any regularly occurring, locally significant population of a species which is listed in a County "red data book" or BAP on account of its regional rarity or localisation.</li> <li>• A regularly occurring, locally significant number of a species important in a County context.</li> </ul>
<b>District</b>	<ul style="list-style-type: none"> <li>• Areas of habitat identified in a District level BAP.</li> <li>• Sites designated at a District level.</li> <li>• Sites/features that are scarce within the District or which appreciably enrich the District habitat resource.</li> <li>• A population of a species that is listed in a District BAP because of its rarity in the locality.</li> </ul>
<b>Parish</b>	<ul style="list-style-type: none"> <li>• Area of habitat considered to appreciably enrich the habitat resource within the context of the Parish.</li> <li>• Local Nature Reserves.</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>• Habitats and species that contribute to local biodiversity, could only be replicated in the medium term, but are common in the local area.</li> <li>• Loss of such habitats would ideally be mitigated if local biodiversity is to be conserved and enhanced.</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>• Habitats of poor to moderate diversity such as established conifer plantations, species poor hedgerows and unintensively managed grassland that may support a range of Local BAP species but which are unexceptional, common to the local area and whose loss can generally be readily mitigated.</li> </ul>

<sup>2</sup> Institute for Ecology and Environmental Management (2006) Guidelines for Ecological Impact Assessment in the United Kingdom (Version 7 July 2006). <http://www.ieem.org.uk/ecia/index.html>.

## **E.1 Habitat Conservation Value**

Habitat survey of the areas directly affected by the proposed development has shown that the site is of low ecological value, supporting a small number of species poor and commonly occurring habitats. The development area is dominated by a large area of improved grassland, currently used by a tenant farmer to graze a small head of cattle. To the margins are areas of tall ruderal, immature mixed plantation and a single species poor hedge. These habitats are considered to be of low ecological value, with the impact of the development being experienced on a local basis only.

A small burn (The Rough Dene) is present to the south east of the main development area. This feature and the surrounding riparian vegetation which comprises semi-improved grassland, scrub and small number of semi-mature trees is considered to be of local value. The feature is also likely to fulfil an important role as a green corridor between ecological significant sites to the north east and south of the development. The burn and surrounding vegetation is considered to be of up to parish ecological through its role in maintaining this strategic green corridor.

Hetton Bogs SSSI is located approximately 350m to the south of the development sites, and on the opposite side of the A182. The development area is considered to be sufficiently distant, when the road and existing housing is taken into account, from this sensitive site to cause any direct impacts from noise or additional lighting.

Flood Risk Assessment (FRA) modelling of the site has shown that hard surface run-off from the new development can be accommodated within the schemes proposed drainage scheme, and any discharge into the burn can be controlled at a rate in keeping with the current 'greenfield' run-off rate (12 litres per second). The existing drainage catchment already services a wide area and includes both the discharge from public sewers immediately adjacent to the site, and others up and down stream.

## **E.2 Protected Species**

No evidence of protected species activity was recorded during the field survey work. The habitats within the development area are of predominately low quality, and are likely to only be of potential benefit to nesting and foraging species of bird.

Some low levels of bat foraging activity are also anticipated at the margins of the site, with a small number of bat roosting locations likely within the adjacent residential houses.

The Rough Dene corridor to the south east of the main development is likely to be of significantly greater ecological value, mainly as a foraging and commuting route for birds, bats and potentially occasional otter use. No evidence of protected species was recorded during the field work.

## **E.3 Limitations**

Extended phase 1 habitat survey has been completed outside of the main summer growing period. While this has the potential to mean that some species were not visible during the survey, it is considered that given the predominately low value of the site, seasonality has not had a significant impact on the outcome of the field survey.

#### **E.4 Impact Assessment**

The likely effects of the proposed development, without appropriate targeted mitigation, are:

- Loss of habitat of a low ecological value.
- Low risk of disturbing breeding birds if clearance work is completed during the spring/summer breeding period.
- Potential pollution of the adjacent watercourse from wind-blown site debris.
- Disruption of commuting routes used by small number of common bat species.
- Low risk of disturbing commuting otter.
- Reduction in connectivity through the site due to increased disturbance.

## **F MITIGATION AND RECOMMENDATIONS**

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### **F.1 Further Survey**

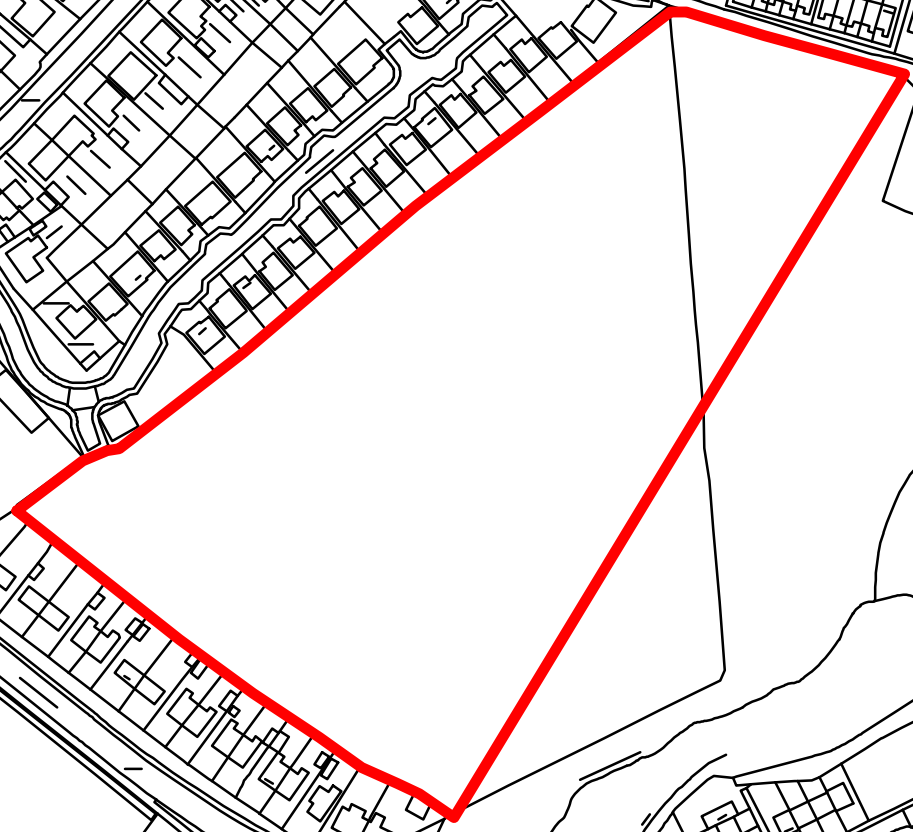
No further ecological survey is considered necessary, as field work completed is considered to provide suitably robust assessment of the ecological constraints associated with the site.

### **F.2 Mitigation Requirements**

To address the potential impacts the following mitigation measures are recommended:

- Water course will be protected by a physical barrier (Such as a heras style fence) during the construction period to prevent windblown site debris.
- The watercourse will be buffered from direct effects of the development by a distance of at least 10m.
- No vegetation clearance will commence during the spring-summer (March to August) bird nesting period, unless a pre-works check has confirmed that nesting activity is absent.
- Lighting will be designed to prevent light spilling into the corridor around the burn and habitats at the margins of the development area.
- The landscaping scheme will look to encourage areas of species rich grassland, native scrub and broadleaf tree planting, to increase the number and value of habitats present within the site. Habitats within the buffer strip will be managed to preserve the existing value of the site and also buffer the habitat from the effects of the development,

13/01617/FUL



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## PLANNING AND HIGHWAYS COMMITTEE 16 APRIL 2014

## CONSULTATION FROM A NEIGHBOURING COUNCIL ON A PLANNING APPLICATION

## REPORT OF THE DEPUTY CHIEF EXECUTIVE

## 1.0 PURPOSE OF THE REPORT

- 1.1 To seek the Committee's agreement to the response to be made to a consultation from a neighbouring authority regarding a planning application affecting a site within proximity to the boundary of Sunderland City Council (SCC).

## 2.0 BACKGROUND

- 2.1 Where the Council is consulted by a neighbouring authority, in this case Durham County Council (DCC) on planning applications that are not within its administrative boundary but which may have an impact on Sunderland's interests, the approval of Planning and Highway's Committee is obtained to agree the content of the Council's response. Within this context Sunderland City Council is only a consultee and therefore all statutory duties associated with the application, including its determination, are the responsibility of DCC as the competent Mineral Planning Authority.

## 3.0 APPLICATION DETAILS

- 3.1 **Notifying Authority:** Durham County Council  
**Application Number:** CMA/4/107  
**Applicant:** Hargreaves Surface Mining Ltd  
**Proposal:** Field House surface mine scheme involving surface mining operations for the winning and working of 514,000 tonnes of coal and up to 83,000 tonnes of fireclay, ancillary site operations with progressive restoration and aftercare to agriculture, broadleaved woodland, hedgerows, water bodies, wetland and low nutrient grassland over a 3 year period.  
**Application site:** Land at Field House Farm to the south of Robin Lane, to the south east of West Rainton, north of Low Pittington and west of High Moorsley.
- 3.2 In accordance with the requirements of The Town and Country Planning (Environment Impact Assessment) Regulations the application was supported by an extensive Environmental Statement. This substantial document details and considers issues relating to landscaping and visual amenity, noise, archaeology, ecology, land contamination, dust, mine gases and transportation.

#### 4.0 CONSULTATION

- 4.1 The Council's Network Management, Natural Heritage and Pollution Control sections were consulted as part of this neighbouring authority consultation request and their responses and observations form part of this report
- 4.2 Members should note that DCC has undertaken an extensive public consultation exercise as part of the planning application. DCC has confirmed that all residents within 1km of the application site were consulted and as such residents in Sunderland were directly notified. Furthermore, and on each occasion, 2 or 3 site notices were erected in East Rainton, High Moorsley and Hetton le Hole. Press notices were also placed in the Northern Echo and Sunderland Echo in order to ensure wide coverage throughout the Durham and Sunderland areas, while Hetton Town Council and Hetton School were consulted and have both made representation to DCC directly.
- 4.3 Concerning this neighbouring authority consultation request, a representation has also been received from Cllr Blackburn. The Cllr's comments detail local Member concerns about the disruption to this rural area of the City. Concerns relate to the potential for dust and scarring to the landscape. Cllr Blackburn also highlighted the tangible mental stress being caused to many residents and wanted this to be conveyed to DCC.
- 4.4 Two letters from Sunderland residents objecting to the development have also been submitted to SCC. Concerns relate to the disruption of piece and quiet, as well as noise, dust and increased traffic impacts arising from the development. The objections also express concern about views and recreation impacts. The letters also state that local residents were not informed of the planning application, however in this respect, Members may wish to review and note paragraphs 2.1 and 4.2 of this report.

#### 5.0 PROPOSED SCHEME

- 5.1 The planning boundary for the Scheme covers 55.9 hectares, located to the south east of the settlement of West Rainton and the A690, south of Robin Lane.
- 5.2 The proposed Scheme involves surface mining operations for the winning and working of 514,000 tonnes of coal and up to 83,000 tonnes of fireclay, ancillary Site operations, with progressive restoration and aftercare to agriculture, broadleaved woodland, hedgerows, water bodies, wetland, and low nutrient grassland. All to occur over a 3 year period. Within this timescale Site excavation operations would be completed within an estimated 2 year and 3 month period (including coal and fireclay extraction over a 2 year and 2 month period). The

Scheme also provides for early ecological enhancement works in the off-site area to the north and north-west of the Site.

- 5.3 The Site operations would be restricted to a single shift basis with all soil handling, overburden excavation and coal and ancillary fireclay extraction operations, including coal cleaning, haulage from the cut, processing, loading and overburden backfill and restoration works to be carried out between 0700 and 1900 hours Monday to Friday and 0700 to 1300 hours on Saturday. It is also proposed that no such operations would be carried out on Sundays, Bank or Public Holidays. Coal and fireclay HGVs would transport products from the Site during the above hours of operation.
- 5.4 Site drainage operations and any pumping, where necessary, would take place 24 hours per day 7 days per week. It is also proposed that operations for maintenance of plant and vehicles will be carried out on the Site between 0700 to 2100 hours Monday to Friday, 0700 to 1700 hours on Saturday and 0800 and 1600 hours on Sunday.
- 5.5 In terms of restoration the scheme has been designed to closely follow the key characteristics of the existing Site i.e. to replicate the existing undulating south facing landform. The restoration scheme would also provide enhancement measures to support local biodiversity including a network of new ponds and ditches set within grassy margins and larger areas of permanent grassland.

## 6.0 CONSULTATION RESPONSES AND CONSIDERATIONS

### 6.1. Strategic Policy considerations

- 6.1.1 The application site abuts SCC's administrative boundary as its south eastern boundary adjoins the extreme south western boundary of Hetton, to the south east of High Moorsley. The predominant land use policy within this area is allocated under Unitary Development Plan (UDP) policy EN10. This policy identifies those areas where the existing land use pattern is considered to be satisfactory and should be maintained. In this context this area of the City is largely associated with arable farmland, wildlife corridors and the Great North Forest.
- 6.1.2 Reviewing the Council's Core Strategy (Preferred Options), which is currently out for consultation and is the document which sets out how the City will move towards its planning vision for the future, it is clear that no areas earmarked for either Economic Prosperity, Thriving Communities or Locations for Major Development will be impacted by the proposed development.
- 6.1.3 As such, it is considered that there are no strategic planning policy considerations which exist that give rise to concern either in respect of the UDP, or going forward in terms of the emerging Core Strategy.



6.1.4 Nevertheless, given the nature of the development proposal the following sections consider the development proposal in terms of public health, highway engineering, ecology and visual amenity. However, it is important to re-iterate paragraph 2.1 of this report i.e. SCC is only consultee and that all statutory duties associated with the application, including its determination and balancing of relevant material considerations, will ultimately be the responsibility for DCC as the competent Mineral Planning Authority.

## 6.2 Public Health Considerations

Colleagues in the Council's Pollution Control Section have been consulted and have responded by stating that provided the applicant complies with all relevant regulatory requirements, maintain control measures detailed in the submitted documentation, and operate under the terms of any Environmental Permit issued under the Environmental Permitting Regulations (2010), they have no comment to make to the development proposal.

## 6.3 Network Management

Comments received from Colleagues in Network management were informed by the proposals as described in the Transport Statement (incorporated in the Environmental Statement as Appendix 12.1). The Transport Statement has been prepared by the applicant's traffic consultants, in accordance with national guidelines for transport assessments. The main issue in the document relates to HGV routing.

### 6.3.1 HGV Trips

The proposed development will extract and export over a 26 month period. Average HGV movements are anticipated to be 74 (37in/ 37out) per day, in the order of 6 (3in/ 3out) per hour.

### 6.3.2 Traffic Management Plan – Proposed HGV Haul Route

The proposals include the following restrictions on HGV movements:-

For outbound coal and fireclay HGVs the proposed route will involve the use of Robin Lane and the A690, thereby providing access via the A690/ A1(M) Interchange to market. There will be no HGV traffic turning right from Robin Lane onto the A690 or the stretch of Robin Lane to the east of the Site access.

For inbound HGVs the local highway authority i.e. DCC, has stated that no HGV traffic should turn right from the A690 onto Robin Lane. As a consequence, from the perspective of the A1(M), it is proposed that the coal and fireclay route will utilise the A690 (eastbound), the B1284 junctions at Rainton Meadows/ Four Lane Ends, Durham Road and the A690 (westbound). It is also noted that the movement of plant and

machinery to and from the site on HGVs will be subject to these route restrictions.

### 6.3.3 Highway Engineering Conclusion

It is understood that the proposal to restrict right turn movements at the junction of the A690/ Robin Lane has been introduced in the interests of road safety. The consequence is that unladen HGVs travelling eastbound on the A690 will need to travel further to the B1284 Rainton Meadows/ Four Lane Ends junction, in order to turn back onto the A690 westbound. In light of the proposed use of small stretches of the City's road network the applicant's traffic consultant was requested by Network Management to clarify that overall exposure to (predicted) risk would be reduced.

The applicant's traffic consultant has subsequently explained that consideration was given to the specific junctions. Their assessments confirmed that there is no historical evidence to suggest that any significant, inherent road safety issues exist on the chosen road network. It is considered that the level of increase in traffic as a result of the development will not have a material impact on road safety.

On assessing the additional submission, Network Management consider that it provides relevant evidence the proposals will not have a material impact on road safety, and on this basis have no further observations or comments to make in this respect. Network Management has nevertheless recommended that all HGV movements are specifically excluded from all roads within the East Rainton 30mph zone and also from Hazard Lane. In response, the applicant's traffic consultant has confirmed that HGVs will be specifically excluded from these roads, stating that it is their understanding the chosen Routing Strategy will form part of a planning condition, should DCC be minded to approve the application.

## 6.4 Ecology

6.4.1 It appears to Colleagues in the Council's Natural Heritage that the applicant has dealt with all potential concerns regarding biodiversity and that the development proposal offers a restoration scheme appropriate to the nature and location of the site. As such there are no major objections to the proposal subject to the applicant addressing the following:-

6.4.2 All of the recommended species and habitat mitigation and enhancement measures are implemented in full and the measures are extended to similar habitat outwith the site, in particular the wildlife corridor (wetland and grassland habitats) along Bridleway 25/ the former railway line and Robin House and Moorsley Marsh Local Wildlife Site.

6.4.3 Ensure that the hydrology and wetland habitats of the Moorsley Burn catchment to the north-east of the site are not adversely affected by the development and opportunities to improve water quality and flow, and habitats, are implemented as part of the scheme wherever possible.

6.4.4 Planning approval must be subject to a comprehensive management plan that ensures species, habitat and landscape mitigation and enhancement measures are sustained in perpetuity; including monitoring and modification where necessary to retain and improve biodiversity gain associated with species such as water vole, bats and amphibians.

## 6.5 Visual and residential amenity

6.5.1 A Landscape and Visual Impact Assessment was submitted as part of the planning application. The visual impact aspect of this assessment considered residents, users of public rights of way, roads, recreational facilities as well as cultural heritage features.

6.5.2 The visual impact analysis considers that during the mining phase of the development only, a substantial adverse impact will be placed on the Great North Forest trail, part of which runs through SCC's boundary, along with a moderate impact on Moorsley Road itself, where it adjoins the application site's southern boundary, to the north of Pitlington.

6.5.3 However, given the location of the application site and the undulating nature of the surrounding area, the visual impact analysis has only earmarked The Fold, which is a residential property situated on the western side of Moorsley Road in High Moorsley, as being moderately adversely impacted by the proposal, again this is during the mining phase.

6.5.4 In light of the fact that the Scheme's proposed operations will include the formation of substantial screening bunds, including grassed embankments on the outward facing slopes, the applicant's submitted Noise Assessment considers that noise associated with the scheme would not cause unacceptable adverse impact at the nearest residential properties.

## 7.0 CONCLUSION

7.1 As it is considered unlikely the proposal would prejudice the interests of the City of Sunderland, it is recommended that Sunderland City Council advise Durham County Council that it does not have any objections to make with regards to the proposal.

7.2 However, and as detailed above, it is considered that when responding to DCC it is important to emphasise the comments made in respect of the HGVs being prohibited from using East Rainton 30mph zone or

Hazard Lane; and that the scheme should be subject to a comprehensive ecological management plan, whilst also highlighting those comments received from Cllr Blackburn and the two representations from local residents.

- 7.3 The Committee is therefore recommended to agree the above, which will then be sent to Durham County Council in relation to application no. CMA/4/107 (SCC ref. 13/02559/CAA).

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

**OBJECTIONS TO THE CITY OF SUNDERLAND (QUEEN ALEXANDRA ROAD AREA)  
(WAITING AND LOADING AND STOPPING) ORDER 20—**

1.0 PURPOSE OF REPORT

1.1 To advise the Committee regarding two objections that have been received, by the Council, in respect of the proposed The City Of Sunderland (Queen Alexandra Road Area) (Waiting And Loading And Stopping) Order 20— that is proposed for the area in the vicinity of Sunderland Eye Infirmary, and request the Committee to not uphold those objections that cannot be resolved within the constraints of the scheme, as set out below.

2.0 BACKGROUND

2.1 Following a number of requests for service, including requests from local ward members, Network Operations undertook feasibility and design work on a proposed scheme of waiting restrictions that is intended to reduce the amount of commuter parking, principally by Eye Infirmary staff, on Queen Alexandra Road and in the junctions of nearby streets.

2.2 On 7<sup>th</sup> February 2014 The City Of Sunderland (Queen Alexandra Road Area) (Waiting And Loading And Stopping) Order 20— was advertised both on site and in the local press. The 21-days advertisement period gives persons and organisations who may object to the scheme, the opportunity to raise their representations and objections formally with the Council.

2.3 In response to the TRO advertisement the Council received one objection within the 21 day period, and additional representation was received three weeks after the period had ended. A plan of the proposals is shown in Appendix A, with a summary of the objections in Appendix B and copy of the full objections in Appendix C.

3.0 CONCLUSION

3.1 The Council has a duty under Section 122 of the Road Traffic Regulation Act 1984; “to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway” and “the desirability of securing and maintaining reasonable access to premises.”

3.2 The indiscriminate and often obstructive parking causes difficulty and reduces visibility for pedestrian and vehicular traffic attempting to negotiate Queen Alexandra Road, thereby increasing danger for road users to the detriment of highway safety.

3.3 It is therefore considered necessary to introduce the proposed measures, designed to deter long stay commuter parking whilst allowing residents and visitors area more opportunity to park within said areas.

#### 4.0 RECOMMENDATION

4.1 It is RECOMMENDED that:

(i) The objections to The City Of Sunderland (Queen Alexandra Road Area) (Waiting And Loading And Stopping) Order 20— not be upheld.

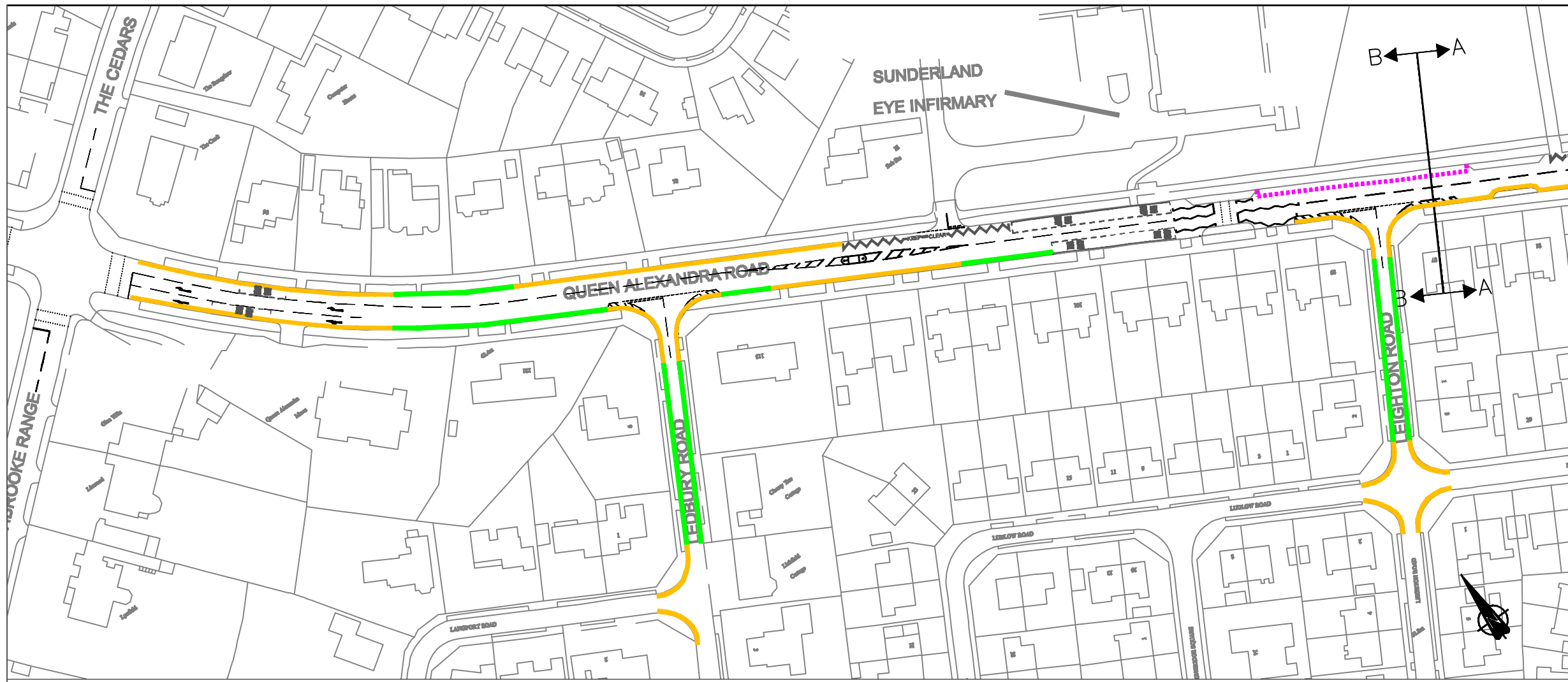
(ii) All objectors be advised accordingly of the decision.

(v) The Head of Streetscene instruct the Head of Law and Governance to take all necessary steps to make and bring into effect the associated Traffic Regulation Order.

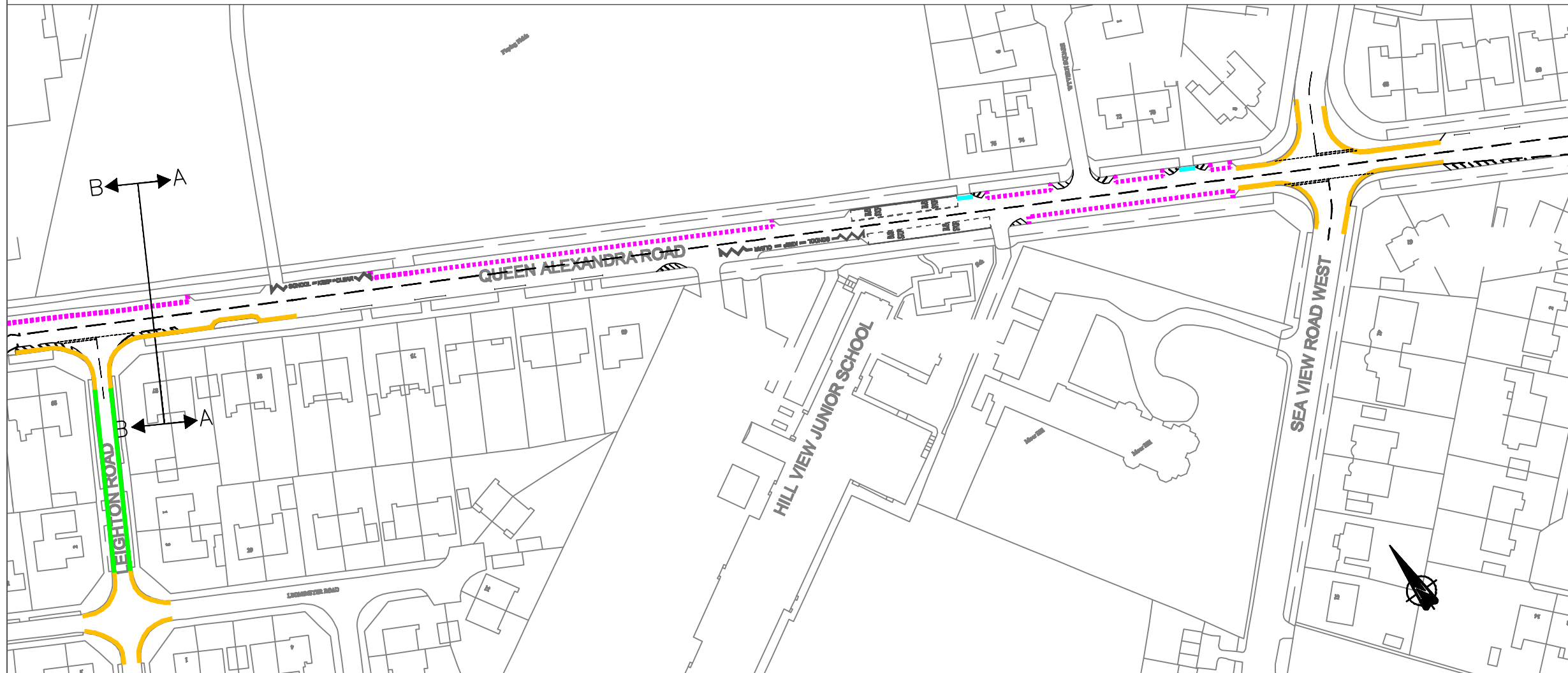
(vi) The Head of Streetscene take all necessary action to implement the physical works associated with The City Of Sunderland (Queen Alexandra Road Area) (Waiting And Loading And Stopping) Order 20—.

## **APPENDIX A**

### **Proposals**



- Key**
- PROPOSED NO WAITING AT ANY TIME (DOUBLE YELLOWS)
  - ⋯ PROPOSED PARKING BAYS
  - PROPOSED 'I' MARKING (a marking to identify a section of carriageway which should be kept clear of parked vehicles)
  - PROPOSED NO WAITING MON - FRI 9am - 10am & 3pm - 4pm (SINGLE YELLOW LINE)



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**Sunderland City Council**

**Office of the Chief Executive**  
**Jack Crawford House**  
**Sunderland SR2 8QR**

**Telephone: 0191 520 5555**  
**Fax: 0191 553 1460**  
**Web: www.sunderland.gov.uk**

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**Project**  
**QUEEN ALEXANDRA ROAD PROPOSED ROAD SAFETY (SECOND CONSULTATION)**

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**Scheme**  
**TRAFFIC REGULATION ORDERS**

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**Contact** MFLÉMING  
**Scale@A3** 1:1250      **Date** July 2013

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**Drawing No.** TRS/11/1003521      **Revision** A





		<p>3. Parking restrictions within Ledbury Road would prevent residents from parking outside of their own homes, they will also likely look to park in Langport Road</p>	<p>will set out how Community Parking Management Schemes, such as the pilot permit based scheme in the vicinity of Sunderland Royal Hospital, would be assessed, evaluated and ranked so that resources can be allocated accordingly. Should parking displace into Langport Road and / or neighbouring streets, these streets/areas would be assessed in accordance with this impending policy document.</p> <p>3. The principle behind these restrictions is that parking would be prohibited within proximity of junctions, whilst the single yellow line (Single Yellow Line - No Waiting, 9 a.m. – 10 a.m. and 3 p.m. – 4 p.m.) would prohibit all day parking but allow provision for visitors outside of the applicable times. The applicable times of the single yellow lines have been chosen so as not to affect parking at the more common times people may visit friends or relatives, for instance the restriction would not apply at lunch time, evenings or weekends. Also see 2. Above.</p>

2.	<p>Mr John Fowler 3 Wyvern Square Sunderland SR2 9HD</p>	<p>A number of representations are made in relation to the proposals:</p> <ol style="list-style-type: none"> <li>1. The advertising and consultations omitted to include the consideration of residents of Wyvern Square. Details of the proposals should have been sent to residents of Wyvern Square.</li>   <li>2. Residents of Wyvern Square experience inconsiderate and obstructive parking in the narrow entrance to the cul-de-sac, especially during pick up/drop off time at Hill View School, as well as on an evening. No waiting markings must be included within the proposals.</li> </ol>	<p><b>NOTE: this reply was received 3 weeks after the Statutory Notice period ended</b></p> <p>In response:</p> <ol style="list-style-type: none"> <li>1. During the Statutory Notice period site notices were erected on Queen Alexandra Road to the immediate south-east of Wyvern Square. <p>In addition; No.s 72 and 74 Queen Alexandra Road, which front Queen Alexandra Road but take vehicular access from Wyvern Square, were consulted by letter on 20<sup>th</sup> May 2013 and 22<sup>nd</sup> July 2013.</p> <p>There were no proposed changes within Wyvern Square itself, whilst changes in the vicinity were deemed minimal.</p> </li>   <li>2. These views were not expressed by 72 or 74 Queen Alexandra Road who also take vehicular access from Wyvern Square. <p>To any reasonable driver Parking within the narrow entrance would quite obviously cause an obstruction, drivers parking in such a manner are unlikely to abide by additional restrictions without constant enforcement.</p> <p>Such parking can already be enforced against by the Police on the grounds of obstruction.</p> </li> </ol>
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		<p>3. The proposed no waiting restrictions will displace parking into residential streets such as Wyvern Square.</p> <p>4. There is an area of land within Southmoor School, the Eye Infirmary could negotiate a lease for the land and allow staff to park there for free.</p>	<p>3. The Council have previously sought to introduce schemes that attempted to take into account parking displacement, however it was found that those in the existing affected areas tended to respond favourably to consultation, whilst those in the likely displacement areas tended to oppose proposals. This has since led to a more reactive approach in the delivery of such measures.</p> <p>In addition to the above I would advise that the council are in the latter stages of adopting a policy document which will set out how Community Parking Management Schemes, such as the pilot permit based scheme in the vicinity of Sunderland Royal Hospital, would be assessed, evaluated and ranked so that resources can be allocated accordingly. Should parking displace into Wyvern Square and / or neighbouring streets, these streets/areas would be assessed in accordance with this impending policy document.</p> <p>4. This would need to be a private arrangement between the hospital and Southmoor Academy.</p>

**APPENDIX C**  
**Objections in Full**

Byways  
Langport Road  
Sunderland  
SR29HT

Head of Law & Governance  
PO Box 100  
Civic Centre  
Burdon Road  
Sunderland  
SR27DN

25 February 2014

Dear E Waugh

**The City of Sunderland (Queen Alexandra Road area) (Waiting and loading and stopping) Order 20—**

Having reviewed the information available on the proposal we have the following objections with respect to the Schedule nos. 1.01 and 1.61 regarding parking restrictions in Ledbury Road:

Section 1.01 states no waiting at any time and 1.61 states that there is restricted parking between hours 9-10am and 3-4pm. The draft document states the zone of 47.3m either side of the boundary of Cherry Tree Cottage and Lichfield Cottage in a North Easterly direction applies to section 1.01 and 1.61. Which section applies?

If there are to be restrictive parking conditions within Ledbury Road, there is nothing in place to protect Langport Road from becoming the next readily convenient point to park, so restricting access into and out of this narrow cul-de-sac.

Langport Road is already used by some staff and patients of the Eye Infirmary so waiting and stopping measures to Ledbury and Queen Alexandra Road will escalate the congestion to Langport Road.

Lastly if parking conditions apply within Ledbury Road this will impact residents of Ledbury, preventing them from parking outside their own home. If they wish to park on the road, or have visitors, it is likely that they will also look to park in Langport Road. How are the residents or resident's visitors to be accommodated?

Yours sincerely



N. Dargell

Mr and Mrs C Dougall

Your Ref. CAH/JO/74479

3. Wyvern Square  
Sunderland  
SR2 9HD  
20.03.14.

Law and Governance,  
Commercial and Corporate Services,  
PO Box 100,  
Civic Centre,  
Sunderland,  
SR2 7DN

For the attention of Christine Heslop, Principle Legal Assistant

Dear Madam,

The City of Sunderland(Queen Alexandra Road Area) Waiting and  
Loading and Stopping Order 20—

The advertising and consultations regarding the proposed parking restrictions on Queen Alexandra Road have omitted to include consideration of the residents of the six bungalows of Wyvern Square. Details of the proposals should have been sent to the residents of Wyvern Square as well as to the residents of the affected length of Queen Alexandra Road and the side streets.

I have spoken to all residents of Wyvern Square, and all drivers living in Wyvern Square and many visiting have had access to or from the cul-de-sac blocked by inconsiderate parking in the narrow entrance to the cul-de-sac by those delivering or collecting children attending Hill View Junior School, and obstructing for longer periods when drivers are attending functions at the school such as concerts or meet the teacher sessions.

As the proposed parking restrictions will reduce parking on Queen Alexandra Road, such blocking of the narrow entrance to Wyvern Square by inconsiderate parking is likely to occur more frequently. Consequently, the installation of double yellow lines both sides of the narrow entrance of Wyvern Square, from the kerbline of Queen Alexandra road to the rear boundary of the of the properties fronting onto Queen Alexandra road, must be included with the proposed parking restrictions of Queen Alexandra Road.

The proposed no waiting markings will also chase the all day parkers such as the staff from the Eye Infirmary, and the part time parkers delivering and collecting school children, into other areas , such as south along Queen Alexandra Road and further up side streets, including into Wyvern Square.

There is an area of land within the Southmoor School boundary that is currently not being used, and if the Eye Infirmary Management could negotiate lease of this and build a car park accessed from the Eye Infirmary, and allow their staff to park there free, this would greatly reduce parking congestion on Queen Alexandra Road and the surrounding area. This land is between the Eye Infirmary and the track from the Queen Alexandra Road gate to Southmoor School, and between Queen Alexandra Road and the school tennis courts.

HEAD OF LEAD  
GOVERNANCE  
24 MAR 2014

If in the future, residential parking permits are to be used for the proposed parking bays along Queen Alexandra Road, then Wyvern Square residents should be given permits, as parking for visitors and tradesmen in the cul-de-sac is very limited, and for when severe winter weather makes exiting the steep cul-de-sac very difficult.

I look forward to you confirming the incorporation of my suggestions into the proposed scheme.

Yours faithfully

A handwritten signature in black ink that reads "John Fowler". The signature is written in a cursive style with a large, prominent 'J' and 'F'.

Mr John Fowler