DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE

AGENDA

Meeting to be held in Committee Room No. 1 on Tuesday 5th September, 2017 at 4.45p.m.

ITEM		PAGE
1.	**Receipt of Declarations of Interest (if any)**	
2.	**Apologies for Absence**	
3.	**Applications made under the Town and Country Planning Acts and Regulations made thereunder** Report of the Executive Director of Economy and Place (copy herewith).	1

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

25th August, 2017

For further information and assistance, please contact Matthew Jackson on 561 1055

Item 3

Development Control (South Sunderland) Sub-Committee

5th September 2017

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 16/01502/OU4
   Land South Of Ryhope Southern Radial Route Sunderland
2. 17/01076/FU4
   East Herrington Primary School House Balmoral Terrace East Herrington Sunderland SR3 3PR
3. 17/01199/VAR
   Villa Maria Silksworth Hall Drive Silksworth Sunderland SR3 2PG
4. 17/01201/FUL
   Former Joplings John Street City Centre Sunderland SR1 1DP
5. 17/01343/VAR
   Former Community Hall Lily Street Millfield Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

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

Unitary Development Plan - current status
The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

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

SITE PLANS
The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

1. South Sunderland

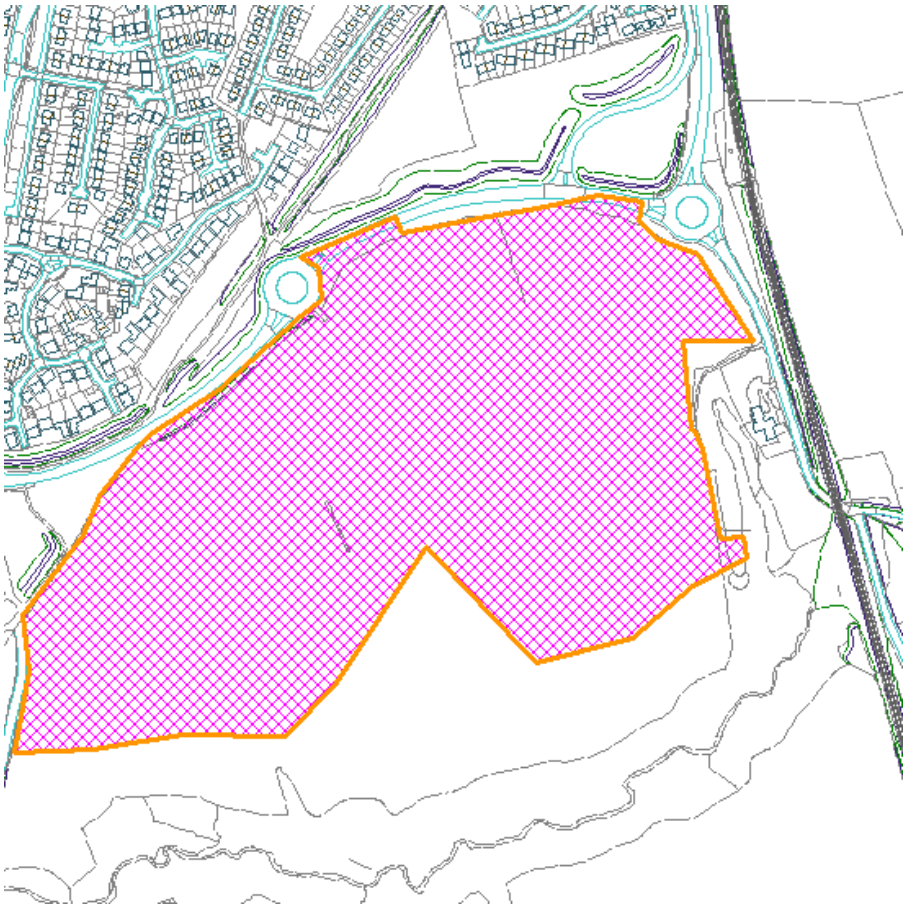
Reference No.: 16/01502/OU4 Outline Application Regulation 4

Proposal: **Outline planning application with two means of vehicular access from A1018 (Saint-Nazaire Way) to be determined (all matters reserved for subsequent approval), for the erection of up to 450 dwellings (Class C3); local centre including up to 500 square metres of floorspace (Class A1, A2, A3, A4, A5, C3, D1 or D2); earthworks to facilitate surface water and foul water drainage; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works. AMENDED DESCRIPTION.**

Location: Land South Of Ryhope Southern Radial Route Sunderland

Ward: Ryhope
Applicant: The Church Commissioners For England
Date Valid: 17 August 2016
Target Date: 16 November 2016

Location Plan



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PROPOSAL:

The Council's emerging Core Strategy, which contains the City's spatial visions and strategic policies to guide future development and change in the City, proposes a new growth area known as South Sunderland Growth Area (SSGA) which comprises 227 hectares (ha) of land in the Ryhope and Doxford Park wards. The SSGA is identified as a major new growth area for housing development and has the potential to provide approximately 3000no. new homes, which would meet over 20% of the City's future housing need and contribute to achieving the strategic aims of the Council's Sunderland Strategy (2008 – 2025) and Economic Masterplan (2010) by improving housing choice and providing more higher value housing.

The SSGA essentially comprises four distinct areas; two unimplemented residential allocations (Chapelgarth and Cherry Knowles), an unimplemented employment allocation (South Ryhope i.e. the application site) and a site currently allocated as "Settlement Break" (Land North of Burdon Lane).

Planning permission (ref. 16/00388/HY4) was granted for 750no. residential units and up to 1000 square metres of ancillary commercial uses at the Chapelgarth site in 2016.

Planning permission (ref. 16/01524/HYB) was granted for 800 residential units and up to 700 square metres of shops/ services (Use Class A1 and/or A2 and/or A3 and/or A4 and/or A5) and associated landscaping and infrastructure at the former Cherry Knowle Hospital, which is in close proximity to the application site.

Application Site

The total site area covers just over 20ha and forms part of a wider agricultural holding that extends southwards and overall totals 40ha. The boundary to the Green Belt runs diagonally across the land holding with the majority of the application site. The application site is located outside of the Green Belt albeit for a triangular parcel of land that has been incorporated to contain the proposed surface water attenuation ponds.

The site comprises agricultural land and has been farmed for arable crops. Towards the south and east of the site lies Ryhope Dene. To the east, the site is bounded by an area of scrub grassland and a Care Home. The B1287 is located approximately 10m from the eastern boundary with a railway line to the other side and which follows the route of the B1287 north to south. The A1018 (Saint-Nazaire Way) runs across the northern boundary of the site while Stockton Road is located to the west.

An existing vehicular entrance is located along the northern boundary, provided from an existing roundabout along the A1018 (Saint-Nazaire Way), although no formal road has been constructed into the Site with the entrance being blocked by concrete blocks. Given the location of the site, adjacent to the coast, the topography is represented by sloping landscape from 33.66AOD in the north east adjacent to the A1018 (Saint-Nazaire Way) roundabout rising to 48.9AD in the south western corner.

The Durham Coast Special Area of Conservation (SAC), Durham Coast Site of Special Scientific Interest (SSSI), Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar sites are in relative proximity to the site given that they run along the coast between Ryhope and Hendon Beach. These are all international (SAC, SPA and Ramsar) and national (SSSI) designations and have been accounted for in the planning submission via the Habitat Regulations and Environmental Impact Assessments.

Proposal

The application has been submitted in outline with all matters reserved except for access into and out of the site. Should Members be minded to approve the application the details relating to the appearance, landscaping, layout, scale and access routes throughout and within the site will be determined via the submission of Reserved Matters, for the avoidance of doubt these are defined as follows:-

- Access

The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- Appearance

The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- Landscaping

The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- Layout

The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- Scale

The height, width and length of each building proposed within the development in relation to its surroundings.

Members should also note that the application has been amended during the course of considering the development proposal. The most notable of these amendments is the reduction from “up to 500 dwellings” to “up to 450 dwellings”. The amended description now reads as follows:-

> *“Outline planning application with two means of vehicular access from A1018 (Saint-Nazaire Way) to be determined (all matters reserved for subsequent approval), for the erection of up to 450 dwellings (Class C3); local centre including up to 500 square metres of floorspace (Class A1, A2, A3, A4, A5, C3, D1 or D2); earthworks to facilitate surface water and foul water drainage; structural landscaping; formal and informal open*

space; car parking; site remediation; and all other ancillary and enabling works."

The submitted Planning Statement explains at paragraph 4.5 that although the exact housing mix will be established at the Reserved Matters stage. The following indicative mix has been used to support the illustrative layout:-

- 1/ 2 bedroom dwellings – 20%
- 3 bedroom dwellings – 40%
- 4/ 5 bedroom dwellings – 40%

In terms of the proposed Local Centre it is intended to accommodate a small retail provision, community facilities and daily services. The centre will comprise up to 0.09ha and could provide up to 500 square metres of floorspace. Further market led scoping will be undertaken to ascertain the exact content of the local centre and should Members be minded to approve the application details of the proposed uses etc. will form part of a Reserved Matters submission.

Access

The Site will essentially be served by a main vehicular access from the existing roundabout along the A1018 (Saint-Nazaire Way). The roundabout currently contains a 'spur' into the Site, which will be utilised as part of the development proposals. A secondary 'Left-in/ Left-out' junction is to be formed further west along the A1018 (Saint-Nazaire Way). Both accesses are matters for consideration as part of this outline planning application.

Linkages from the proposed development to nearby residential areas will be provided to ensure maximum permeability through new footpath and cycleways. In particular, a new Toucan crossing is proposed alongside the A1018 (Saint-Nazaire Way) roundabout which can utilise the existing cycle network to the north of the Site.

Open Space

The submitted Planning Statement highlights that a total of 6.81ha of open space will be provided as part of the development proposals. This includes amenity open space (1.91ha), structural landscape planting (2.62ha) and the surface water attenuation and swale (2.28ha).

The proposed amenity open space runs across the centre of the Site, running from the south-west to north-east corner, and has been informed by the gas pipeline that passes through the centre of the Site. The position of the amenity open space allows for the development proposals to respect the stand-off requirements of the gas pipeline.

Two Locally Equipped Areas of Play (LEAPs) are to be provided as part of the development proposals. One LEAP is to be positioned alongside the local centre to provide an opportunity for children's play space to be within the heart of the community. Whilst, in order to align with the SSGA Supplementary Planning Document (SPD) a second LEAP is to be included to act as a terminating feature at the western end of the 'Green Spine' linear park.

Structural landscape planting is proposed along the northern and western boundaries to provide a buffer to the A1018 (Saint-Nazaire Way), Stockton Road and the residential estate to the north.

Drainage

A surface water attenuation feature is proposed immediately to the south-east of the residential dwellings. The proposed attenuation pond will not be publically accessible and will be bounded by

structural planting. From the attenuation feature, surface water will discharge into an existing watercourse which runs along the eastern boundary of the Site.

Alongside the attenuation feature it is proposed that a swale will be located along the southern edge of the residential dwellings. The proposed swale will have a dual function of transferring surface water flows into the attenuation feature whilst restricting public access southwards towards the Ryhope Dene.

In accordance with the proposed drainage strategy, an area of the Site has been set aside to accommodate a newly formed pumping station. The pumping station will be underground and approximately 10m by 14m in area. The final details of the pumping station will however form part of the Reserved Matters submission.

Supporting material

The application has been supported by three Parameter Plans, Design and Access Statement and a revised Addendum Masterplan. The Parameter Plans aim to provide clarity in terms of understanding the proposed development and providing for a more informed basis going forward to future reserved matters submission(s). The parameters set out the following guiding principles:-

- Land Use and Access Parameter Plan;
  shows not only the location of the proposed residential areas (inclusive of access roads and the incidental open space areas), it also confirms the location of the structural planting zones, amenity open space areas, mixed use local centre and the surface water attenuation area.

- Storey Heights and Parameter Plan;
  confirms the location and overall height of the 2 storey (11m) and 3 storey (14m) properties. It also confirms that within the 3 storey zones of the site there will be no more than 30% at 3 storey, with a further 30% at 2 and half storey.

- Green Infrastructure;
  sets the framework for public open spaces that includes formal and informal areas for recreation, including play areas, meadows, open parkland and incidental green spaces, it also shows the zone for water attenuation, Swale and its associated outfall location.

A Masterplan Addendum Document has been produced following the planning application's initial consultation responses, particularly in respect of urban design, highway and ecology considerations. The Addendum proposes a number of amendments to the original application, most notably the reduction in the proposed quantum of development by 50 units, as well as refining the distribution of the density of development and the introduction of a secondary vehicular access. The Addendum document provides additional detail that will be conditioned so as to guide the submission and consideration of any future Reserved Matters application(s), should Members be minded to approve.

Environmental Impact Assessment

The proposed development has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the "EIA Regulations"). A Screening and Scoping Opinion was issued by the Council, as the Local Planning Authority (the "LPA") on the 23 January 2015 and 23 April 2015 respectively. The Screening Opinion (ref. 14/02263/SCR)

confirmed that the proposal has potentially significant environmental impacts and, as such, an Environmental Statement (ES) would be required. The subsequent Scoping Opinion (ref. 15/00138/SCO), in consultation with key internal and external consultees, identified the following as key chapters to be included within the ES:

- Socio-Economics;
- Landscape and Visual Impact (including impacts on built heritage and night time light spillage);
- Ecology and Nature Conservation
- Water Resources and Flood Risk; and
- Agricultural Land

The ES assesses each potential environmental impact having regard to:

1. Baseline conditions: an understanding of the existing environmental conditions against which the predicted environmental impacts have been assessed, including an assessment of environmental receptors.
2. Potential impacts: identification of potential impacts resulting from the proposed development and assessment of impact magnitude.
3. Mitigation and enhancement measures: recommendation for mitigation measures to avoid, offset or reduce the identified adverse impacts of the project, or for the enhancement measure to maximise positive impacts.
4. Residual impacts: assessment of significance of effects after consideration of mitigation measures.

Within the context of the EIA Regulations it is noted that the proposed development has been reduced from “up to 500” to “up to 450” dwellings and has been supported by updated Parameter Plans and a Masterplan Addendum document; along with the introduction of a secondary access in place of the previously proposed emergency access.

It is not considered that these amendments have altered the likely residual or cumulative effects of the relevant chapters of the ES, whilst the additional mitigation required is not considered to be significant relative to the overall project or in terms of its impact on the environment. It has therefore not been considered necessary to update the ES or to undertake a full re-consultation exercise. Notwithstanding, consultation has been undertaken with key consultees, as well as those two objectors who made comment during the course of the previous two rounds of public consultation.

Habitat Regulations Assessment

Given the extent and size of the development, and the proximity of the development to important land based designations of the Natura 2000 (N2K) European sites (i.e. Northumbria Coast Special Protection Area (SPA)/ Ramsar site and Durham Coast Special Area of Conservation (SAC)), a Habitat Regulations Assessment (HRA) is required to support the planning application. This aspect of the development will be discussed in more detail in the Ecological considerations section of this report.

TYPE OF PUBLICITY:

Site Notice
Press Notice Advertised
Neighbour Notifications

CONSULTEES:

Network Management
Environment Agency
Marine Management Organisation
Natural England
The Highways Agency
Network Rail
Durham County Council
Environmental Health
Tyne And Wear Archaeology Officer
Northumbrian Water
Fire Prevention Officer
Southern Area Command - Police
Flood And Coastal Group Engineer
Director Of Childrens Services
Forestry Commission
English Heritage
Nexus
Network Management
Flood And Coastal Group Engineer
Environmental Health
The Highways Agency
Nexus
Environment Agency
Natural England
Marine Management Organisation

Final Date for Receipt of Representations: **14.07.2017**

REPRESENTATIONS:

This application has been publicised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the "EIA Regulations"), including publication that the application constitutes a departure from the Unitary Development Plan. In particular, the application has been publicised by means of:

- Site Notices
  Posted on 8 September 2016;

- Press Notice
  Published on 14 September 2016; and

- Neighbour Notification Letters
  Two rounds of neighbour notification letters were sent out on the 9 September 2016 & 18 October 2016. Furthermore, an additional round of consultation with the two objectors was also undertaken (23 June 2017) on receipt of the amended submission.

Following this extensive consultation exercise there have only been two letters of representation received in objection to the proposed development.

One of the objectors has cited the Vaux site in their correspondence, asserting that if the land was to remain as 'economic development' then there would be another 15-20 years before anything would be taken seriously. The objector considers that the Council has an unfortunate, regrettable record on managing key projects, which has served to inspire little faith or confidence that this specific project is reasoned well, planned well and will be executed well.

The objector then goes onto query why brownfield sites are not being developed as a priority and that in his view the application site acts as a natural buffer between Ryhope and Seaham. The letter also bullet points the following concerns:-

- Concerns over the pollution of the Ryhope Dene;
- Noise and pollution from the works affecting quality of life for a number of years, and impact on the adjacent Hospice;
- Traffic clogging up the roads during and after the build;
- Pressures on local key infrastructure e.g. schools etc.;
- Impact on local house prices;
- Land designated as an area for 'economic development', how has this changed?

The other objector highlighted that the proposed development would lead to the loss of agricultural fields and local wildlife. Stating that brownfield sites should be developed first before greenfield sites, as well as expressing concerns in respect of:-

- Encroachment
- Inappropriate Use
- Increased Litter
- Overdevelopment
- Traffic Generation
- Visual Amenity

In respect of the above it should be noted that impact on house price is not a material planning consideration. However in respect of the other issues, and where material to the consideration of the development these are considered in the technical consideration sections of this report.

National Planning Casework Unit (NPCU)

The NPCU acknowledged receipt of the ES and made no further comments.

Historic England

Historic England responded by stating that they do not wish to offer any comments and that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council’s specialist conservation advice.

Northumbrian Water (NW)

In making their response Northumbrian Water (NW) assessed the impact of the proposed development on their assets, as well as the capacity of their network to accommodate and treat the anticipated flows arising from the development.

Having assessed the proposed development and with regard to foul flows, NW have requested that a condition be imposed requiring a detailed foul drainage scheme be submitted and agreed prior to development commencing.

Highways England (HE)

During the course of considering the planning application the HE requested that the Transport Assessment should include the Chapelgarth, Cherry Knowle, Rushford Phase 2, Burdon Lane, Ethel Avenue and Burdon Lane/ Burdon Road developments. It was also requested that the applicant provide merge and diverge assessments for the A19 northbound merge and southbound diverge at Seaton Lane for the morning and evening peak hours respectively. It was also requested that additional TA work include the A19 and A690 junction. The HE requested that an updated Interim Travel Plan be submitted to include additional details that would help to reduce potential future impacts on the strategic road network.

Given the above comments HE advised that the application should not be determined for a period of 6 months to enable the applicant sufficient time to address the concerns raised.

Since then the applicant's transport consultants have submitted updated transport documents that have been reviewed by the HE and enabled them to remove their holding objection. However, as highlighted in their updated consultation response, HE has noted that there remains an issue in respect of queue lengths on Seaton Lane and the southbound exit from the A19. HE has therefore advised that this junction be reassessed and if required appropriate mitigation should be agreed with Durham County Council.

The Seaton Lane issue will be discussed in further detail in the subsequent highways consideration section of the report. However, to summarise, junction capacity issues have been satisfactorily addressed, engineering colleagues in Network Management, in consultation with Durham County Council's highway engineers, recommend that a planning condition be imposed to assist with the delivery of the traffic signal improvements at the B1285/ Seaton Lane/ Lord Byron's Walk junction.

Natural England (NE)

NE first responded by noting that the landscape plan as then submitted did not appear to incorporate a swale capable of holding 1ft depth of water along the entire southern boundary of the site. This feature was necessary in order to deter access onto the farmland to the south and thus into the Dene and then ultimately the Denemouth along the coast. NE advised the LPA that this should be addressed and a revised landscape plan produced to clearly demonstrate that all elements of the required mitigation would be provided by the development. This will be discussed in further detail in the ecology considerations section of this report.

In so far of the proposed development's impact on the Durham Coast SSSI, given the nature and scale of the proposal NE were satisfied that there is not likely to be an adverse effect subject to the development being carried out in strict accordance with the details of proposed by the application.

NE also advised that local planning authorities are responsible for ensuring they have sufficient detailed agricultural land classification information to apply the requirements of the NPPF. In this respect it is noted that Chapter 10 (supported by Appendix 10) within the ES assess the effects of the development with respect to agricultural interests, including agricultural land, soil resources

and the effects on the occupying farm businesses. It is considered that the planning submission provides the requisite information to consider the impacts of the development.

Forestry Commission

The Forestry Commission in their consultation response referred the LPA to their (and Natural England's) standing advice.

Reviewing this advice it is noted that the access control measures being delivered by the swale, which runs along the entirety of the southern boundary of the site and the buffer being provided by the retained farmland and rank tussocky grassland to the north of Ryhope Dene, adequately accounts and mitigates for potential impacts on the adjacent woodland. The impact of the development on Ryhope Dene and Ryhope Denemouth will be considered in further detail in the subsequent ecology section of this report.

Environment Agency (EA)

In October 2016 the EA initially requested further details regarding the pumping station, such as flows, storage, telemetry and provision of pump failure.

Then in November 2016 the EA responded by confirming that the proposed development is acceptable subject to their suggested condition pertaining to the agreement of a scheme to dispose foul drainage. This recommendation has remained following the amended submission.

Health and Safety Executive (HSE)

The application has been reviewed by the HSE who have confirmed that they do not advise against the granting of planning permission.

Northern Gas Networks (NGN)

NGN has no objections to the proposal so long as no built development is erected within a 30m corridor centred over their gas pipeline. Therefore, and further to the HSE offering no objection to the development, it is noted that the 'Land Use and Access Parameter Plan' incorporates an open space corridor running through the site. Section 9 of the Design and Access Statement confirms that the proposed development is alive to the gas pipeline as it states at paragraph 9.4 that no housing (or equipped play areas) will be located within the 30m corridor of the pipeline.

Therefore, and given that it will be the subsequent Reserved Matters submissions that will determine the exact locations of the built development, it is considered that this outline planning submission has been designed in cognisance of the gas pipeline constraint.

Lastly, NGN have highlighted that the promoter of any construction works at the site should contact NGN directly to discuss their requirements in detail. Should Members be minded to approve the application it is considered appropriate to highlight this by way of an informative.

Network Rail (NR)

NR confirmed that they have no objection. Nevertheless, they have highlighted certain considerations that would need to be taken into account when constructing the development, such as Construction Method Statements (e.g. excavations, piling, lighting, drainage etc.), presence of a railway bridge and awareness of this in respect of construction traffic; as well as the operational impacts of the development e.g. noise/ soundproofing of properties and lighting near to the railway infrastructure (if applicable).

Should Members be minded to approve the application it is advised that those conditions relative to construction method statements, soundproofing and lighting should have regard to the adjacent railway line located to the east of the site.

County Archaeologist (CA)

The CA recommends a staged programme of archaeological work is undertaken to ascertain if there are any archaeological features on the site prior to the commencement of development. This is standard practice for greenfield development sites in Tyne and Wear. Consequently, a series of conditions have been recommended that require archaeological work to be undertaken as well as a report being compiled of the results of that archaeological work and publication of the report in an agreed journal. These are standard conditions and in the event that Members are minded to approve these should be carried through to the decision notice.

Nexus

Nexus objected to the application as in their view the public transport accessibility measures in the Transport Assessment did not meet the requirements of the Nexus Planning Liaison Policy. In their response Nexus requested that the developer fund a minimum of a half hourly daytime bus service for a certain period of time (occupation of 50th dwelling or a period of 5 years, whichever greater).

However, it should be stressed that during the course of drafting the emerging SSGA SPD Nexus were key consultees throughout the process. This consultation and liaison with Nexus culminated in the required Section 106 contribution of £316 per dwelling, which the applicant has agreed to provide and which will be allocated to funding the delivery of bus services.

Furthermore, as will be discussed in the highway consideration section of this report, the main road through the site will be able to accommodate a bus route. The Section 106 contribution has been identified in the early phases of development and in essence, will ensure that the substance of Nexus' concerns are met and satisfied.

COMMENTS:

The key planning issues to consider in relation to this application are:

1. Land-use and Policy considerations
2. Socio-Economic considerations
3. Highway considerations
4. Ecology and Nature Conservation considerations
5. Landscape and Visual Impact and Urban Design considerations
6. Agricultural Land considerations
7. Water Resources and Flood Risk
8. Health Issues (Noise, Land Contamination, Air Quality and Noise)

9. Planning Obligations
10. Equality
11. Conclusion and Environmental Impacts

1. Land-use and Policy considerations

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for the determination of a planning application must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's UDP, rests on their consistency with the policies of the NPPF. The closer the local planning policy is to the NPPF the greater the weight that may be given to that policy.

Paragraphs 7 and 8 of the NPPF explains that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 sets out the presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- 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, grant 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
  (b) Any specific policies in the NPPF indicate that development should be restricted."

Paragraph 17 sets out 12 core planning principles which "should underpin both plan-making and decision-taking". These principles, amongst other things, include the need for the planning system to:

- Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- Be a proactive driver of sustainable economic development, so as to deliver the homes, business, industry and infrastructure that are needed;
- Secure high quality design and a good standard of amenity;
- Be aware of the different roles and character of different areas and promote the vitality of our main urban areas;
- Encourage the effective use of previously developed land that is not of high environmental value;
- Promote mixed use developments; and
- Focus significant development in locations which are, or can be made, sustainable.

Paragraphs 186 and 187 also require local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development. In particular Paragraph 187 states that "…planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible" and work with applicants to "secure developments that improve the economic, social and

environmental conditions of the area".

The annex to the NPPF, in particular paragraph 215, sets out the due weight that should be given to relevant policies in existing plans which were adopted prior to the introduction to the Planning and Compulsory Purchase Act (2004). The closer the policies of the plan are to the Paragraphs of the NPPF the greater the weight that may be given. The degree to which each relevant UDP policy is consistent with the NPPF is therefore considered in each respective section of this report.

In addition, paragraph 216 of the NPPF states that decision takers may give weight to relevant policies in emerging plans, from the date of publication, according to:

a) the stage of preparation of the emerging plan;
b) the extent to which there are unresolved objections to relevant policies; and
c) the degree of consistency of the relevant policies with the NPPF.

The Draft Plan appeared before Cabinet on the 19 July where it was agreed to undertake a public consultation on the first draft between the 7 August and 2 October. However, as the Draft Plan has only recently been made public it is considered that limited weight can be given to its provisions and proposals.

Consultation Direction

The Town and Country Planning (Consultation) (England) Direction 2009 requires a local planning authority to consult the Secretary of State before granting planning permission for certain forms of development, including "Green Belt development". However, it is not considered that the current proposal falls within any of the development described by this Direction given that the proposal is not considered to comprise inappropriate Green Belt development. This matter is elaborated upon subsequently in this report.

Existing Employment Allocation

Paragraph 22 of the NPPF states that planning policies should "avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Instead, land allocations should be regularly reviewed and, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treat on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.

Paragraph 158 of the NPPF requires the LPA to base their plan-making on adequate, up-to-date and relevant evidence. The LPA should ensure their assessments and strategies for housing, employment and other uses are integrated, taking full account of relevant market and economic signals.

With the above national policy context in mind, in terms of the existing Development Plan the site is allocated as a New Employment Site in the UDP via Policy SA4 and as such, is earmarked for industry and business use development. However, when this Policy was first published in 1998 it was envisaged that development of the site would take place in conjunction with construction of the Ryhope By-pass. Since the adoption of this Policy it is clear that a significant period of time has elapsed and no such industrial development has occurred, even following the completion of the Ryhope By-pass/ St Nazaire-Way.

Furthermore, the Council's 2012 and 2016 Employment Land Reviews (ELR) highlight that South Ryhope is a long standing allocation that is isolated from key employment areas and as such, alternative uses should be considered, including residential development. The 2016 ELR explains this reality further by highlighting that it is Washington, with its location and access to the strategic road network, which has experienced the strongest demand for employment land over recent years. The 2016 ELR anticipates that Washington will continue to be the strongest market area for employment uses and to address this the Council is proposing a new International Advanced Manufacturing site on land to the north of the existing Nissan plant.

Returning to the application site, the 2016 ELR also confirms that there is an oversupply of employment land in Sunderland South. Across Sunderland North and Sunderland South (which is viewed as a single market area by the commercial market) the combined indicative demand for employment land over the coming plan period is upwards of 21ha. Nevertheless, even with the removal of the identified existing employment sites, which the application site is one, there would still be 37.90ha of available supply in South Sunderland alone.

Housing

In terms of housing, NPPF Paragraphs 47 and 159 require that local planning authorities should have a clear understanding of housing needs in their area. This is demonstrated by a Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA is the means through which the LPA identifies the scale and mix of housing and range of tenures that the local population is likely to need over the plan period, whilst the SHLAA is the means through which the Authority establishes realistic assumptions about the availability, suitability and likely economic viability of land to meet that identified need.

In terms of decision-taking, Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites, as demonstrated in the Council's SHLAA. In the event that a five-year supply cannot be met, the LPA may have to favourably consider planning applications for housing on unallocated sites.

The Council's Strategic Housing Land Availability Assessment (SHLAA) 2017 provides a speculative assessment of housing potential and is part of the evidence base that supports the forthcoming Sunderland Local Plan. The purpose of the SHLAA is to identify and assess potential housing site options in terms of suitability, availability and viability issues. In estimating potential housing supply on individual sites, the assessment involves making assumptions about whether sites can be developed for housing and when.

The 2017 SHLAA has earmarked the site as 'Willow Farm land to south, Ryhope (North) and as it does not yet have planning permission it has been identified within the Developable 6-10 Year site for 110 homes, Developable 11-15 Year site for 150 homes and a Post 15 Year site for 190 homes, thereby culminating in a total number of 450 homes.

A site is considered developable if it is in a suitable location and there could be a reasonable prospect that it will be available for housing and that development could be achieved at some point within a given period, beyond the first five years.

Furthermore, the site is also one of the four Locations for Major Development (LMDs) that comprises the SSGA, which together has the potential of meeting 20percent of the City's housing need over the next plan period. The LMDs are Chapelgarth, Land North of Burdon Lane, Cherry

Knowle and South Ryhope, with anticipated housing allocations of 650, 955, 1750 and 450 homes respectively. Indeed the SSGA via Policy SS3 of the emerging Core Strategy is a key part of the City's Spatial Delivery for Growth and is a Strategic Site Allocation by virtue of Policy SA2.

It is therefore clear that the long-standing policy allocation of the site for industry has not been realised despite the construction of the Ryhope By-pass/ St Nazaire Way, whilst the more up-to-date evidence base of the SHMA, SHLAA and ELR not only highlight the importance of the site as being crucial to the delivery of required new housing, particularly when viewed as being part of the SSGA, the ELR also considers the loss of the site to housing would not detrimentally impact on the required supply of employment land within Sunderland South.

Green Belt Allocation

In terms of assessing the principle of the proposed development of this Green Belt site, it is important to consider whether there are any conflicts between the UDP and the NPPF. In this regard, it is considered that the UDP policies relating to Green Belt development are partially compliant with the corresponding sections of the NPPF, although there is conflict between what each document sets out as exceptions to inappropriate Green Belt development.

Crucially, footnote 9 of the NPPF specifically excludes Green Belt development from the presumption in favour of sustainable development set out by paragraph 14.

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

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

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

In order to safeguard the Green Belt, paragraph 87 of the NPPF considers 'inappropriate development' to be, by definition, harmful and should therefore not be approved except in 'Very Special Circumstances'.

Within this context Paragraph 90 of the NPPF states that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are stated as follows:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order".

The current application site includes within its boundary designated Green Belt land, albeit that all development within the Green Belt is limited to only the surface water attenuation area. Consequently, in light of the fact that “engineering operations” are expressly referenced in Paragraph 90, it is considered that this form of SuDS is not inappropriate. After all SuDS are an engineered solution that are designed to mimic natural processes in terms of surface water flows. They involve collecting, storing and cleaning processes prior to surface water being attenuated back into the environment or existing infrastructure.

In addition, as the connecting pipework is below ground it is considered that their introduction will not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. It is therefore considered that in land use terms the proposed surface water attenuation area is in accordance with Paragraph 90 of the NPPF.

It is also noted that the ES has appropriately accounted for the proposed development’s impact on the setting of the Green Belt. Given the location and orientation of the site the Green Belt Assessment element of the Landscape and Visual Impact Assessment highlights and substantiates that there will only be localised impacts. This is due to the enclosing effect of the A1018 and the lower lying level of the majority of the site, which is then set against the back drop of Ryhope Dene. The development proposal will introduce a ditch/ hedgerow along its southern boundary, which will not only soften the appearance of the development onto the Green Belt but will also form a robust boundary to it.

In summary, the proposed development is not considered to represent inappropriate Green Belt development.

Shops/ Services

Policies S1 to S3 of the UDP seek to sustain and enhance the City's network of existing centres and incorporate the sequential test to the consideration of development proposals. Policy S1 states that, where appropriate, new town centre development will be based on existing centres and that development elsewhere should result from the application of the sequential test, be in accordance with other policies of the UDP and complement existing facilities. UDP policy S2 sets out that favourable consideration will be given to proposals that will sustain and enhance the vitality, viability and appropriate diversification of existing centres, whilst policy S3 states that the Council will support the retention of existing shopping centres, local groups and small shops catering for everyday needs.

Nevertheless, these strategic and aspirational policies are not considered to address the up-to-date development management tests for retail development as set out in paragraphs 24, 26 and 27 of the NPPF, so it is considered that more weight be given to the up-to-date tests in the NPPF, as set out below.

Paragraph 24 sets out that a "sequential test" must be applied to planning applications for main town centre uses (which includes retail development) that are not to be located within an existing centre and are not in accordance with an up-to-date Local Plan. Applications for such uses should first be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out-of-centre sites be considered. When considering edge- and out-of-centre sites, preference should be given to accessible sites that are well-connected to the town centre.

Paragraph 26 sets out the impact tests for applications for town-centre development located in out-of-centre locations and which is not in accordance with an up-to-date Local Plan and where a gross external floorspace of 2500sq. m (or a locally set threshold) would be created.

Paragraph 27 of the NPPF goes on to advise that 'where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors (i.e. in paragraph 26), it should be refused'. However, recent Court decisions (such as Zurich Assurance High Court Judgement of December 2012) suggest that paragraph 27 is not necessarily determinative, if material considerations indicate otherwise.

It is noted that a sequential test has not been submitted in this instance despite the fact that the proposed shops/services constitute “main town centre uses”. However, it is also noted that the nearest local centre, Ryhope Village, is situated approximately 1.5 kilometres away from the site which would not be an attractive walking distance for some residents, particularly those with limited mobility. As such, it is apparent that the proposed development would benefit from a more localised provision for its residents. Moreover the purpose of the local centre is to complement, rather than replace the existing retail and service provision contained within Ryhope. Given the scale of the proposed local centre (500sq.m) it is not considered likely that it would attract a high proportion of trade outwith of the South Ryhope site and as such, any impact on the vitality of Ryhope Village is likely to be negligible.

On this basis, it is accepted that a sequential test is not required in this case and the proposed provision of shops/ services would enhance the sustainability of the site for residential development.

Concluding remarks

In terms of the principle of housing it is noted that the site forms part of the City’s deliverable 5 year supply of housing land (as required by Paragraph 47 of NPPF). Officers are therefore mindful of Paragraph 49, which states that housing applications should be considered in the context of a presumption of sustainable development and in this regard, and along with Paragraph 14, the delivery of housing within the site is being given significant weight. When reaching this conclusion, and as will be discussed in detail in the subsequent sections of this report, there are not considered to be any other conflict with local or national planning policy, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal, one that would represent significant regenerative benefit to this strategic site of the City.

2. Socio-Economic considerations

Socioeconomics is the social science that studies how economic activity affects and is shaped by social processes and analyses how societies progress, stagnate, or regress as a result of their economy.

Policy EC1 of the UDP, which is considered to be broadly compliant with the NPPF, sets out that the Council will encourage proposals and initiatives which develop the City's role as a major manufacturing centre, assist the creation and growth of local businesses, further develop the service sector, especially education, offices and tourism and/ or are targeted at areas of economic and social deprivation, having regard to the degree to which a location is suitable for business use and access for the workforce together with the impact of development on the local environment.

As alluded to previously in this report, paragraph 17 of the NPPF outlines 12 core planning principles that should underpin plan-making and decision-taking, each of which are considered to be either directly or indirectly applicable in the assessment of the socio-economic impacts of the proposed development.

Paragraphs 18 and 19 of the NPPF go on to emphasise the Government's commitment to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future whilst ensuring that the planning system does everything it can to support sustainable economic growth, setting out that significant weight should be placed on the need to support economic growth through the planning system.

Within the above in mind the ES highlights that the during the construction phase of the project it is expected generate employment ranging from site management to skilled trades to ground labour. The ES calculates that up to 325 construction-related jobs could be generated by development. Furthermore, indirect employment and economic benefit will be experienced as a result of spin-off and multiplier effects. These include supply chain expenditure from potential purchase of building supplies to local provision of meals, refreshments, fuel and temporary accommodation for the construction workforce.

The ES highlights that the Office of National Statistics projected household size for Sunderland at the development completion year (anticipated to be 2027) to be 2.3. On the basis of (up to) 450 dwellings being applied for the development could provide homes for some 1,035 people. In terms of strains on local infrastructure, the ES considers that after consulting local dental practices that dental patient places are available within the four dental practices within two miles of the site. It considers that there is capacity for the people potentially being brought about by the development, and which represents the worse-case scenario as it assumes that all the people moving in to the site will be new to the area.

In terms of Education and in conjunction with the draft SSGA SPD it has been anticipated that there could be a moderate adverse effect in terms of impacts on primary school education. The SSGA Infrastructure Delivery Study (IDS) has highlighted that each of the four SSGA sites will be required to contribute financially via a Section 106 Agreement to primary school education. Subject to securing the required financial contributions these identified adverse effects would be reduced to negligible. The Section 106 contribution is discussed in further detail in the relevant section below.

In terms of Healthcare, NHS South of Tyne & Wear Trust confirmed via the IDS that given the adequate local choice provided by the Silksworth and Ryhope Health Centres, and Seaham Health Centre, there is no requirement for South Ryhope to provide healthcare facilities. On the basis of the IDS's findings an assessment on primary healthcare was scoped out of the socio-economic exercise.

The IDS identifies the requirement to deliver play facilities on each of the SSGA sites. The Parameter Plan submitted in support of this outline proposal confirms that the development of the site will include substantial open and recreational space, as well as two Local Area Equipped Play areas. A LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

In concluding this section the ES has considered construction phase employment effects and effects on population; demand for primary healthcare centre and education facilities, local

expenditure and open space once the development is operational. The ES identifies that Section 106 contributions would be required to mitigate the scheme's effect on primary education. In light of the IDS that supports the draft SSGA SPD the conclusions of the ES are accepted and subject to the required Section 106 for primary education there will be minor to moderate beneficial residual effect in terms of socio-economic considerations.

3. Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8 and T9 seek to improve facilities for pedestrians and cyclists respectively.

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movement should be supported by a Transport Assessment and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The revised transport information has been on the now proposed (up-to) 450 dwellings, and includes an assessment of the cumulative impact of other committed residential development proposals in Doxford, Ryhope and Tunstall, as well as within the SSGA including Chapelgarth and Cherry Knowle.

Engineering colleagues in Streetscene have assessed the original and updated transport work and consider it to be appropriate; the applicant has also agreed towards the provision of a Section 106 contribution towards the construction of the Ryhope to Doxford Park Link Road, which will mitigate the long term traffic impact associated with this development.

However, an issue remains with regard to the Lord Byron/ Seaton Lane junction in Seaham. The submitted information demonstrates that there are capacity issues on the Seaton Lane and B1285 arms at opening year (2018) of development and future year (2028) peak traffic flow periods. Given that the short term impact of traffic distribution for this development is the same as the recently approved residential scheme at Cherry Knowle it is considered appropriate for this site to contribute towards a mitigation scheme at this junction. This can be implemented through a suitably worded condition and delivered through a Section 278 (Highways) Agreement with the relevant Local Highways Authority, which in this case is Durham County Council.

Site Access and Internal Road Layout

The site access arrangements have been amended to include both the roundabout built as part of the Southern Radial Route (St Nazaire Way), and a secondary access originally identified as an emergency access. This allows a left in/ left out arrangement with no right turn out permitted with appropriate restrictions required to prevent this movement.

There is a benefit in reducing the existing speed limit along this section of St Nazaire Way from 50mph to 30mph, which will need to be introduced through a Traffic Regulation Order funded by the developer.

The main road through the site will need to be a minimum width of 6.7m to accommodate a potential bus route through the site. The Post Submission Technical Note proposes a maximum 7m road width. The changed access arrangements will form a loop road acting as the primary route through the site. Secondary roads will need to be provided at a width of 5.5m, with the remainder served by adoptable shared surfaces or private shared driveways where appropriate. This hierarchy of road provision has been included within the Masterplan Addendum and will therefore inform the Reserved Matters submission(s) via condition no. 5.

Any on-street parking will need to be provided outside of this road width to prevent obstruction of this route.

Levels of in-curtilage and visitor parking arrangements are to be addressed as part of any future reserved matters application, which will be assessed once a developer comes forward with site layouts and house type proposals.

New pedestrian and cycle routes and links to existing provision including public rights of way and national cycle network are identified on the Parameter Plan. This includes the installation of a controlled toucan crossing on St Nazaire Way to cater for both pedestrians and cyclists. Detailed designs and phasing of delivery shall be agreed through a suitably worded condition.

Public Transport

The development location is not well served by the existing available public transport provision, which forms the basis of an objection from Nexus. The closest bus stops for services are located on A1018 Stockton Road, which is beyond the 400m walking catchment for the majority of the site. It is acknowledged that some dwellings to the western extent can be accommodated by the provision of suitable pedestrian links to assist with access to public transport.

However, as discussed in the consultation section of this report a Section 106 contribution of £316 per dwelling has been agreed, which will be allocated to funding the delivery of bus services. In addition, the main route through the site will be designed in order to accommodate a bus route.

Highways England

It is noted that Highways England has removed a holding objection following the receipt and acceptance of merge/ diverge assessments for north and southbound movements for the A19 junction with Seaton Lane. The issue remains with regard to queue lengths on Seaton Lane for the right turn northbound onto the A19, which in turn impacts on vehicles queuing on the slip road taking the southbound exit from the A19 onto Seaton Lane.

Results of this junction assessment identifies that the B1285/ Seaton Lane/ Lord Byron's Walk junction operates over capacity in both opening (2018) and future (2028) years both with committed developments and this proposal. The existing traffic signal control arrangements historically work on fixed time patterns which are currently set to provide a longer period of green time on the Seaton Lane arm.

To ensure highway safety and junction capacity issues are satisfactorily addressed, it is recommended that a planning condition be imposed to assist with the delivery of the traffic signal improvements at the B1285/ Seaton Lane/ Lord Byron's Walk junction. The junction improvements will need to be subject to a Stage 1/ 2 Road Safety Audit. The developer will need

to enter into a Section 278 Agreement with Durham County Council and meet all necessary costs associated with technical and legal approvals.

Section 106 Contributions

The phasing of payments will need to be agreed as part of the Section 106 agreement to enable funding and delivery of the Ryhope to Doxford Park Link Road.

Through discussions with the applicant, the development will be providing funding contributions towards the construction of the Ryhope to Doxford Park Link Road. The funding requirements are based on the draft Infrastructure Delivery Strategy for the SSGA, which equates to £825,291 for 450 dwellings.

The implementation of the link road will help reduce congestion at a number of existing junctions and distribute traffic onto the A1018/ St Nazaire Way.

This S106 funding requirement does not allow for any highway contributions to a junction improvement scheme at Seaton Lane/ Lord Byron's Walk.

In terms of conditions it is considered necessary that the following are included, should Members be minded to approve the application:-

- Highway improvement scheme for Lord Byrons Walk/ Seaton Lane to be design prior to occupation of the 20th dwelling and delivered prior to occupation of the 40th dwelling (please see condition no. 23 & 24)
- Materplan Addednum given its hierarchy in terms of the development's internal roads (please see condition no. 5)
- Phasing plan for design and delivery of pedestrian/ cycling infrastructure (please see condition no. 26)
- Travel Plan to be provided pre-occupation (please see condition no. 25)
- Scheme of Work/ Construction Management Plan (please see condition no. 6)

Concluding remarks

The planning submission has demonstrated that subject to the detailed mitigation there are no significant issues as a direct result of the development proposal. Engineering colleagues in Network Management have confirmed their support of the scheme, subject to the imposition of the detailed conditions and Section 106 contributions discussed above.

The proposal is therefore considered to be acceptable and in accordance with UDP Policies T8, T9 and T14, as well as Paragraph 32 of the NPPF.

4. Ecology and Nature Conservation considerations

UDP policy CN17 states that the City Council will encourage the retention of trees which make a valuable contribution to the character of the area and the retention of trees, hedges and landscape features will be required where possible. Policy CN18 requires the Council to seek opportunities for new habitat creation in development proposals. Policy CN22 highlights development that would adversely affect any animal or plant species afforded special protection will not be permitted.

Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible, including by establishing coherent ecological networks that are more resilient, and that new development should aim to provide opportunities to incorporate biodiversity in and around developments. Paragraph 119 states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Habitats Regulation Assessment

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Durham Coast Special Area of Conservation (SAC), and the Northumbria Coast Special Protection Area (SPA) which are European sites. The SPA is also listed as the Northumbria Coast Ramsar site, while the sites are notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

The proposal has been subject to an Appropriate Assessment as part of the SSGA HRA (URS, 2015) for up to 450 houses. This identifies strategic access, management and monitoring for the SSGA as a whole, as well as green space requirements. A contribution per dwelling will be required to mitigate for potential impacts of the SSGA and access for future residents to reach the coastline will be controlled. Through liaison with Council's Ecologists, additional access restrictions have been identified to further reduce public access into the Dene, the Denemouth, and coast beyond.

Mitigation measures (which differ slightly from those proposed within the SSGA HRA) comprise a strong boundary feature along the southern edge of the redline boundary comprising a swale, dense thorny hedging and a fence, as well as additional planting. Subject to the implementation of these measures significant impacts are not considered likely to the internationally designated sites, or their qualifying features.

It is also noted that Natural England do not consider that the proposed development will have significant adverse impacts on designated sites and as such, offer no objection to the application.

In so far as the proposed development concerns Durham Coast SSSI, Natural England have also confirmed that based on the submitted plans they consider that the proposed development will not damage or destroy the interest features for which the site has been notified and as such, has no objection in this regard.

Flora and Fauna

An extended Phase 1 Habitat Survey for the development has also been submitted in support of the application. The survey work assessed the potential ecological constraints to the proposed works at the site and made recommendations for further survey, avoidance, mitigation and enhancement measures where appropriate. As part of the ES an Ecological Impact Assessment was then carried out in order to inform the significance of environmental impact. As part of this work regard was had to all the statutory and non-statutory sites within the 2km of the application site, while a range of protected species records within 2km of the site were also considered.

In terms of habitats at the site the largest habitat type was arable, along with calcareous grassland and hedgerow around the boundary. In terms of their value these three habitats are considered to be of site level (arable) and local level (calcareous grassland and hedgerow).

In terms of Great Crested Newts the applicant's survey work noted that no ponds are present within the steep sided Dene, whilst the Ordnance Survey maps do not show any water-bodies within 500 metres of the site. Furthermore, the Dene is generally surrounded by arable farmland and road/ rail infrastructure and therefore it ES concludes that there are no potential breeding opportunities for great crested newts and as such, it is considered extremely unlikely that great crested newts would be present within the site.

In terms of Reptiles the submission's ecology work considers that they are likely to be absent from the site. No evidence of badger was found during the survey work, and no signs of otter were recorded, it was also considered unlikely that otter would be would be present within the Dene. It was noted that the arable field could provide potential habitat for Brown Hare; however, no evidence was noted during the survey work.

In terms of bats it was noted that no buildings or structures are on site that provide opportunities for roosting bats, whilst there were no trees identified within the site with suitable bat roost features. In terms of foraging and commuting Common pipistrelle, Soprano pipistrelle, Nyctalus species and Myotis species were recorded foraging and commuting on site.

Common pipistrelle was the most frequently detected species, recorded foraging and commuting along the woodland edge and along the western boundary of the site, utilising hedgerows and grassland just off-site in this area.

Soprano pipistrelles were recorded foraging within Ryhope Dene during the automated survey and, to a lesser extent, along the interface between the woodland and arable field during the transect survey. The low number of detections of Nytalus species bats during the surveys indicates that the site is not important for foraging Nytalus species bats.

No bats were detected foraging or commuting over the arable field confirming that this area is not an important area for foraging or commuting bats.

In light of the habitat and species likely to present on site the ES confirms that without mitigation the development has the potential to cause significant adverse impacts on the ecological receptors of the non-statutory designated sites, as well as the habitats and species that are on site and in the immediate area. Unmitigated impacts associated with the development include the loss of habitats and the direct and indirect effects on the wildlife supported in these areas.

However, through the process of iterations to the design of the development, which have been based on consultation, survey information and subsequent assessment of ecological impacts, the development has retained and enhanced most of the existing habitats. In addition, new habitats are also being proposed on site, as well as off site, which will not only mitigate for loss being brought about by the development but they will also enhance the ecological value of the site in the long-term. The retained and newly created habitats (hedgerows, tussocky grassland and wildflower seeded mix) will be designed to support a range of ecological receptors currently present at the site, including bats and breeding birds.

Section 106 contributions

A section 106 totalling £220,950 is required for 450 units which equates to £491.00 per dwelling to mitigate the impact of the development on the surrounding biodiversity. To enable some of the mitigation measures to be in place prior to occupation of the dwellings £73,650 is required at pre-commencement stage with a further contribution of £73,650 at occupation of the 150th dwelling and then £73,650.00 on occupation 300th dwelling.

Furthermore, it is also considered appropriate to require a condition being imposed that will secure the footpath/ green infrastructure link as part of this scheme, interpretation panels as well as access management measures will be required. A section 106 devised to secure a total of £766,350, which equates to £1703 per dwelling, is also required. To enable some of the mitigation measures to be in place prior to occupation, £255,450 is required at pre-commencement stage and then a further £255,450 on occupation of the 150th dwelling followed by £255,450 on occupation of the 300th dwelling.

In conclusion, with the implementation of the proposed mitigation and management measures being implemented, the ES considers it certain/ near certain that the development will not have a significant impact on the majority of ecological receptors and will have a significant beneficial impact on some ecological receptors, (such as an increase and improvements to hedgerows, removal of invasive species, Ryhope Dene and breeding birds).

It is therefore considered that subject to the conditions and Section 106 contributions detailed above the development proposal is acceptable in respect of its ecological implications and is in accordance with policies CN17, CN18 and CN22 of the UDP and Paragraphs 109, 118 and 119 of the NPPF.

5. Landscape and Visual Impact and Urban Design considerations

Policy CN5 of the UDP states that care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt. Policy CN7 is concerned with appropriate enhancements on the open countryside on the fringes of settlements.

Paragraph 61 of the NPPF advises that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment, whilst paragraph 79 sets out the importance the Government places on Green Belts, noting that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

Landscape and Visual Impact considerations

During the construction phase the ES highlights that significant effects will arise at the site level with respect to the loss of/ change in use of the agricultural land, as well as on the Burdon to Ryhope – South Ryhope Landscape Character Area due to the temporary introduction of plant and machinery, material stockpiles and welfare facilities. Furthermore, at Year 1 the change in use of the land within the site will result in a significant effect on the agricultural field that comprises the majority of the site. The introduction of new built forms will also result in significant impacts on the Landscape Character Area, albeit the landscape structure planting will increase biodiversity, green space and recreational opportunities.

By Year 15 the ES considers that there will be no adverse significant residual effects experienced. The establishment of planting proposals will provide a robust and coherent landscape framework.

The ES considers that the significant effects during the construction phase will be limited to the following receptors:

- Users of Sustrans National Cycle Route 1;
- Residents on Hopton Drive, at the southern edge of Ryhope;
- Users of the B1287 and A1018 (St Nazaire Way);
- Users of the Coastal Path Public Right of Way (PROW); and
- Users of Bridleway 1 PROW.

At Year 1 the development will generally be screened from view by a combination of vegetation, landform and built form, with Ryhope Dene generally screening views from the south and the existing built forms within the settlement of Ryhope screening views from the north and west. Significant effects at Year 1 will be limited to the following receptors:

- Users of Sustrans National Cycle Route 1;
- Residents of Hopton Drive, at the southern edge of Ryhope; and
- Users of the Coastal Path PRoW.

A stated mitigation measure with the ES (at paragraph 7.81) is the establishment of the landscape proposals (advanced planting) during early phases of construction, where practicable, and the reinstatement of vegetation wherever feasible immediately following preparatory works. It is considered that this can be reasonably controlled via proposed condition 20.

The ES explains that at Year 15 there will be no significant residual effects experienced due to the establishment of planting proposals associated with the development proposal.

In terms of Built Heritage impacts, given the presence of the Ryhope Pumping Station, which is a Scheduled Ancient Monument and Grade II* Listed Building, the ES highlights that there will be no significant impacts due to the lack of intervisibility between the site and the designated assets and as such, there is limited risk of visual intrusion. Furthermore, either Historic England or the LPA's Conservation team have offered any objection to the proposed development.

Regarding night-time effects the site is considered to lie within the context of existing lighting sources, including the numerous street lighting columns that align the route of the A1018 (St Nazaire Way) and the elevated residential properties within the southern fringe of Ryhope.

A Greenbelt Assessment has been provided as part of the ES. The assessment has considered the impact of the proposed development on the Greenbelt. It is considered that the development proposal will through the water attenuation area and structural planting enhance biodiversity and also provide for a good degree of visual amenity. With respect to the proposed residential development the ES considers that the impact will be localised, given the framing and enclosing effect of Ryhope Dene. The provision of the southern boundary ditch/ hedgerow will soften the appearance of the built development on the Greenbelt land, whilst forming a robust boundary to the development edge.

The farmland that is allocated as Green Belt is largely unaffected by the development proposal, save for the attenuation feature. Given the limited visual envelope of the site and adjacent Green Belt land, the ES considers that few significant effects will arise and where they occur it is

considered that they will be constrained to those receptors in close proximity to the site and within a context that is visually cluttered by virtue of the existing settlement edge of Ryhope.

Urban Design considerations

Policy B2 states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas'. In addition, UDP policy H4 advises that housing development should reflect the density of the locality whilst increased densities may be sought, where appropriate, particularly where they relate to a public transport corridor, whilst policy H21 requires the provision of open space within residential developments.

Paragraphs 56 and 57 of the NPPF highlight the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The LPA has additional guidance in the form of the Residential Design Guide Supplementary Planning Document which set out standards and examples of good design practice. Paragraph 2.4 therein sets out that design should reinforce and evolve local characteristics that are positive and that new residential development should not have a negative impact on the features within the townscape and landscape which positively characterise the area.

A Masterplan Addendum (MA) has been submitted in support of the amended scheme following discussions with Officers in respect of urban design considerations. The MA has been formulated in order to add depth to the various measures identified and detailed within the Design and Access Statement. The benefit of this approach is that the MA will form the basis of a compliance condition (no. 5) in which any reserved matters submission will need to demonstrate how it complies with it in terms of the parameters and principles laid therein.

The MA embeds a number of amendments to the original application, most notably the reduction in the overall dwelling number, the distribution of residential density and the secondary vehicular access design.

The MA highlights that there are three density bands in various character zones within the site. A Density Plan illustrates the location of the high (max. 40 dwellings per hectare (dph)), medium (32 dph) and low (20 dph) density areas; with the high densities areas being located within and around the core areas and the low density areas located adjacent to the Greenbelt to the south.

In terms of storey heights an amended Storey Heights Parameter Plan has been submitted to reflect the changes to the Land Use Parameter Plan and Density Plan. The following restrictions will be placed on the high density area i.e. the ‘Up to 3 storey’ area will contain no more than 30% three storey development with a further 30% being no more than 2½ storey, whilst the rest of the site will be no more than 2 storey.

Regarding the internal road network the MA confirms that there will be a Primary Street looping through the site between the two junctions, providing access throughout the development via the access streets that will connect to it. A Street Hierarchy Plan has been produced that show the street typologies for the primary, access and green streets and homezones areas. These street

typologies will form the basis of the detailed designs going forward to the reserved matters stages.

The Street Hierarchy Plan also highlights how network of pedestrian and cycle links will be developed. It confirms that pedestrian and cycle provision will include 3m shared footway/ cycleways connecting with key linkages within and outwith the site via development proposal's green spine and the northern edge structural planting zone.

The MA also confirms the proposed landscaping principles, key amongst which is the connection of the wider green infrastructure network via the creation of green movement and recreation corridors. The development proposal will incorporate native planting between the development and A1018, thereby enhancing the setting and edge to the proposed development. The scheme is also proposing a strong east-west green link through the development to help provide an attractive, landscaped route. An illustrative masterplan has been produced in order to demonstrate how the proposed development can respond in an integrated way to issues of ecology, access, landscaping and surface water management.

A series of urban design principles have been integrated into the MA that will ensure the development is legible and has a distinct sense of place. These principles are key frontages and landmarks, key spaces, building heights and densities. The main components of the illustrative layout include a linear public area of landscaped green space running east-west through the development; a gradation of building heights and densities from the local centre (highest density) to the countryside edges (lowest density); with a principal tree lined street linking the access junction linking to a series of both hard and soft landscaped public spaces along its length.

The MA confirms that any Reserved Matters Applications should be compliant with the Council's spacing standards, which are presently set down via the Residential Design Guide SPD. It also highlights that the principles behind Building for Life 12 will influence and guide the detailed designs of the development proposals.

In conclusion, with the submission of the MA, which has been read in conjunction with the Design and Access Statement, and further to the updated Parameter Plans, it is considered that there is sufficient information to provide for a coherent basis moving forward to any subsequent reserved matters stages.

6. Agricultural Land considerations

Paragraph 112 of the NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Policy CN8 of the UDP is considered to comply with this Paragraph as it states that where development results in the irreversible loss of the BMV agricultural land (Grades 2 and 3a) it will only permitted where it can be demonstrated that no other sites exists upon which the development could reasonably be located.

The BMV agricultural land is defined in Annex 2 of the NPPF as land consisting of Grades 1, 2 and 3a (Ministry of Agriculture, Forestry and Fisheries (MAFF) Agricultural Land Classification (ALC)). The site itself forms part of a single field let out to local farmers. It has been used for arable purposes and is let on non-secure farming arrangements. There are no buildings on the land, it is not fenced and has no provision of water for livestock. The development proposal will result in the

loss of approximately 19.9ha of agricultural land from a farm holding that is around 40ha in total area.

The ES categorises the application site as comprising a mixture of Grade 2 (7.8ha), Grade 3a (4.3ha) and Grade 3b (7.8ha) along with 0.8ha of non-agricultural land. The ALC surveys carried out by MAFF (Appendix 10 of the ES) also highlight that much of the land to the west and south of Sunderland (i.e. the majority of the SSGA) is essentially a mixture of Grade 2, 3a and 3b land.

Given the above policy context, it is noted that the application site is allocated for employment by virtue of UDP policy SA4, although it also noted, as discussed in the land use consideration section of this report, that the emerging Draft Plan now proposes that it should be released for residential development. Indeed, the Draft Plan is proposing the site as one of the four Locations for Major Development (LMDs) that comprise the SSGA. In combination with the other SSGA sites the residential development of South Ryhope could deliver over 20% of the objectively assessed housing need for the City over the next plan period.

Furthermore, the ES considers that locational, landscape and other considerations must all weigh in the balance when determining the best location for expansions of settlements. The ALC surveys show that there are no areas of land of significantly lower agricultural grade, whilst the surrounding land to the south and west, both within Sunderland and County Durham, are allocated as Greenbelt and therefore governed by strict national and local planning policy.

Consequently, given that the proposed development of housing is considered necessary, in view of the SSGA's significance to the housing supply within the City over the next plan period; and given the fact that the site is surrounded by Greenbelt land, there are not considered to be alternative sites to which the development proposal could be reasonably located elsewhere. It is therefore considered, on balance, that the development of the site is acceptable in respect of Paragraph 112 and policy CN8.

7. Water Resources and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that a development proposal would not likely impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

In terms of demonstrating and understanding flood risk the planning process is primarily concerned with the location of receptors (e.g. homes), taking account of potential sources (e.g. river or sea) and pathways (e.g. overland flow) that might put those receptors at risk. Flood risk is a combination of the likelihood of flooding and the potential consequences arising. A core aim of flood risk management is to manage flood risk by using a suite of proactive measures which avoid placing receptors further at flood risk.

Planning applications therefore require those who are promoting sites for development to demonstrate whether their scheme is likely to be affected by current and future flooding (e.g. climate change) while satisfactorily demonstrating that their development is safe. This two-pronged requirement is expected to be evidenced in a Flood Risk Assessment (FRA). The principle aim of a FRA is to determine the acceptable management of flood risk. FRAs should

demonstrate that new development is not at risk from flooding from existing drainage systems or potential overland flow routes, and they should demonstrate that proposed development will not worsen the existing situation. This is why managing surface water discharge is recognised as being crucial in managing and reducing flood risk to new and existing development.

In addition, guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) recommend that sustainable drainage systems (SuDS) are provided in major development schemes wherever appropriate. In considering planning applications, the Lead Local Flood Authority (LLFA) should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

In combination with the ES, the planning application has been supported by a Flood Risk Assessment and Drainage Strategy, which demonstrates that the proposed residential development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented.

The site is within Flood Zone 1 with a less than 1 in 1000 chance of flooding from rivers and sea in any one year. It is not at risk of flooding from surface water, groundwater, sewers or reservoirs. The incorporation of the SuDS features, such as the water attenuation pond and ditch along the southern boundary, will offer an overall reduction in flood risk from the site. These features will not only attenuate surface water flows from the development they will also provide for water quality benefits as the water is treated.

The planning submission confirms that the surface water drainage strategy will be designed to cater for up to 1 in 100 storm events plus 40% climate change and the storm discharge will be managed as follows:

- All permeable areas will be positively drained with a network of underground sewers. Gullies within this network will be specified as “trapped” so to offer a degree of pollution control;
- Surface water outfalls will discharge into either the linear swale on the site boundary, or to the attenuation pond on the eastern boundary adjacent to the watercourse; and
- An outfall into the adjacent watercourse will limit flows to Greenfield runoff rates and the pond will be designed to attenuate flows accordingly.

During the construction phase the ES has highlighted that there will be an increase in impermeable area and as such, has the potential to increase surface water run-off from these areas. The effect magnitude of the increase in surface water runoff during the construction phase is considered to be medium, as there will be gradual change from arable greenfield to a built up site. However, as the site is in flood zone 1 the effect significance will be minor adverse.

The ES has considered the potential impact from construction works that could lead to a contamination event should site drainage be allowed to enter surface watercourses or the ground untreated. However, development will be phased over a significant period of time and therefore would not all occur at once. Furthermore, standard industry best practice measures will be implemented throughout the construction phases to minimise the risk of effects on the water environment. This will be controlled via the Construction Environmental Management Plan condition.

Lead Local Flood Authority (LLFA)

On review of the initial planning submission the LLFA requested further information, in particular the LLFA requested to see the hydraulic calculations in order to determine greenfield run-off rates; along with the calculations for the storage and size of the attenuation pond and indications of the types of source control to be used in the development.

A revised FRA was submitted that provided the proposed flow rates from the site and confirmed that it would be restricted to a Greenfield run off rate of 1.5l/s per hectare and attenuated for the 1 in 100 year event plus climate change. These flow rates were substantiated by relevant calculations that were attached to the FRA by way of appendices. It also confirmed that source control measures will be considered as part of the detailed designs of the development, such as, porous paving on shared driveways, stone filter strips in private drives and green roofs to any large buildings. Furthermore, all SUDS features will be offered for adoption to relevant authorities/ management company or private individuals as appropriate and as part of any detailed layout proposal.

Following the submission of the revised FRA, the LLFA have confirmed that in relation to flood risk and drainage it is considered that the planning submission has provided suitable and sufficient detail to enable an approval at this outline stage. The LLFA have recommended that a condition be included that requires the submission and agreement of the surface and foul water drainage details prior to any development commencing on site.

In conclusion, the ES and FRA reports have adequately demonstrated that the planning submission is acceptable in respect of flood risk and, subject to the imposition of the conditions as stated above, the planning submission is considered to be acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UDP policy EN12.

8. Health Issues (Noise, Land Contamination, Air Quality and Noise)

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Furthermore, policy EN9 considers potential implications of air pollution, dust etc. arising from development proposals, whilst policy EN14 requires the consideration of ground conditions and to ensure that contamination issues are taken into account.

Colleagues in Public Protection and Regulatory Services considered the planning submission including the relevant chapters of the ES and provided the following comments, along with suggested conditions, in respect of Noise, Land Contamination, Air Quality and Noise considerations.

Noise

A noise assessment has been carried out by ENS Ltd and background noise measurements have been assessed at the site at 4 locations, as detailed in Appendix 2 of the ES. Noise sources are identified as mostly being borne out from traffic on the A1018 but trains are also mentioned. The report suggests two forms of mitigation in order to achieve satisfactory levels, both indoors and in gardens:-

1. A typical double glazed window with trickle vents in building façades will provide of the order of 30 decibels sound insulation (from external to internal) to road traffic

and rail noise. PPRS have advised that standard double glazing with trickle vents is appropriate.

2. In order to protect garden amenity along the northern (and potentially western) boundary of the site, there are two layout options:

   a) dwellings front onto the A1018 Southern Radial Route with gardens located to the south (and/ or east) and thus screened from the road by the dwellings themselves, as illustrated on the Master Plan; or

   b) gardens back onto the A1018 Southern Radial Route but are screened from the road to the north (and/ or west) by the provision of a 2 metre high acoustic barrier/ fence. However, should this option be suggested in any future reserved matters submission the developer is advised that careful consideration will be given to the visual amenity and urban design considerations.

Air Quality

An Air Quality Assessment has been provided as part of the planning submission. The operational phase and construction phase impacts of the development have been assessed. Local data as well as background maps from Department for Environment Food & Rural Affairs have been used in the assessment and it has followed recommended guidance.

Two pollutants of concern, PM10 and NOx associated with traffic, have been assessed and the report ascertained that levels of these two pollutants will not increase and in some cases decrease at nearest receptors in the future when the development is operational.

The construction phase assessment categorised the sensitivity of receptors as low using the most recent Institute of Air Quality Management guidance. Suggested mitigation measures have been provided in Tables 24 and 25 of the ES. Included in these measures is the recommendation for a Dust Management Plan that could be incorporated in a Construction Environmental Management Plan. The Dust Management Plan would introduce such measures as daily inspection of roads and speed limits etc. to control dust levels from the site affecting the wider community.

In the event that Members are minded to approve PPRS have recommended that a condition be placed on any consent requiring the submission of a CEMP, incorporating a Dust Management Plan, as described in Tables 24 and 25 of the WYG Air Quality Assessment.

Land Contamination

The planning submission appears to confirm that the site is undeveloped at least in industrial times with the exception of a disused railway that lies outside the geophysical study. The major features are active and abandoned gas pipelines running across the site and old field barriers, evidence of ploughing etc. PPRS have noted that the County Archaeologist has asked for field investigations, which would also confirm whether the site is predominantly Greenfield as anticipated. Nevertheless, PPRS have advised that based on the information supplied there do not appear to be significant hurdles to development of the site for housing.

In conclusion, the Desk Study, Addendum and geophysical survey are sufficient to characterise the site for the purposes of a Phase 1 Assessment. PPRS have recommended that a Phase 2 (intrusive investigation and gas/ groundwater monitoring with interpretative report and updated

conceptual site model) should be conditioned, along with the standard conditions covering the development of a remedial strategy/ verification plan; its subsequent implementation and demonstration via a verification report, along with conditions covering the same process for any unexpected contamination, should it subsequently be found at the site.

Commercial/ Retail Floorspace

PPRS have noted that the planning application proposes commercial and retail uses. Given that the application and outline submission any relevant future reserved matters submission will have to demonstrate an appropriate approach in terms of the noise (operation and delivery), odour, light etc. careful consideration will be given relative to any adjacent housing or housing areas.

In conclusion the planning submission and ES has appropriately accounted for matters pertaining to land contamination, air quality and noise and subject to the imposition of conditions as detailed above the proposed development is acceptable, in accordance with policies EN5, EN6, EN9 and EN14.

9. Planning Obligations

Section 106 of the Town and Country Planning Act 1990 (as amended) allows obligations to be entered into which restrict the development or use of land, require specified operations or activities to be carried out, require land to be used in any specified way or require sums to be paid to the local authority.

Paragraph 203 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations; the latter should only be used where it is not possible to address unacceptable impacts through a planning condition.

In accordance with section 122(2) of the 2010 Community Infrastructure Levy Regulations 2010, paragraph 204 of the NPPF sets out that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The table below provides a summary of the requested planning obligations, which are based on the studies documented by the Council's South Sunderland Growth Area Draft Supplementary Planning Document and accompanying Infrastructure Delivery Study (IDS).

Infrastructure	**Per Dwelling Contribution**	**(up to) 450**
Affordable Housing	10% on-site (75% Affordable Rent/ 25% Intermediate)	45 affordable dwellings
Ryhope to Doxford Link Road	£1,834	£825,291
Education (Primary Schools)	£2,855	£1,284,750

Sport and Leisure	£855	£384,750
Public Transport	£316	£142,200
HRA Mitigation	£1,703	£766,350
Biodiversity	£491	£220,950
Allotments	£85.50	£38,475

Affordable Housing:

In terms of affordable housing provision, UDP policy H16 highlights that the Council will negotiate with developers affordable housing provision on scheme of 50 dwellings or more.

In this particular instance the developer is required to provide a 10% requirement based upon a 75% social rented and 25% intermediate. This requirement is also stated within the IDS

Education:

Paragraph 72 of the NPPF states a proactive approach is to be taken to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. The above table accords with the Infrastructure Requirements table (page 111) of the draft SSGA SPD. The contribution has been set at £2,855 pre dwelling and within the context of the SSGA the financial obligations will be directed towards the extension of two primary schools, the development of a new 1.5 form entry primary school and the expansion of two secondary schools.

Sport and Leisure:

The IDS has highlighted that Sport and Recreational pitches are required as part of the SSGA developments. It has been calculated that one multipurpose pitch and one 3G artificial turf pitch, flood lit pitches and changing facilities will be required to meet the needs of the SSGA. The contribution in the above tables accords with draft SSGA SPD.

Public Transport:

The above Public Transport figure accords with the Infrastructure Requirements of the draft SSGA SPD. The contribution will be directed towards the pump priming of a bus link.

Ryhope to Doxford Park Link Road:

As discussed in the highway considerations section of this report the development will be providing funding contributions towards the construction of the Ryhope to Doxford Park Link Road. The funding requirements are based on the draft Infrastructure Delivery Strategy for the SSGA, which equates to £825,291 for 450 dwellings.

HRA Mitigation:

A section 106 devised to secure a total of £766,350, which equates to £1703 per dwelling, is also required. To enable some of the mitigation measures to be in place prior to occupation, £255,450

is required at pre-commencement stage and then a further £255,450 on occupation of the 150th dwelling followed by £255,450 on occupation of the 300th dwelling.

Biodiversity:

A section 106 totalling £220,950 is required for 450 units which equates to £491.00 per dwelling to mitigate the impact of the development on the surrounding biodiversity. To enable some of the mitigation measures to be in place prior to occupation of the dwellings £73,650 is required at pre-commencement stage with a further contribution of £73,650 at occupation of the 150th dwelling and then £73,650.00 on occupation 300th dwelling.

Allotments:

The IDS highlights that allotment contributions will be sought from all developments within the SSGA. In lieu of on-site provision, as is the case with South Ryhope, and in consultation with colleagues who have drafted the SSGA SPD, a contribution of £85.50 per dwelling has been agreed, which therefore provides a maximum of £38,475. The exact locations of the allotment plots is still to be agreed with allotments officers, however, it is anticipated that financial contribution will be directed at existing allotment sites within the area and towards the funding of additional allotment plots.

The Section 106 Agreement will also be required to provide arrangements for the management of the site including open space, public realm and equipped children's play space.

10. Equality

An equality impact assessment has been undertaken during the detailed consideration of this application which demonstrates that due regard has been given to the duties placed on the Council, as Local Planning Authority (the "LPA"), as required by section 149 of the Equality Act 2010.

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

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

The LPA is committed to:

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

In addition, the LPA, in the assessment of this application has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

a) tackle prejudice; and
b) promote understanding.

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

The applicant has confirmed that great care has been taken to ensure that the proposed development meets the requirements of the Disability Discrimination Act and Part M of the Building Regulations. To this end, the design incorporates desire routes for those who find conventional routes challenging whilst levels, colours, lighting, markings, sizes and surface finishes have been coordinated to make this a barrier free development.

All footpath widths would be compliant with the Disability Discrimination Act and related guidance, including British Standard 8300. The hard landscape finishes will be selected to provide a safe and smooth surface for pedestrian and wheelchair users and, where seating areas are provided, adjacent suitably dimensioned spaces will be left for wheelchair users.

11. Conclusion and Environmental Impacts

In terms of socio-economic impacts the ES anticipates moderate adverse effect on primary school education, however, and to align with the draft SSGA SPD the Section 106 contribution will mitigate this effect so that its residual significance is negligible.

In terms of landscape and visual considerations, during the construction phase significant effects will arise at site level given the loss of the agricultural field, while a significant effect will arise with respect to Burdon to Ryhope Landscape Character Area due to the temporary introduction of plant and machinery, material stockpiles and welfare facilities. The ES also highlights the impact effect of the housing development as the site is developed out. Consequently, through the landscape structure proposals, which is embedded within the Parameter Plans and ecological

mitigation plan, mitigation will be delivered through the proposed green space provision and increased recreational opportunities, but also in terms of the enhancements of biodiversity at the site. The ES also considers that by Year 15 no adverse significant residual effects will be experienced as the landscaping framework fully matures.

In terms of ecology and nature conservation, the ES confirms that in the absence of mitigation the development has the potential to cause significant adverse impacts on ecological receptors. However, through a process of iteration, survey work and design evolution, the scheme will deliver new habitats, both on-site and off-site, thereby enhancing the ecological value of the site in the long-term.

In terms of water resources and flood risk the site is located within Flood Zone 1, whilst the imposition of the CEMP condition and standard industry best practice will minimise risk on the water environment. The incorporation of SUDS features e.g. the swale and attenuation pond will also offer water quality treatment thereby reducing the risk of contaminated flows entering the watercourse. The CEMP will also mitigate construction impacts on other receptors, such as the adjacent residential estate to the north and the surrounding highway network.

In terms of the loss of agricultural land the development affects just under 20ha, 12.1 ha of which is BMV quality agricultural land. The ES notes that this represents a moderate adverse impact due to the loss of the land to housing development. However, as discussed above, in view of the SSGA's significance to the housing supply within the City over the next plan period; and given the fact that the wider site is surrounded by farmed Greenbelt land, there are not considered to be alternative sites to which the development proposal could be reasonably located elsewhere. It is therefore considered, on balance, that the development of this agricultural site is acceptable.

In conclusion, Officers are mindful of Paragraph 49, which states that housing applications should be considered in the context of a presumption of sustainable development and in this regard, and along with Paragraph 14, the delivery of housing within the site is being given significant weight. When reaching this conclusion, and as discussed in detail throughout this report there are not considered to be conflict with local or national planning policy, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal.

For such reasons, subject to the draft conditions set out below and the obligations set out above, it is considered that the proposal accords with the provisions of the Council's Unitary Development Plan and National Planning Policy Framework, when both are taken as a whole and, in lieu of any material considerations to indicate otherwise, it is recommended that planning permission be granted.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION:
Members are minded to **APPROVE** the development subject to the completion of a Section 106 Agreement and draft conditions set out below:

1. Reserved Matters

Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each development parcel (or part thereof) shall be submitted to and approved in writing by the local planning authority before any development begins on the land to which it relates and the development shall not be carried out otherwise than as approved.

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

2. Time Limit-Outline

Application for the approval of all Reserved Matters relating to the first development parcel shall be made not later than the expiration of five years beginning with the date of this permission. All applications for reserved matters approval shall be submitted to the local planning authority no later than the expiration of ten years beginning with the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the approval of Reserved Matters for each phase of the development.

Reason:
To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 , as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is commenced within a reasonable period.

3. Plans

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

Site Boundary Plan, Project No 19013, Drawing No 01, Revision H;
Green Infrastructure Parameter Plan, Project No 19013, Drawing No 26, Revision H;
Land Use and Access Parameter Plan, Project No 19013, Drawing No 24, Revision R;
Storey Heights Parameter Plan, Project No 19013, Drawing No 18, Revision J;
Fig 8.1 HRA and Bird Mitigation and Enhancement, Drawing No 76231-3-8.1 Revision 07.

Reason:
In order to ensure that the development accords with the scheme as approved.

4. Compliance Statement

Any application for reserved matters shall be accompanied by a compliance statement that explains how that reserved matters application meets the principles, parameters and rules contained within the Masterplan Addendum Document (July 2017) Rev D.

Reason:
In order to achieve a comprehensive and cohesive form of development.

5. Construction Management Plan

No development shall commence within each Phase until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

i) Hours within which demolition and construction works shall take place;
ii) Traffic routes of plant and heavy goods vehicles;
iii) Parking of vehicles of site operatives and visitors;
iv) Loading and unloading of plant and materials;
v) Storage of plant and materials used in constructing the development;
vi) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
vii) Measures to ensure public highway remains sufficiently clean of dirt;

viii) Measures to control the emission of dust, dirt and other airborne pollutants (Table 24 and 25 WYG Air Quality Assessment);
ix) Scheme for recycling/disposing of waste resulting from demolition and construction works;
x) Measures to control noise and vibration;
xi) Communication plan for liaising with the public;
xii) Fuel storage area which shall include bunding and wash down facilities;
xiii) Inspections and maintenance of the watercourse in compliance with riparian responsibilities.

The development within each Phase shall be implemented in accordance with the approved Plan for that Phase.

Reason:
In order to protect the amenity of adjacent occupiers; the adjacent highway network and the safety, operational needs and integrity of the railway; local wildlife and habitats and to comply with policies CN22, EN1, EN5, EN14, T14 and T16 of the adopted Unitary Development Plan and paragraphs 32, 109, 118, 134 of the National Planning Policy Framework.

6. Construction Environmental Management Plan (Biodiversity)

No development, ground works or vegetation clearance shall commence within each Phase until a Construction Environmental Management Plan for that Phase has been submitted to and approved in writing by the Local Planning Authority, which shall include the following:

i) Risk Assessment of construction activities which are potentially damaging to biodiversity;
ii) Identification of biodiversity protection zones;
iii) Set up method statements to avoid or reduce biodiversity impacts during construction;
iv) The location and timing of sensitive works to avoid harm to biodiversity features;
v) The times during construction when a specialist ecologists will be present to oversee works;
vi) Details of responsible persons and lines of communication;
vii) The role and responsibilities on site of an ecological clerk of works;
viii) The position and specification of protective fences, exclusion barriers and warning signs.

The approved Construction Environmental Management Plan shall be adhered to and implemented in accordance with the details throughout the construction period of the Phase to which it relates.

Reason:
In order to protect the biodiversity of the site during construction and demolition works and to comply with policy CN18 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

7. Ecological Design Strategy

No development, ground works or vegetation clearance shall commence within each Phase until an ecological design strategy (EDS) addressing mitigation and enhancement measures has been

submitted and approved by the local planning authority. The EDS should be cross referenced with the Landscape and ecological management plan with will include the following:

1. Purpose and conservation objectives for the proposed works
2. Review of site potential and constraints
3. Detailed designs and/or working methods to achieve stated objectives
4. Extent and location of proposed works on appropriate scale and maps
5. Type and source of materials to be used
6. Timetable for implementation
7. Persons responsible for implementing the works
8. Details of initial aftercare and long term maintenance
9. Details of monitoring and remedial measures
10. Details for disposal of any wastes arising from the works

The EDS will be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:
In the interests of nature conservation and to accord with UDP policy CN18.

8. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted and be approved in writing by the LPA prior to the completion of the 150th house. The plan should include details of legal funding mechanism by which long term implementation of the plan will be secured by the developer, it should also include agreed contingency measures should the biodiversity aims and objectives not be met to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be delivered in accordance with the approved details.

Reason:
In the interests of nature conservation and to accord with UDP policy CN18.

9. Biodiversity Monitoring Strategy

No development, ground works or vegetation clearance shall commence within each Phase until a biodiversity monitoring strategy for that Phase has been submitted to and approved, in writing, by the Local Planning Authority together with any further appropriate ecological mitigation if deemed necessary by the Local Planning Authority, which shall be so implemented in accordance with an agreed timescale.

Reasons:
In order to ascertain the effectiveness of the ecological mitigation, to protect and enhance the biodiversity of the site areas and to comply with policies CN16, CN18, CN21 and CN22 of the adopted Unitary Development Plan and paragraph 109 of the National Planning Policy Framework.

10. Breeding Birds

No removal of hedgerows, trees or shrubs that might be used by breeding birds shall take place between March and August inclusive, unless a competent ecologist has undertaken a careful

detailed check of vegetation for active bird nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Reason:
In the interests of nature conservation and to accord with UDP policy CN18.

11. Lighting Design Strategy

Prior to occupation of an individual phase, a lighting design strategy for biodiversity and the adjacent railway infrastructure shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the strategy shall identify areas and features on site that are particularly sensitive for species and are likely to cause disturbance. It shall include technical specification/ details of luminescence and lighting contour plans to demonstrate that areas to be lit will not impact on the adjacent railway infrastructure or the Local Wildlife Site and newly created habitat for protected and priority species sensitive to light levels.

Reason:
In the interests of nature conservation and to accord with UDP policies CN18 and T16.

12. Site Investigation – Phase 2

No development shall take place until a Phase 2 Site Investigation and Risk Assessment, which assesses the nature and extent of any contamination on that specific area as outlined above (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. 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, pets 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.'

Reason:
To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters (the site is overlying the Magnesian Limestone Principal Aquifer), 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.

13. Remediation Scheme

No development shall take place on an individual phase until a detailed Remediation Scheme to bring that specific area of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. The Approved Remediation Scheme shall be implemented in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the Approved Remediation Scheme works.

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

14. Verification

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that specific area of the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If required, it shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

15. Unidentified contamination

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

Reason:

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

17. Drainage

No development, other remediation works, shall commence until full details of the management of foul and surface water have been submitted to and approved, in writing, by the Local Planning Authority. Such details shall accord with the structure of the drainage design set out by the submitted Flood Risk Assessment (Revision B) and include detailed drainage plans and calculations which provide details of source control, the detention basin and inlets and outlets, a timetable for their implementation and a strategy for their maintenance. Each Phase of development shall be carried out in full accordance with the approved details.

Reason:
To ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding and to improve and protect water quality, and to comply with policies CN22, EN12 and B24 of the adopted Unitary Development Plan and paragraphs 103 and 118 of the National Planning Policy Framework.

18. Finished Floor Levels

No development, other than remediation works and archaeology works, shall commence within each Phase until finished floor levels of every dwelling within that Phase have been submitted to and approved, in writing, by the Local Planning Authority. Each Phase of development shall be carried out in full accordance with the approved details.

Reason:
In order to achieve a satisfactory form of development in the interest of residential and visual amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

19. Landscaping Scheme

No dwelling shall be occupied until full details of hard and soft landscaping, including a timescale for implementation, have been submitted to and approved, in writing, by the Local Planning Authority. The soft landscape works shall include contour levels, planting plans, a written specification (including cultivation and other operations associated with plant and grass establishment), and full schedule including numbers/densities, species and sizes, the provision and enhancement of hedgerows and landscape buffers. The hard landscaping works shall include details of estate railings and gates, gabions, seating, steps, handrails and all surfacing materials.

Reason:
In the interests of visual amenity, nature conservation and mobility and to comply with policies B2, T14, CN18 and CN22 of the adopted Unitary Development Plan and paragraphs 56 to 58 of the National Planning Policy Framework.

20. Landscaping 5 years

All hard landscaping and planting, seeding or turfing within each Phase of development that are not subject to the Section 106 maintenance regime pursuant to this planning permission and comprised in the approved details of landscaping within the reserved matters area shall be carried out in accordance with the approved landscaping scheme for that Phase in the first planting season following the practical completion of that Phase. Should any plants die, are removed or become seriously damaged or diseased within a period of five years from the completion of any Phase, they shall be replaced in the next planting season with others of a similar size and species or an alternative as approved, in writing, by the Local Planning Authority.

Reason:
In the interests of visual amenity, nature conservation and mobility and to comply with policies B2, T14, CN18 and CN22 of the adopted Unitary Development Plan and paragraphs 56 to 58 of the National Planning Policy Framework.

21. Play Facilities

No dwelling within a phase containing play equipment shall be occupied until details of play facilities for children, including a timetable and methodology for delivery and programme of maintenance, have been submitted to and approved, in writing by the Local Planning Authority. The play facilities shall be provided and maintained in full accordance with the approved details or suitably replaced to the satisfaction of the Local Planning Authority.

Reason:
In order to meet the needs of children and to comply with policy H21 of the adopted Unitary Development Plan and paragraph 73 of the National Planning Policy Framework.

22. Off-Site Traffic Signal Improvement Scheme

No development, except remediation, archaeological and drainage works, shall commence on any Phase until a scheme of traffic signal improvements to the B1285/ Seaton Lane/ Lord Byron's Walk junction has been submitted to and approved, in writing, by the Local Planning Authority, upon consultation with Durham County Council. This scheme shall include detailed analysis of the saturation flows at the junction, the timings of the signals, the operation strategy to ensure the junction is stable and a Stage 1/2 Road Safety Audit, if deemed necessary by the Local Planning Authority, together with an appropriate timescale for implementation.

Reason:
To mitigate the impact of the development on this junction, in the interest of highway safety and the free passage of traffic and to comply with policy T14 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

23. Travel Plan

No properties shall be occupied until such time as a Framework Travel Plan covering the entire development has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details to be agreed shall include a Travel Plan Cordinator, how a site-wide Travel Plan will be implemented and the timescales of its monitoring and review.

Reason:

The implementation, monitoring and review of the Site-Wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with policies T1 and T2 of the UDP.

24. Pedestrian/ cycleway

No development (excluding remediation works) hereby approved shall commence until details of the pedestrian and cycling infrastructure, including non-motorised access links, within the site, and links to existing public rights of way, national cycle network and the controlled toucan crossing on St Nazaire Way, has been submitted to and approved in writing, by the Local Planning Authority. The details to be agreed shall include an appropriate timetable for delivery of the agreed infrastructure. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason:
In order to promote sustainable modes of travel and to comply with policies R1 and T14 of the adopted Unitary Development Plan and paragraph 36 of the National Planning Policy Framework.

25. Noise Assessment

No development, other than remediation works, hereby approved shall commence until the exact specification of noise mitigation works, as detailed in 'Section 5.00 Outline Sound Attenuation Measures' of the ENS Noise Impact Assessment (Appendix 2), have been submitted to and approved, in writing, by the Local Planning Authority. The measures to be put shall be required to protect residents of the proposed dwellings, in accordance with British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) and World Health Organisation Guidelines for Community Noise. The development shall be carried out other than in accordance with the approved details and all specified mitigation measures shall be fully installed prior to the occupation of any dwelling for which the Assessment identifies mitigation is required.

Reason:
In order to protect residents from exposure to excessive noise and the operational needs and integrity of the railway and to comply with policies B2, EN5 and T16 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

26. Materials

No development shall commence for which outline planning permission is hereby granted until a schedule and/or samples of the materials to be used for the construction of the external surfaces of each building have been submitted to and approved, in writing, by the Local Planning Authority for each individual Phase. The development shall be carried out in accordance with the approved details.

Reason:
In the interest of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

27. Boundary Treatments

No development shall commence within any Phase for which outline planning permission is hereby granted until full details of the boundary treatments of that Phase have been submitted to

and approved, in writing, by the Local Planning Authority. No dwelling for which outline planning permission is hereby granted shall be occupied until the boundary treatment serving that dwelling has been provided in accordance with the approved details and the final dwelling for which outline planning permission is hereby granted shall not be occupied until all boundaries have been provided in accordance with the approved details.

Reason:
In the interest of visual and residential amenity and to comply with policy B2 of the adopted Unitary Development Plan and paragraph 58 of the National Planning Policy Framework.

28. Parking and Servicing

No development shall commence within any Phase for which outline planning permission is hereby granted until details of the car parking arrangements for that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include resident and visitor parking and the car parking, cycle storage and servicing arrangements for any building for a purpose falling within Class A1, A2, A3, A4, A5 D1 and D2, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order). The development shall be carried out in accordance with the approved details.

Reason:
To ensure that adequate and satisfactory provision is made for the parking of vehicles and to comply with policies T14 and T22 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

29. Hours of Operation

No first use shall commence for a purpose falling within Class A1, A2, A3, A4 or A5, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order) until the operating hours of that use have been submitted to and approved, in writing, by the Local Planning Authority. The use shall not operate within its approved use outside the approved hours.

Reason:
In the interest of the residential amenity and to comply with policies B2 and EN5 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

30. Extraction/ Filtration

No use falling within Class A3, A4 or A5, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order) in which the preparation and serving of hot food on a commercial basis would be carried out shall commence until details of a scheme for the extraction and filtration of cooking fumes has been submitted to and approved, in writing, by the Local Planning Authority for that use. Such details shall include all external ducting and stacks, an appropriate noise assessment and mitigation measures, where appropriate. The approved equipment shall be fully installed prior to the commencement of the use and shall be maintained to operate in accordance with the approved details for the lifetime of the use.

Reason:

In order to protect nearby residents and the local environment and to comply with policies B2 and EN1 of the adopted Unitary Development Plan and paragraph 123 of the National Planning Policy Framework.

31. Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include updating of desk based assessment with an aerial photographic search, fieldwalking, evaluation trenching and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason:
The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Paragraph 141 of the NPPF and saved Unitary Development Plan policies B11, B13 and B14.

32. Archaeological Post Excavation Report Condition

The buildings shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 31 has been submitted to and approved in writing by the Local Planning Authority.

Reason:
The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan policies B11, B13 and B14.

33. Archaeological Publication Report Condition

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

Reason:
The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan policies B11, B13 and B14.

34. Car Parking

No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. Such parking areas shall then be retained and permanently reserved for the parking of vehicles and all driveways will be retained to a usable length of at least 4.8 metres.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles and to comply with policies T14 and T22 of the adopted Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

35. Secondary access

No development, except remediation works, shall commence until the detailed scheme of the secondary access into the site from the A1018 has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the detailed scheme shall include a timetable for the implementation of the approved access arrangement, which shall be based on the drawing entitled: Alternative Access: Left-In/Left-Out, Drg No: TPMA1290-PSTN-100, Curtins Post-submission Technical Note.

Reason:
In the interest of highways safety and to comply with policy T14 of the saved Unitary Development Plan.

2. South Sunderland

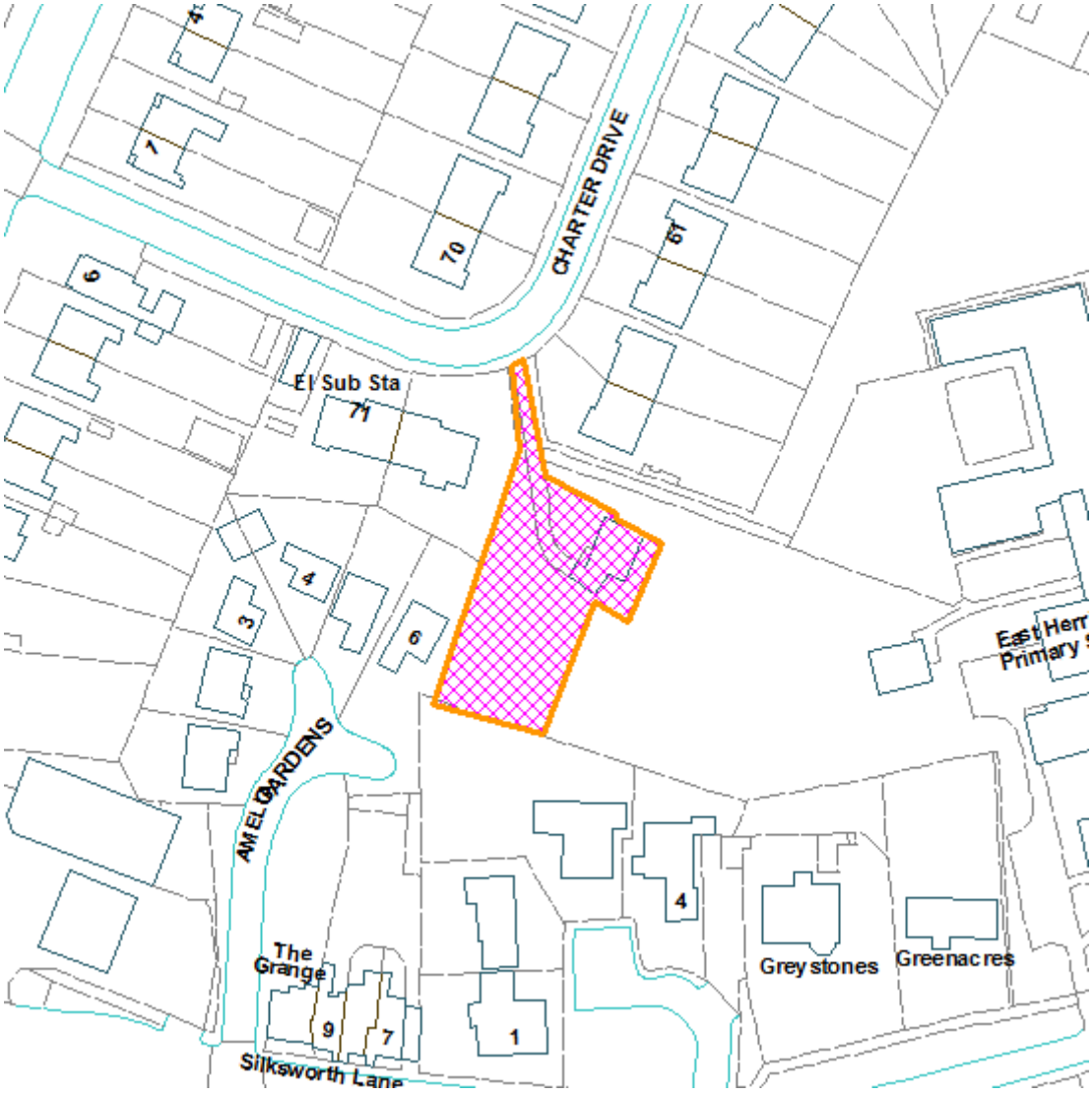
Reference No.: 17/01076/FU4 Full Application (Reg 4)

Proposal: **Proposed new detached dwelling with associated driveway and two storey extension to existing dwelling (as amended).**

Location: East Herrington Primary School House Balmoral Terrace East Herrington Sunderland SR3 3PR

Ward: St Chads
Applicant: C3G Ltd
Date Valid: 5 June 2017
Target Date: 31 July 2017

Location Plan



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PROPOSAL:

The application, owing to the land in question being owned by Sunderland City Council, has been referred for determination to Development Control South Sunderland Sub Committee.

The application in question seeks full planning permission for an extension to an existing dwelling house and the construction of a new dwelling house at East Herrington Primary School House, Balmoral Terrace, East Herrington.

The site lies towards the south west of the City, in an area known as East Herrington. The site lies immediately to the west of East Herrington Primary School, with established residential development to the north, south and west. The site itself has an irregular plan form, covers circa 1,050 square metres and currently comprises a two storey dwelling house and land given over to grass.

The proposed development would comprise an extension to the existing house and the construction of a new dwelling house. The proposed extension to the existing dwelling house would involve the demolition of the existing garage and the provision of a two storey side extension which would provide a garage and a fourth en-suite bedroom. The proposed materials would be beige render and red bricks for the walls, grey upvc windows and grey roof tiles.

The proposed new build dwelling house would be sited towards the south of the plot. The proposed dwelling house would have a generally square shaped plan form, with two storeys and then further rooms in the roof-space. The proposed materials would be beige render and red bricks for the walls, dark grey upvc windows and grey roof tiles.

The proposed access arrangements would be to utilise the existing access to the north of the site onto Charter Drive. The submitted site plan shows the provision of a block paving drive for both of the proposed dwelling houses.

The agent recently submitted amended plans and these have been the subject of a 14 day re-consultation with both the local residents, Ward Members and relevant consultees (such as ecology and highways). The application falls below the thresholds set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not require referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

The application has recently been publicised as a departure from the Unitary Development Plan, given the location of the site on a School Playing Field. Any decision by Members on the application would therefore be subject to there being no further representations that raise fresh planning considerations.

The site lies within a School Playing Field and an Area of Potential Archaeological Importance.

TYPE OF PUBLICITY:

Press Notice
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Network Management
St Chads - Ward Councillor Consultation
Network Management
Tyne And Wear Archaeology Officer
Environmental Health
Sport England

Final Date for Receipt of Representations: **13.09.2017**

REPRESENTATIONS:

The responses from consultees are summarised below.

Archaeologist: Suggest conditions covering excavation and recording.

Environmental Health: Advise the development would be acceptable; subject to conditions.

Highway Authority: Advise there are no reasons deemed to be of significant impact that would require a recommendation to refuse on highway grounds.

Northumbrian Water: Response awaited.

Sports England: Advise the proposed development does not fall within their statutory or non-statutory remit.

There have been 14 objections which are summarised below. The case officer has visited three properties who requested a site visit.

Principle - should be given consideration as two new houses.

Design - back land development, area has a low density, over development, should be a bungalow, side elevations do not show roof lights, too high, steeply pitched roof, different materials to local area, dormer windows could be added as Permitted Development. Sections are not accurate. Neighbouring properties are not shown accurately.

Ecology - impacts upon birds, hedgehog and squirrel. Ecology surveys not accurate.

Flood Risk - additional surface water from additional build and driveways.

Highway - problems delivering building materials, a narrow / concealed access with poor visibility, undermine safety for school pupils, increase in traffic congestion used as emergency access for vehicles, not possible to segregate path and road on access into site, metal railing not sufficient to ensure safety of children, road markings are ignored.

Living conditions - Loss of day light, overlooking, overbearing, loss of privacy from tree felling, loss of outlook, noise from people and traffic, conflict with separation distances within development plan. Submitted "shading statement" inaccurate and misleading.

Trees - loss of trees, should be a Tree Preservation Order, T5 shown on site plan smaller than in reality.

POLICIES:

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

Green Space Audit and Report (2012)

Strategic Housing Land Availability Assessment (2017)

Supplementary Planning Document: Household Alterations and Extensions

Supplementary Planning Document: Residential Design Guide

R_1_Working towards environmentally sustainable development
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
H_1_Provision for new housing
H_8_Windfall sites to accord with other policies unless specific benefits are provided
H_22_Residential development within the curtilage of an existing house
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
B_2_Scale, massing layout and setting of new developments
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

The Cabinet on 19 July 2017 approved a Draft Plan for consideration and a public consultation on the first draft will commenced on 7 August through to 2 October 2017. The Framework, at paragraph 216 states that

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to
The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)"

In terms of the above advice within the Framework, the Draft Plan has been prepared after the publication of the Framework. The Cabinet has, however, only very recently approved the first consultation draft. The weight that can be given to the Draft Plan would therefore be extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be made using the policies within the Unitary Development and any other material considerations.

COMMENTS:

The main planning considerations - having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act, the relevant development plan polices relevant

guidance and all other material considerations (including representations received) - are noted below:

Principle of the Development.
Archaeology.
Design.
Drainage.
Ecology.
Ground works.
Highways.
Living conditions.
Playing fields.
Trees.

These main planning considerations are expanded upon below.

Principle of the Development

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise.

In terms of material considerations, the National Planning Policy Framework (the Framework) forms a material consideration. The Framework states, at paragraph 215, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given).

The Council, subsequent to the advice within para 215 of the Framework undertook, an assessment (hereafter "the assessment") to establish whether policies within the UDP were consistent with the Framework. The Planning & Highways Committee, in November 2012, gave consideration to the assessment and the associated minutes show that Members "endorsed the conclusions' so that they could be applied accordingly to determine planning applications".

The initial point to note would be that the proposed development will be given consideration as being one new build property and alterations / extensions to the existing dwelling house. The property on the site may currently be vacant, but in planning terms remains a dwelling house.

The Unitary Development Plan (UDP), at policy R1 states

" The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a satisfactory balance between accommodating change and protecting valued and important aspects of the built environment.
The impact of development will be considered against the need to respect the long term welfare of the environment by
(i) making the most efficient use of land, energy and other resources;
(ii) reducing reliance on the use of the private motor car
(iii) avoiding the risk of serious environmental damage, especially damage which may be irreversible or very difficult to undo."

The assessment, in terms of consistency with the Framework, states

"Fully compliant no conformity issue - continue to use policy.
The NPPF (paras 11-16) requires Plans to now include policies that reflect the principles of the "presumption in favour of sustainable development". A model policy has been developed by the Planning Inspectorate and which will be inserted into the emerging Core Strategy."

The policy provides an overall sustainable development framework for determining all planning applications within the City of Sunderland. The matters raised by the policy will be given consideration in the report below.

The UDP, at policy R2, states

"In considering proposals for new development, the Council will take into account the extent to which they
(i) make use of existing and proposed service and social infrastructure, taking advantage of known space capacity (of roads, public utilities, schools, etc)
(ii) minimse the need for travel (by employees, visitors and residents alike); and
(iii) make use of vacant and derelict land.

The assessment, in terms of consistency with the Framework, states "Fully compliant no conformity issue - continue to use policy".

The policy provides an overall resource utilisation framework for determining all planning applications within the City of Sunderland. The matters raised by the policy will be given consideration in the report below.

The UDP, at policy H1, states that

“New housing will be provided which
(i) Maximises locational choice (subject to environmental and infrastructure considerations) whilst allowing for a variety of needs in appropriate environments.
(ii) Caters for reduced out-migration and increasing household formation.
(iii) Assists in the regeneration of exsiting residential areas
(iv) Secures the re-use of vacant and derelict land wherever possible.

The assessment, in terms of consistency with the Framework, states "fully compliant no conformity issue - continue to use policy".

The relevant parts of the above policy for the provision of a new house in the area in question would be (i) and (iv). The proposed development would accord with (i) through the provision of a dwelling house within an existing urban area that has many of the facilities for everyday existence within walking distance (such as public transport and shops). The impact of the proposed development upon infrastructure, including drainage and highways, will be given consideration in subsequent sections of the committee report. The proposed development would also accord with (iv) through securing the re-use of currently vacant land (albeit a piece of land with an existing dwelling house).

The UDP, at policy H8, states that

“Proposals for housing development, additional to those referred to in policy H3, must normally accord with other policies and proposals of this plan. Where a proposed development would

conflict with another policy or proposal, or would result in housing provision over the plan period significantly exceeding the requirements in H3 and H5, the Council will also take into account any special need or benefit for which the development provides."

The assessment, in terms of consistency with the Framework, states

"broadly compliant - continue to use policy. Regard should be given to Policy H22 when considering windfall proposals within back gardens".

The accordance with other policies within the development plan will be given consideration in the balance of the committee report. In terms of exceeding the housing requirements, the Strategic Housing Land Availability Assessment (SHLAA) identifies that the

"City Council cannot demonstrate a full five year housing supply. The five year supply is equivalent to 4.4 years supply".

The proposal can therefore be supported in principle given the accordance, as noted above, with the relevant policies within the development plan; principally UDP policy H1. The proposed development would provide an additional dwelling house in a sustainable location where the facilities for everyday living are within walking distance. There are not any material considerations, in terms of the principle of the development, that indicate a decision should be made otherwise.

Archaeology

The site lies within an Area of Potential Archaeological Importance. The UDP, at policy B14, states

"Where development proposals affect sites of known or potential archaeological importance, the City Council will require an archaeological assessment / evaluation to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them".

The assessment, in terms of consistency with the Framework, states "fully compliant no conformity issues - continue to use policy".

The applicant has not submitted an archaeological assessment / evaluation. The County Archaeologist has, however, advised that the

"site lies within the presumed extent of East Herrington medieval village, which dates back to at least the 14 Century, but maybe as early as 1183. Buried medieval and post medieval remains could possibly be present".

The archaeologist has suggested conditions ensuring a programme of archaeological fieldwork and post excavation reporting and publication.

The proposal would therefore have an acceptable impact in terms of archaeology, in accordance with the above development plan policies; subject to the suggested conditions.

Design

The UDP, at policy B2, states that in terms of design

The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The assessment, in terms of consistency with the Framework, states "Fully compliant no conformity issue - continue to use policy".

The UDP also has a policy, H22, relating to development in back gardens which states that in terms of design

“New residential development within the curtilage of an existing house will only be acceptable if it is not detrimental to general amenity and to the established character of the locality' 'Tandem' development will normally be refused.”

The assessment, in terms of consistency with the Framework, states "Fully compliant no conformity issue - continue to use policy".

The City Council has also adopted a Supplementary Planning Document (SPD) entitled "Residential Design Guidance" (dated October 2008). The SPD states, at page eight, that

"the purpose of this guide is to ensure the delivery of sensitive and appropriately designed sustainable development".

The SPD continues, at 5.10, stating that

"Backland is land which lies behind existing properties which front one or more roads. It may be land comprising large garden areas, neglected land, land in other uses or a mixture of these
'Tandem Development' usually refers to the building of one house behind the other (usually in the rear garden) sharing a single access
Backland development refers to the development of one or more houses on an area of land to the rear of surrounding properties, usually with their own access."

The initial point for consideration would therefore be the status of the site in question. The site has an existing dwelling house to the north east and an existing access to the north onto Charter Drive. The balance of the site, edged in red on the submitted location plan, currently has been enclosed by a metal fence which also surrounds the existing dwelling house.

The site, in officer opinion, should not be given consideration as being "tandem development". The SPD, as noted above, identifies tandem development as usually referring to the building of one house behind the other. The dwelling house proposed in the current application would be both in front and to the side of the existing property.

The site should also not, in officer opinion, be given consideration as "backland development". The SPD, as noted above, identifies back land as initially being land behind existing properties which front one or more roads. The dwelling house proposed in the current application would be both to the front and side of the existing property and the site does not directly front one or more roads.

The SPD subsequently identifies, again as noted above, backland development as being development of one or more houses on an area of land to the rear of surrounding properties with

their own access. The dwelling house proposed in the current application would be both to the front and side of the existing property; albeit with a (shared) access.

The UDP, at policy H22 and as noted above, introduces the concept of residential development within the curtilage of an existing dwelling house. The boundary treatment around the site currently comprises a metal fence, sited in accordance with the red line boundary on the location plan. These arrangements would suggest that the land in question forms part of the garden for the existing dwelling house on the site.

Officers do, however, understand that following discussion with property services that some of the land until recently formed part of the school playing fields; rather than being part of the dwelling house in question. The recent fencing off of the land in question does not necessarily automatically give the land the status of residential curtilage given that a change of use would have effectively taken place (i.e. change of use from playing field to residential curtilage).

Officer opinion would therefore be, given that a substantial amount of the land in question for the new build has not previously been residential curtilage, that the provisions of UDP policy H22 should only be given extremely limited weight in the determination of the application. The impact of the proposed development upon the local area should be given consideration using UDP policy B2 (as noted above) and the general design provisions of the SPD.

The site, excluding the access to the north west leading onto Charter Drive, covers around 875 square metres; which means the density would be circa one dwelling house per 435 square metres. The dwelling houses around the site have a mix of densities from circa 405 square metres (the property immediately to the west, no. 6 Amelia Gardens), through to around 530 square metres (the properties to the north and west, no. 67 and 69 Charter Drive) and 885 square metres (the property to the south, no. 3). The density of the proposed development would therefore be appropriate given that the proposal would have a slightly lower density than one adjoining property and a slightly higher density than two of the surrounding properties. Although the property to the south has a much higher density, the scheme would otherwise be of a similar density to the immediate surroundings.

The proposed dwelling house would have two storeys with additional accommodation being provided in the roof space. The proposed dwelling house would have a height of around 5.25 metres to the eaves and a height of circa 8.5 metres to the ridge. Officer advice would be that the proposed dwelling house should be given consideration as a two storey house with rooms in the roof space.

The dwelling houses around the site are mix of forms including a bungalow immediately the west (no. 69 Charter Drive), through to two storey properties to the north, south and west. The proposed dwelling house would therefore be higher than the existing development, with the bulk of the additional height being provided within the roof space where the fourth and fifth bedrooms would be provided. The increase in height to the ridge does not, however, mean that the impact would automatically be negative; but does mean careful consideration needs to be given to how the proposal would fit within the surrounding area.

The initial point to note would be that the proposed dwelling house would, aside from the property to the west, sit within a context of two storey properties. The indicative cross section submitted by the agent identifies that that the surrounding properties have a height to the ridge of around 7.75 metres. The proposed dwelling house, at circa 8.5 metres, would be higher than the surrounding properties.

The public views of the site would be somewhat limited to those using the access to the north from Charter Drive. These pedestrians would observe the proposed dwelling house across a distance of around 20 metres (measured from the proposed access gate leading into the site). The combination of the increase in height being seen within a context of two storey development and that any views of the site would be limited to pedestrians looking across a distance of circa 20 metres filtered through the retained trees means that the impact upon the surrounding area of the proposed height would not substantive enough to warrant refusal of planning permission on these grounds alone.

The proposed dwelling house would be constructed from red bricks and beige render for the walls, dark grey upvc windows and grey roof tiles. These materials would compare reasonably favourably to the surrounding area which includes brick and facing stone for the walls, upvc windows and concrete tiles for the roof.

The impact of the proposed dwelling house upon the character and appearance of the surrounding area would therefore not be substantive enough to warrant refusal of planning permission on design grounds.

The application also proposes works to the existing dwelling house. These works include the demolition of the existing garage and the provision of a two storey side extension. The provisions of UDP policy B2, as noted above, would be relevant. The City Council has also adopted a Supplementary Planning Document entitled "Household Alterations and Extensions" (SPD). The SPD states, at 7.3, that

"Any extension to the side of a property should be designed to maintain the character of the existing property and the street scene' As a general rule, side extensions should be of a size which is no more than 50% of the overall width of the original dwelling, in order to ensure that the extension remains subordinate to the host dwelling.
Side extensions should usually incorporate a pitched roof or a roof slope and shape that matches the existing property' Two storey side extensions should usually have a ridgeline which is lower than that of the host property and a front wall set back by not less than 1m from that of the original buildings, at least at first floor level.
There may be greater flexibility to extend a detached property. However, the scale of any extension proposed will need to be judged in relation to the individual home and the surrounding environment."

The proposed side extension, in terms of the above guidance, would be less than half the width of the original dwelling house and would incorporate a roof slope that matches the existing property. The ridgeline would be level with the existing property, rather than set back, but officers consider such an arrangement to be supportable given that the guidance subsequently identifies that greater flexibility exists for a detached property. The dwelling house sits within its own context and there would not be any substantive harm to the local street scene through the provision of an extension that would be level with the existing roof line.

The works to the existing dwelling house would also include an extension to the front. The SPD states, in terms of design, that

"The design should usually incorporate a pitched roof' and should use materials and window styles which respect or match the current style'Attention should be given to
Respecting the character of the existing street scene and in particular established building lines
The design and depth of any front extension in relation to neighbouring properties, to ensure that the balance and symmetry between properties is not lost as a result of the development

A requirement for the extension to be of a scale that is both subordinate to the host dwelling and respectful of the property context within the existing street scene.
Two storey front extensions will not normally be permitted."

The proposed front extension, in terms of the above guidance, would incorporate a pitched roof and would use materials and windows styles that would integrate successfully with the existing property; in accumulation with the other works proposed. Officer advice would be that the comments concerning street scene should be given limited weight given that the property effectively sits within its own context.

The works to the existing property would also include the provision of block paving to the front to provide parking spaces. The SPD states, in terms of visual impacts, that

"Careful consideration should be given to minimising the effect of hard surfacing / hardstanding upon the appearance of the property. As such the Local Planning Authority strongly encourage the retention of garden space and landscaped areas."

The proposed works would retain an area of grass within the front garden to either side of the proposed driveway. These arrangements would represent a reasonable compromise between ensuring sufficient space for the parking of vehicles whilst retaining as much green space as possible.

The proposed works to the existing house would therefore have an acceptable impact in terms of design, in accordance with the above development plan policies and supplementary guidance.

There has been concern expressed that the cross section drawings are not accurate. The drawings have, however, been submitted for indicative purposes only.

There has been further concern that the neighbouring properties have not been shown accurately; especially in terms of the subsequent extensions have been added. The submitted application does, however, show the proposed development accurately and the nearby dwelling houses shown on the plans are again for indicative purposes.

Drainage

The UDP, at policy EN12, states in terms of drainage that

"In assessing proposals for development' the Council' will seek to ensure that the proposal would Not be likely to impede materially the flow of flood water, or increase the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding."

The assessment, in terms of consistency with the Framework states that

"Broadly compliant - continue to use policy though consideration should be given to the NPPF which requires
The use of up to date Strategic Flood Risk Assessments
Applying a sequential approach to steer development to areas of the lowest probability of flooding and / or applying an exceptions test to demonstrate why certain proposals must be accommodated within a flood risk area
Requiring the submission of site specific flood risk assessments."

In terms of the comments made within the assessment, the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The application therefore passes the sequential approach by being located on a site with a low probability of flooding. The application, given that only one additional dwelling house has been proposed within an area with a low probability of flooding, does not require a site specific flood risk assessment.

The submitted application form indicates that the arrangements for disposing of foul sewage are unknown and that the surface water would connect to the main sewer. Officer advice would therefore be to attach a condition to any approval ensuring the provision of detailed plans for the disposal of both foul and surface water. Northumbrian Water has also been consulted and an update will be provided to Members.

The proposal, subject to the detailed condition and a positive response from Northumbrian Water, would have an acceptable impact in terms of drainage, in accordance with the above development plan policies.

Ecology

The UDP, at policy CN22, states

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the City".

The assessment, in terms of consistency with the Framework states,

"Fully compliant no conformity issue - continue to use policy and with consideration being given to the latest evidence contained with the draft Ecological Audit which has reviewed the City's ecology and designations. These will be translated into the emerging Core Strategy".

The submitted ecological report has been undertaken with aims of

"1. carry out an extended Phase 1 habitat survey of the site that is to be developed and to identify any areas of ecological interest
2. to assess any possible impacts on protected species including breeding birds."

The ecological report identifies that the main habitats are trees and improved grassland previously managed as lawn with semi-mature trees mostly sycamores and ornamental conifers. The report identifies that there were no signs of bat use and no potential for roost sites, nor do the trees have any holes or similar that could be suitable for bat use. The report further identifies that there were no signs of badgers using the site (nor does the site provide suitable habitat), no evidence of birds nesting in the tree canopy of the deciduous trees or the two conifers (albeit there are small areas of potential bird nesting habitat within the garden), no ponds or water features and no basking areas or likely hibernation sites for reptiles. The report concludes that the proposed development would be very unlikely to have significant impact upon wildlife, a negligible risk of there being any impact upon bats, no threat to badgers and a small loss of potential bird nesting habitat. The report recommends mitigation including the retention of existing trees where possible, removal of trees avoiding the bird breeding season, the bird nest box being relocated and leaving a gap within fences for hedgehogs.

The Council's Ecologist has examined the submitted ecological report and made a series of comments including queries around the survey work (such as the bat risk assessment), research (such as environmental records data search) and biodiversity enhancements. The author of the ecological report subsequently provided a response to each point. The Council's Ecologist has examined the subsequent response from the author of the ecological report and has recommended a precautionary ecological method statement and the undertaking of a checking survey if works have not commenced within 18 months from the date of the ecology survey. The Council's Ecologist has made additional comments in terms of trees which will be given consideration in the appropriate section below.

The proposal would therefore have an acceptable impact in terms of ecology, in accordance with the above development plan policies; subject to the suggested conditions.

Ground works

The UDP, at policy EN14, states

"Where development is proposed on land which there is reason to believe is either
(i) Unstable or potentially unstable
(ii) Contaminated or potentially at risk from migrating contaminants
(iii) 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 preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out."

The policy can be given consideration as being consistent with the Framework.

The initial point to note, in terms of point (i), would be that the site lies within a Coal Authority Standing Advice Area; rather than a Referral Area where a Coal Mining Risk Assessment would be a validation requirement. The agent has submitted a Phase 1: Desktop Study Report (Preliminary Risk Assessment). The report aims were to

"assess the geological and environmental sensitivity of the development area and the surrounding environs, with particular attention made to any potentially contaminative industries or processes that may have taken place on site or on immediately adjacent sites, which may be considered as potentially posing a risk of ground / groundwater contamination or ground gas that could negatively affect the proposed end users, adjacent sites and controlled waters."

The report subsequently identifies that

"At this stage, the site is considered to be at low to moderate risk in terms of geotechnical 'geohazards' due to the following
* made ground may be present associated with onsite regarding / infilling as well as from adjacent developments.

* the area of the proposed development is likely to be underlain by sand and gravel deposits with the potential for lenses of silt, clay and organic materials. These may prove suitable for any proposed foundations although this will need to be verified from a series of fieldworks.
* surface water ponding and overland flow may occur particularly following periods of heavy rainfall.
* The site is considered to be at potential risk of ground gas."

The report concludes by recommending Phase 2 Ground Investigation works to fully characterise the ground / ground water conditions and a ground gas regime. The Environmental Health Officer has examined the report and advised that they consider the development would be acceptable subject to conditions covering land contamination and construction management.

The proposal would therefore have an acceptable impact upon ground works, in accordance with the above development plan policies; subject to the suggested conditions.

Highway

The UDP, at policy T14, states that

"Proposals for new development should:-
(i) 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
(ii) Not cause traffic congestion or highways safety problems on existing roads, where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer.
(iii) 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.
(iv) make provision for the loading and unloading of commercial vehicles
(v) indicate how parking requirements will be accommodated."

The assessment, in terms of consistency with the Framework, states

"Broadly compliant - continue to use policy though consideration should be given to:
* Requiring Transport Statements or Traffic Assessments for major trip generating development.
* Proposals should not be refused on transport grounds unless the residual cumulative impacts of the proposal are "severe"
* Incorporating facilities for charging plug-in and other ultra low carbon vehicles."

In terms of the comments made within the assessment, the proposal would not be a major trip generating development where a Transport Statement or Traffic Assessment would be necessary (albeit that very careful consideration needs to be given to the impact upon highway safety). The application will be given consideration within the context of the second point and there are not any adopted development management policies that could lead to a request for charging plug-in facilities.

In terms of the points made within UDP policy T14, the provisions of point (iv) regarding the loading and unloading of commercial vehicles should be given extremely limited weight given the

proposed development of the site for an additional dwelling house. In terms of the other points within UDP policy T14, these are noted below.

(i) The site would be readily accessible by pedestrians and cyclists as well as users of public and private transport given that the existing pedestrian / vehicular access of Charter Drive would be used. The site more generally lies within an urban area with public transport connections that means there would be opportunities to access the site by means other than the private car.

(ii) and (iii) The Highway Authority have examined the proposed development and noted that only the new build dwelling house should be given consideration as attracting new vehicle trips as the existing property could be occupied without the need for planning permission. The Highway Authority have advised that the access from Charter Drive does not form a public highway, but does serve as a pedestrian route to the Academy and comprises one of the walking routes available for parents and pupils. The Highway Authority has added that a second pedestrian route can be found via Balmoral Terrace, also readily available as a walking route for parents and pupils.

The Highway Authority have continued by advising that both access points are protected by School Keep Clear markings and waiting restrictions to deter short-stay parking by parents / legal guardians and the restrictions are subject to enforcement if required. The Highway Authority has advised that both access point would largely remain as existing and accessible by emergency service vehicles if required.

The Highway Authority have concluded that, subject to the parking restrictions being correctly observed, there should be minimal conflict between cars accessing / egressing the dwelling houses, both of which include driveway space for up to four cars. The Highway Authority have also made recommendations including the access into the development site remaining gated, with any new gates being inwards opening, arrangements for bin storage to be confirmed and for minor improvements to be given consideration which include a localised widening of 500mm to the western side of the access and resurfacing to improve the condition of the access road. The Highway Authority have also advised, albeit not an essential requirements, that consideration should be given to providing a pedestrian barrier rail to segregate pedestrians in front of the gated entrance.

The Highway Authority have summarised their position as being that there are no reasons deemed to be of significant impact to require a recommendation of refusal on highway grounds.

The agent subsequently submitted amended plans showing the items noted above by the Highway Authority (i.e. the improvements including widening of 500mm, new surfacing, a metal railing and a refuse holding area). The Highway Authority were re-consulted upon receipt of these amended plans and have advised that the amendments are considered acceptable.

(iv) as noted above, parking would be provided for each dwelling house.

The UDP, at policy T22, states

"In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

(i) development type (e.g. scale, use, catchment, user characteristics);
(ii) locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character.

The necessary car and cycle parking provision will be ensured by means of planning conditions or planning agreements or, if off site, through the use of planning agreements to provide suitable parking elsewhere. Agreements shall be in accordance with guidance in Circular 1/97."

The assessment, in terms of consistency with the Framework, states

"Broadly compliant - continue to use policy though consideration should be given to
* The Supplementary Planning Guidance Note "Development Control Guidelines" (1998) which sets out both minimum and maximum parking standards in line with the then PPG13. These are now dated. Para 39 of the NPPF sets out the criteria for authorities to set locally derived standards which should no longer look to set maximum parking standards.
* Requiring Transport Statements or Traffic Assessments for major trip generating development.
* Proposals should not be refused on transport grounds unless the residual cumulative impacts of the proposal are "severe".
* Incorporating facilities for charging plug-in and other ultra low carbon vehicles."

In terms of the points raised by the assessment, the proposal would not be a major trip generating development which means that a Transport Statement or Traffic Assessment would be necessary (albeit that careful consideration needs to be given to the impact upon highway safety). The application will be given consideration within the context of the second point and there are not any adopted development management policies that could lead to a request for charging plug-in facilities.

The proposed development, in terms of UDP policy T22, would include parking within the proposed curtilage of each dwelling house.

The proposal would therefore have an acceptable impact in terms of highway safety, in accordance with the above development plan policies.

There has been concern expressed that there could be problems delivering building materials. The agent has, however, submitted an annotated plan which shows items including a site cabin and parking area for operatives vehicles.

Living conditions

The UDP, at policy B2, states in terms of amenity that "New developments and extensions to existing buildings should' retain acceptable levels of privacy." The pre-amble to the policy also states that "New development should take into account the amenities of adjoining properties.

The assessment, in terms of consistency with the Framework, states "Fully compliant no conformity issue - continue to use policy".

The Residential SPD also contains, at 10C, a table showing spacing between dwellings. The SPD states these are

"minimum standards - unless demonstrated through careful design that a less distance would be acceptable".

The proposed development, comprising an extension to an existing dwelling house and the construction of a new dwelling house would be unlikely to generate a material increase in either noise or disturbance for the occupiers of adjoining properties to the extent that the application

could be reasonably refused on these grounds. The main impacts upon amenity are therefore detailed matters relating to overlooking and overshadowing / overbearing impacts.

In terms of overlooking, each elevation of the proposed dwelling house will be given consideration in turn.

The northern elevation would look across the side of the porch and the front garden of the existing dwelling house on the site and then towards the next house, no. 67, across a distance of circa 29.5 metres. The distance of 29.5 metres would exceed the separation distance within the SPD which seeks a distance of a minimum of 14 metres from any point.

The eastern elevation would not have any windows.

The southern elevation would have windows at ground floor level approximately 8.5 metres from the southern boundary, first floor windows approximately 10.5 metres from the southern boundary and roof lights approximately 12 metres from the southern boundary. In terms of distances to the dwelling house to the south, no. 3, the southern elevation would be approximately 20 metres to the nearest point. The distance would be less than the recommended 21m within the SPD.

A key point to consider, however, would be that the SPD refers to a "minimum of 21m from any point of facing windows". The proposed dwelling house would not directly face the property to the south. The windows on the ground floor would be screened to an extent by the 1.8 metre high timber fence and the nearest main window on first floor level (i.e. the other three windows would serve a bathroom, dressing room and en-suite) would be circa 23 metres from the original back elevation of the property to the south and approximately 22 metres to the conservatory extension. The proposed roof lights would be approximately 21.5 metres away from the conservatory extension and around 24 metres from the original back elevation of the property to the south. Officers are of the opinion that the situation noted would not give rise to a material loss of privacy for the occupiers of the dwelling house to the south of the site to the extent that planning permission could reasonably be refused on these grounds alone.

The western elevation would not have any windows.

In terms of day light / overbearing, each elevation will be taken in turn.

The northern elevation would face the proposed porch on the existing dwelling house and would then be circa 32 metres from the dwelling house to the north, no. 67. The distance would be greater than the recommended minimum separation distance of 10.5 metres.

The eastern elevation would be around 1.25 metres from the eastern boundary. The distance would be less than the recommended separation of 7 metres. The recommendation within the SPD has, however, been made within the context of "position of dwellings in relation to adjacent developable land". The land in question forms a playing field allocated within the UDP which means a substantial redevelopment would be unlikely to be brought forward. Officers therefore consider that the separation to the eastern boundary can be supported as a departure from the distances quoted within the SPD.

The southern elevation would have windows at ground floor level approximately 8.5 metres from the southern boundary, first floor windows approximately 10.5 metres from the southern boundary and roof lights approximately 12 metres from the southern boundary. The distance from the ground floor to the southern boundary would be less than that quoted within the SPD which states that new dwelling houses should be not less than 10.5 metres from adjacent developable land.

The part of the proposed dwelling house that would be less than 10.5 metres from the southern boundary does, however, comprise a single storey element with the balance of the property achieving the quoted separation distance. Officers consider that the impact of a single storey element, with a depth of around 2 metres, would not have such a significant impact upon the amenity of the occupiers of the property to the south to the extent that refusing planning permission on these grounds alone would not be reasonable. The overwhelming majority of the dwelling house accords with the quoted separation distances.

The proposed dwelling house would be around 7.5 metres from the western boundary which would accord with the quoted distance of 7 metres within the SPD.

Officers therefore consider that there are not any reasonable grounds to refuse planning permission for the proposed dwelling house on the grounds of living conditions; in terms of noise / disturbance, overlooking, or overshadowing / overbearing impacts.

The impact of the proposed alterations / extensions to the existing dwelling house also needs to be given consideration. The Household Alterations and Extensions SPD states, at 7.3 that in terms of amenity

"any extension to the side of a property should' have a minimal impact on the residential amenity of neighbouring properties."

The proposed two storey side extension would look across the back garden and the playing fields to the eastern elevation and would look across the site in question by around 16-17 metres. The proposed extension, being sited on the southern elevation of the existing property, would not lead to a material loss of day light for the occupiers of existing dwelling houses; nor upon the potential occupants of the dwelling house to the south of the site.

Playing Fields

The site lies within a School Playing Field, as shown on the proposals map within the UDP. The UDP, at policy L7, states that

"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."

The assessment, in terms of consistency with the Framework, states

"Fully compliant no conformity issue - continue to use policy. The emerging Core Strategy will be updating this policy in line with evidence based on the Greenspace Audit."

The proposed development, in terms of the points raised in UDP policy L7, will be given consideration below.

(i) The site would be used for residential development which means there would not be alternative provision of an equivalent scale, quality and accessibility.
(ii) The development would not be for educational purposes.
(iii) The impact upon wildlife habitat has been given consideration in the ecology section above which found the proposed development to be acceptable (subject to conditions). In terms of the impacts upon amenity and recreational value of the site, the Council has subsequently commissioned a Greenspace Audit and Report (2012). The Audit sought to

"follow the requirements laid out in national policy and includes the most thorough survey of greenspace sites ever to be undertaken in Sunderland".

The Audit specifically identifies School Playing Fields and Grounds as

"This includes all school grounds, whether or not they provide public access to greenspace / sports facilities out of school hours".

The Audit subsequently, at Appendix 2, identifies "Greenspace provision at City Village level". The area in question lies within Sunderland West and the Audit specifically excludes the site in question from the schools playing fields and grounds associated with East Herrington Academy. The Audit does not form an adopted policy of the Council, but does form the most up to date evidence of green space within the City of Sunderland. Officer advice would be that the up to date evidence within the Audit should be given significant weight to the extent that, in terms of UDP policy L7(iii), the impact upon amenity and recreational value of the site would not be sufficient enough to warrant refusing planning permission on these grounds alone.

The proposed development would therefore be contrary to UDP policy L7, given that two of the three points need to be satisfied. The proposed development would, however, not lead to a material loss of playing fields given that the area has been excluded from such a category in the most up to date evidence. There have not been any objections received on these grounds and Sports England, the statutory consultee for matters relating to playing fields, has advised that they do not wish to provide a detailed response. The proposal can therefore be supported as a departure from UDP policy L7.

Although the assessment, in terms of consistency with the Framework, identified UDP policy L7 to be fully compliant, consideration should also be given to the guidance with the Framework. The provisions of paragraph 74 states

"Existing open space, sports and recreational buildings and land, including playing fields, should be not built on unless
*an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
* the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
* the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The proposed development would be given consideration using the first point within the Framework. Officer advice would be that the Green Space Audit, albeit not an adopted policy, has been undertaken and identifies that the site in question should no longer be given consideration as a Playing Field. The proposal can therefore be given consideration as being in accordance with paragraph 74 of the Framework.

The proposal, on the basis of the above, can be supported as a departure from UDP policy L7 and accords with paragraph 74 of the Framework.

Trees

The UDP, at policy CN17, states

"The City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible."

The assessment, in terms of consistency with the Framework, states "Fully compliant no conformity issue - continue to use policy".

The submitted Arboricultural Impact Assessment initially identifies that there are no Tree Preservation Orders on the site, nor does the land in question lie within a Conservation Area. The Assessment identifies the trees on site and notes that trees 6-18, 20, 21 and group 1 will need to be removed to facilitate the construction of the new buildings and associated infrastructure. The Assessment identifies that protective barriers will be provided around retained trees during construction works, no-dig tree friendly methodology will be used where appropriate and that any lowering of ground levels should not take place within the root protection area of any retained tree.

The trees to be felled would generally be located to the south of the land in question to enable the construction of the proposed dwelling house. There would be five trees retained towards the middle and north of the plot. These trees are more visible from public vantage points than those found to the south of the plot and could be protected during construction by a planning condition. There would, given the retention of these trees, be difficulty in refusing planning permission on the grounds of the loss of the trees to the south of the plot.

There has been a request for a Tree Preservation Order to be made on the trees. The matter, however, would be given consideration through the determination of the current application - if Members were minded to approve the application then consideration would need to be given to the impact of the proposed development upon the tree stock. If Members were minded to refuse the application, then the land lies within the ownership of the Council.

The proposed development would therefore have an acceptable impact in terms of trees; in accordance with the above development plan policies.

There has been concern expressed that one of the trees, T5, has been shown smaller on the submitted plan than in reality. The tree in question does, however, appear to have been plotted correctly in terms of the siting; with the canopy being potentially larger in reality. The matter would, however, not be determinative when considering the application.

Conclusion

The proposed development would provide an extended dwelling house and a new build dwelling house within a sustainable location which has many of the facilities necessary for everyday living within walking distance. The principle of the proposed development would accord with Unitary Development Plan (UDP) Policies R1, R2, H1 and H8.

The proposed development would accord with the relevant UDP policies to the extent that to refuse planning permission would not be reasonable in terms of the impacts upon archaeology, design, drainage, ecology, ground works, highways, living conditions and trees.

The proposed development can supported as a departure from UDP policy L7 as a relatively small area of playing field would be replaced with residential development. There has not been an objection from Sports England.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION: Members are recommended to delegate the application for approval to the Executive Director of Economy and Place subject to the expiry of the press notice and no further representations being received raising issues not covered in the main report (including a positive response from Northumbrian Water).

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

Proposed Site Plan, Drawing Number Al (90) 0200, Revision B
Proposed Floor Plans - Existing Dwelling, Drawing Number AL (00) 0300
Proposed Floor Plans - New Build Dwelling, Drawing Number AL (00) 0100, Revision A
Proposed Elevations - Existing Dwelling, Drawing Number AL (00) 0030, Revision A
Proposed Elevations - New Build Dwellings, Drawing Number AL (00) 0010, Revision A
Proposed Elevations - New Build Dwellings, Drawing Number AL (00) 0011, Revision A
Arboricultural Method Statement For Trees At The Former Caretaker's House
Ecological Report and Site Assessment (Section 65 Mitigation)
Construction Method Statement (including annotated site plan)

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

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

4 Development shall not commence until a Phase 2 investigation and 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, 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.'

Reason: 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.

5 Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

Reason: 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 Unitary Development Plan.

6 The remediation scheme approved under Condition number 5 (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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

7 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 4 to number 6 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 8 has been complied with in relation to that contamination.

Reason: 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.

8 No development shall commence until a precautionary method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall thereafter be adhered to throughout the course of development.

Reason: To ensure, in accordance with Unitary Development Plan policy CN22, there would not be a detrimental impact upon biodiversity.

9 No development above damp proof course level shall be undertaken until a detailed scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully carried out before the occupation of the dwelling house hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policy EN12, the development hereby approved would not materially increase the risk of flooding elsewhere.

10 No development above damp proof course level for the two storey side extension or the new build dwelling house hereby approved shall be undertaken until details / samples of the construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the two storey side extension and the new build dwelling house hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the development respects the nearby properties and locality.

11 The new build dwelling house hereby approved shall not be occupied / brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site

can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B11, B13 and B14.

12 If development has not commenced by the end of May 2018, then a further ecological checking survey (including any necessary avoidance and mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully adhered to and / or incorporated into the final build.

Reason: To ensure, in accordance with Unitary Development Plan policy CN22, there would not be a detrimental impact upon biodiversity.

3. South Sunderland

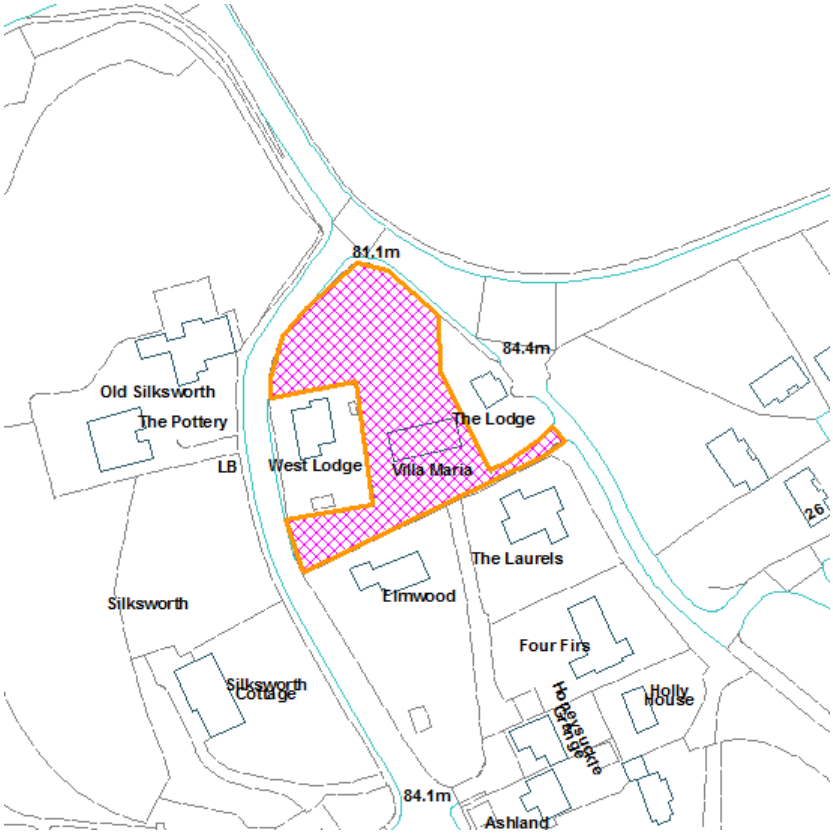
Reference No.: 17/01199/VAR Variation of Condition

Proposal: **Variation of condition 2 (plans) attached to approved planning application 16/00758/FDC (Demolition of existing dwelling and detached garage and erection of 3 no. two-storey detached dwellings with integral single garages, to include associated hard and soft landscaping and removal of 8 no. individual trees and 1 no. group of trees (as amended)) to seek approval for new access arrangements, revisions to site layout and removal of an additional 2 no. individual trees and part of 1 no. group of trees (amended description 11/07/2017).**

Location: Villa Maria Silksworth Hall Drive Silksworth Sunderland SR3 2PG

Ward: Doxford
Applicant: Mr Dominic Massey
Date Valid: 19 June 2017
Target Date: 14 August 2017

Location Plan



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PROPOSAL:

The proposal involves the variation of condition 2 (list of approved plans) attached to approved planning application 16/00758/FDC, to seek approval for new access arrangements, revisions to site layout and removal of an additional 2 no. individual trees and part of 1 no. group of trees at Villa Maria, Silksworth Hall Drive, Silksworth, Sunderland, SR3 2PG.

The proposals relate to a recently-approved development at Villa Maria, a detached residential dwelling occupying a large plot in the Silksworth Hall Conservation Area. The Conservation Area centres on the former grounds of Silksworth Hall and the historic buildings and streetscene of Warden Law Lane just to the west of the application site.

The approved development involves the demolition of the dwelling and its detached garage and the erection of three new detached dwellings. Villa Maria and the neighbouring Elmwood and The Laurels are modern dwellings dating from the late 20th century, but the dwellings to the east and west (The Lodge and West Lodge) are historic curtilage buildings of the nearby Silksworth Hall and date from the late 19th century. The area around the site is characterised by dense tree coverage, with many trees in the plot protected by Tree Preservation Order 79.

The development approved at the plot would see the erection of one dwelling to the north of the footprint of Villa Maria, a second dwelling to the south and the third on the footprint of the detached garage, which backs on to Warden Law Lane and stands at the end of a narrow neck of land between the boundaries with West Lodge and Elmwood. The three dwellings are of a high quality and distinctive design inspired by the 'Arts and Crafts' movement.

Vehicular and pedestrian access to all three dwellings was approved to be taken via Villa Maria's existing driveway off Silksworth Hall Drive. The Design and Access Statement submitted with the application advises, however, that since the initial approval, it has become apparent that an historic covenant exists which prohibits the access from serving more than one dwelling. Negotiations with the covenant holder regarding the removal of the restriction have been unsuccessful and so permission for an alternative arrangement is being sought.

The current application has been submitted using the provisions afforded by section 73 of the Town and Country Planning Act 1990 (as amended) and proposes to vary condition 2 of the existing approval (which requires the development to be carried out in accordance with the approved plans) to seek permission to amend the approved development to secure the provision of a new vehicular and pedestrian access. This is proposed to exit onto Warden Law Lane via an opening in the north-west boundary of the application site, just to the south-west of the Lane's junction with Silksworth Road. The new access would serve the dwellings to plots 01 and 02 of the development, whilst the existing driveway of Villa Maria would still be used to reach the dwelling to plot 03 on the site of the garage.

The provision of the new access will involve creating an opening in the existing stone boundary wall to Warden Law Lane to accommodate a new driveway measuring 3 metres in width and a pedestrian footway measuring 0.9 metres in width. The opening will be recessed to allow a vehicle to stand clear of Warden Law Lane in front of new timber access gates and the corners of the access onto Warden Law Lane are proposed to be chamfered to provide suitable visibility for pedestrians and motorists.

The Design and Access Statement advises that existing materials will be salvaged and re-used in the proposed works, with matching Northumbrian masonry used for walling and copings where there is a shortfall. The proposed works would replicate, tooth and continue the existing boundary wall in terms of coursing, bonding and pointing, with the whole constructed using a hydraulic lime-based mortar. The recessed area is to be paved with reclaimed granite setts. Beyond the access point, the revised proposals involve the provision of a new gravel courtyard to serve the dwellings to plots 01 and 02 and to afford visitor parking and a vehicular turning area.

The creation of the access will require the removal of two trees within the dense belt inside the garden of Villa Maria. The two trees, a lime and a horse chestnut, are both protected by Tree Preservation Order 79 (trees T68 and T69 respectively). The creation of the new opening and driveway will also necessitate the partial removal of a group of laurel trees which are not covered by the TPO but are afforded protection by virtue of the Conservation Area status of the site.

The proposed revisions to the access arrangements have also required some other modifications to the layout of the development. To take advantage of the new access, the dwellings to plots 01 and 02 are proposed to be turned 180º so that their front elevations face northwards, with the area to their south now providing private garden space. The remaining area of undeveloped land to the north of the two plots will also afford garden space for residents of the dwellings. The dwellings to plots 01 and 03 are of the same design and appearance as those originally approved, whilst the dwelling to plot 03 is not affected at all by the revisions and will remain as per the initially-approved scheme.

Additional planting is proposed within the garden areas of each dwelling to assist in mitigating the removal of the trees from alongside the boundary.

The application has been accompanied by a Design and Access Statement and an Arboricultural Assessment.

An application of this nature would normally be dealt with by Council officers under Delegated powers, but it has been referred to the Sub-Committee at the request of Ward Councillor Colin English.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
Tyne And Wear Archaeology Officer
English Heritage

Final Date for Receipt of Representations: **31.08.2017**

REPRESENTATIONS:

REPRESENTATIONS
Public consultation - representations have been submitted by the occupiers of the Old School House, West Lodge, The Firs and The Pottery, all Warden Law Lane. The following concerns/issues have been raised:

- The new access is in a dangerous position as exiting vehicles will do so onto a blind bend of Silksworth Road;
- Vehicles travelling west along Silksworth Road and turning into Warden Law Lane will not be able to avoid hitting vehicles exiting the proposed access point;
- It appears that the minimum sight lines required by traffic regulations cannot be achieved by the access, including looking southwards along Warden Law Lane;
- Local residents will have to put up with increased traffic and delays due to the new entrance and site traffic;
- Highway safety concerns alone should be enough to refuse planning permission;
- The proposal would have a serious negative effect on the Conservation Area due to the removal of mature trees and the damage to an historic stone wall;
- A similar proposal to create an access in the boundary wall at Silksworth Cottage was 'denied' and the wall had to be re-built after works had begun;
- The proposal will not conserve local character as it involves more 'healthy' trees being removed than the previously-approved application and it is inevitable that further trees will be removed in the future;
- The proposals are simply driven by profit rather than conservation interests;
- The existing approved access should be used instead of creating a dangerous situation, removing trees and damaging an historic asset;

It should be noted that planning permission cannot be withheld on the basis of potential disruption to neighbouring properties during construction works - it is inevitable that some nuisance or disruption may occur as a result of development being built and it is the responsibility of the developer and relevant authorities to ensure works are carried out in a safe and sympathetic manner.

With regard to the objectors' comment regarding a similar proposal at Silksworth Cottage, the Council's records indicate that planning permission and Listed Building Consent was granted for the creation of a new vehicular access and driveway in the Grade-II Listed boundary wall to the Cottage in 2015 (planning application ref. 15/01904/FUL and Listed Building Consent ref. 15/01905/LBC). It appears that following commencement of the approved development, the owners of the property uncovered a restrictive private covenant which prevented the completion of the works. The opening in the boundary was subsequently re-filled and the wall reinstated.

The other issues identified by the objectors in relation to highway safety and the development's impact on the Conservation Area and trees at the site are given consideration in the next section of this report.

Members should note that the period for receipt of representations does not expire until 31st August 2017. Details of any additional representations received after the preparation of this report will be provided at the Committee meeting.

Historic England - no comments to offer, advice is to seek the views of the Council's own specialist conservation and archaeology officers as relevant.

Northumbrian Water - no comments to offer.

Tyne and Wear County Archaeologist - comments provided in respect of initial application still stand. To this end, the County Archaeology officer had previously recommended that a programme of trial trenching be undertaken prior to commencement of development. A series of recommended conditions were provided which, in turn, require the undertaking of trial trenching, the submission of a post-excavation report and the preparation of a report detailing the results of the trenching which is suitable for publication.

Council's Highways officers - no objections to the proposal. The consultation comments provided simply advise that footway crossing works will be required to be carried out at the applicant's expense.

Council's Built Heritage officers - the consultation comments received note that the principle of redeveloping the site for three dwellings has already been established by the previous approval. In considering the previous scheme, it was concluded that the development was of high quality and would, on balance, enhance the character and appearance of the Conservation Area.

The proposed revisions to the approved scheme will, however, result in a different impact on the character and appearance of the Conservation Area due to the removal of part of the boundary wall to Warden Law Lane, the loss of further garden space and the removal of more trees from within the application site. With regard to the matters affecting Warden Law Lane, it is observed that the lane acts as the key historic street in the Conservation Area and its strong, attractive character is substantially defined by the high stone walls and mature trees which line the street, which provide a particular sense of enclosure. Proposals affecting the boundary walls must not compromise this distinctive character.

To this end, it is considered that the proposed access is sensitively designed and positioned and will consequently have minimal impact on the overall character and distinctiveness of the street. In reaching this view, it is observed that the proposals affect a section of wall which appears to be of later construction than other historic walling in the area and which has only been heightened in recent times (planning permission was granted for the heightening works in 2003 (planning app. ref. 02/00849/FUL)). It is also noted that Warden Law Lane begins to open out towards its junction with Silksworth Road at the proposed access point.

It is essential, however, that the works are carried out sensitively and consequently, dismantling works, repairs and the building of new sections of wall must be carried out by a reputable stonemason. It is recommended that specifications and method statements for the works, together with samples of any new stone and sample panels of fully bedded and pointed stonework, are required to be submitted by conditions.

In terms of the loss of trees, it is considered that the effect of two additional trees being removed on the character and appearance of the Conservation Area will be minimal in view of the sheer abundance of trees within the garden area and as most of these are only of 'moderate' quality (as categorised by the submitted Arboricultural Report). The leafy character of Warden Law Lane will therefore be maintained and it is also noted that additional planting within the garden is planned.

The Built Heritage team's comments do express some concern at the treatment of the garden areas, particularly the amount of gravelled hardstanding in comparison to lawns and planting. It is therefore requested that the proposals are revised to reduce the areas of hardstanding to the minimum required for the development.

In summary, the Built Heritage officer considers that subject to revised hard and soft landscaping proposals, the development as now proposed will still enhance the character and appearance of the Silksworth Hall Conservation Area, with the architectural design quality of the new dwellings outweighing the relatively minor negative impacts caused by the works to the boundary wall, the loss of trees and the landscape value of the application site's grounds. It is requested that in the event planning permission is granted, conditions to the following effect are imposed:

- Samples of all external materials to be submitted for approval;
- Method statement and full specifications for works to boundary walls to be submitted for approval;
- Full details of new access gates to be submitted for approval;

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
CN_17_Tree Preservation Orders and replacement of trees
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

CONSIDERATION OF APPLICATION
The principle of the proposed redevelopment of the site to demolish Villa Maria and erect three new dwellings has already been established through the approval of application ref. 16/00758/FDC. In determining the initial application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of land use, its impact on residential amenity, visual amenity, the character and appearance of the Conservation Area, highway and pedestrian safety, ecology and protected trees and its implications in relation to land contamination.

In considering these matters, it was concluded that the principle of the development, in terms of erecting new dwellings in the gardens of Villa Maria, was acceptable given the particular circumstances of the site. The site was also considered to be of low ecological and biodiversity value and to pose a low risk in terms of land contamination.

The proposed variation of condition 2 of the extant planning permission primarily seeks permission to amend the previously-approved access arrangements, but this proposal does give rise to fresh implications in respect of a number of the considerations listed above. However, rather than fully revisit all matters previously addressed in the determination of the initial planning application, it is considered appropriate that this report focuses on the matters requiring fresh consideration in light of the proposed revisions to the approved development. For a consideration of the full range of matters listed above, please refer to the Delegated report produced in respect of app. ref. 16/00758/FDC.

In considering the revised proposals, regard must be given to the National Planning Policy Framework (NPPF), which provides the current Government planning policy guidance. Development plans must be produced, and planning applications determined, with regard to the NPPF and it sets out a series of 12 'core planning principles' which should underpin plan-making

and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, take account of the different roles and character of different areas, conserve and manage heritage assets in a manner appropriate to their significance and contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EN10, B2, B4, CN17, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the impact of the revised proposals on visual amenity and the character and appearance of the Conservation Area;
2. the implications of the revised development in relation to protected trees;
3. the impact of the revised development on residential amenity;
4. the impact of the revised development on highway and pedestrian safety;

1. Impact of development on visual amenity and character and appearance of Conservation Area

As noted at the outset of this section of the report, one of the core principles of the NPPF is that new development should seek to conserve and manage heritage assets, such as Conservation Areas, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of the heritage asset affected by a development proposal.

Paragraph 131 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, meanwhile, places great weight on the conservation of heritage assets; the more important the asset, the greater the weight should be.

Also relevant is paragraph 137, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policy B2 of the UDP requires new development to respect and enhance visual amenity, whilst policy B4 seeks to ensure that new development within Conservation Areas will preserve or enhance their character and appearance.

Also pertinent to this application is the Silksworth Hall Conservation Area Character Appraisal and Management Strategy (CAMS). This identifies Villa Maria as being one of a number of villa-style properties built in the grounds to the north-west of Silksworth Hall from the 1960s onwards, which are characterised by large, secluded gardens and private driveways. It also identifies The Lodge and West Lodge as being of historic interest in their own right, given their age (late 19th century) and association with Silksworth Hall.

With regard to the boundary wall to Warden Law Lane, the CAMS notes that the walls flanking either side of the lane dominate the streetscene in a positive manner and contribute significantly to the character of the area and that although altered in places, they are an excellent feature of the Conservation Area.

In considering the merits of the initial planning application, the Council's Built Heritage officer concluded that although the CAMS (at Management Proposal 2b) generally seeks to resist the development of garden space within the Conservation Area, the high-quality architecture involved in the scheme and the perculiarly large size of Villa Maria's garden meant that the proposed development would, in fact, serve to enhance the character and appearance of the Silksworth Hall Conservation Area. Moreover, it would have an acceptable relationship with the historic former lodge buildings to the east and west of the development site.

As noted throughout this report, the new dwellings within the development as now proposed are of the same scale, design and appearance as with the initial approval and consequently, their impact on the character, appearance and significance of the Silksworth Hall Conservation Area is considered to remain acceptable.

The current proposal does, however, now involve the insertion of a new access in the boundary wall to Warden Law Lane, designed to serve plots 01 and 02 instead of the existing driveway of the property. As noted above, the CAMS identifies the walls to either side of Warden Law Lane as being important and significant features of the Conservation Area which contribute positively to its character and appearance and it goes on to advise (at Management Proposal 3b) that the Council will resist future proposals to create new openings in historic boundary walls.

It is recognised that the objectors to the application have expressed concern in respect of the impact of the proposals on the 'historic' boundary wall to Warden Law Lane and the potential negative effect of the proposals on the character and appearance of the wider Conservation Area.

However, as set out in the 'Representations' section of this report, the Council's Built Heritage officer has advised that the revised proposals are acceptable in terms of their impact on the boundary wall. In reaching this view, it has been taken into account that the section of boundary wall to be affected has been heavily modified and heightened in recent years and so is not of the same historic value, integrity and significance as other walls flanking the lane. In addition, Warden Law Lane also begins to widen at the location of the proposed access, so that the sense of enclosure to the lane provided by the flanking boundary walls is not as strong at this point as it is further to the south.

As such, and provided that the works associated with the provision to the new opening in the wall are carried out in an appropriately sympathetic and conservation-led manner (and it is recommended that in the event Members are minded to approve the application, conditions are imposed which require the submission of further specific details for the Council's approval), then it is considered that the proposals will not unacceptably harm the heritage value of the boundary wall or the particular character of Warden Law Lane and will not unacceptably undermine the significance of the Silksworth Hall Conservation Area.

Furthermore, the Council's Built Heritage officer has not objected to the removal of the two additional trees required to form the new access, on the basis that the garden of Villa Maria is very heavily planted with trees and as such, their loss will not significantly affect the level of tree cover within this part of the Conservation Area.

The Council's Built Heritage officer has raised some concern regarding the landscaping proposals for the site, in particular the extent of gravelled driveway/turning areas proposed to be provided. It is considered that this matter can be satisfactorily addressed by imposing a condition requiring the submission of a final detailed landscaping scheme for the development, to be formally agreed by the Council. It is recommended that Members impose such a condition in the event they are minded to approve the application.

Given the views of the Council's Built Heritage officer, and subject to the imposition of the recommended conditions in respect of the works to the boundary wall and the final landscaping proposals, it is considered that the proposals will not unacceptably harm the particular character of Warden Law Lane and will not unacceptably undermine the significance of the Conservation Area or have a detrimental impact on the visual amenity of the area. It is therefore considered that the proposals will not conflict with the aims and objectives of the NPPF, policies B2 and B4 of the UDP and the relevant guidance of the Silksworth Hall Conservation Area CAMS as detailed above.

2. Implications of development in relation to protected trees

Policy CN17 of the UDP seeks the retention of trees which make a valuable contribution to the character of an area as part of development proposals. As noted earlier, the trees within the gardens of Villa Maria are afforded protection either due to being covered by Tree Preservation Order 79 or due to the site being within a Conservation Area.

The application has been accompanied by an updated arboricultural survey, which considers the health, form and amenity value of the trees within the gardens of Villa Maria and the impact of the proposals on those trees to be retained. The initial application proposed the felling of a total of 8 no. individual trees and a group of trees, but only one of these was covered by the TPO (tree no. T80 of the TPO, tree T1 of the tree plan submitted with the survey). The revised proposals also involve the felling of two more trees (T68 and T69 of the Order, trees T5 and T6 of the plan submitted with the survey) and the partial removal of a group of trees (not protected by the Order).

The survey categorises all trees proposed to be felled as part of the initial approval as being of low retention value and/or, including in the case of tree T80, where decay has been identified, in poor health. It concludes that the trees to be lost are low value specimens which contribute little to the site and have limited aesthetic value beyond the site boundaries. As such, it is suggested that the impact of the removal of these trees will be minor and experienced at site level only and their removal was consequently approved in association with the approval of previous application ref. 16/00758/FDC.

The two additional trees proposed to be felled are, however, categorised as being of 'moderate' value, although tree T6 (the lime) exhibits major deadwood in its crown. The group proposed to be partially removed (mainly laurel) is also categorised as being of 'moderate' quality.

The arboricultural survey submitted with the application has concluded that the majority of the trees to be removed are of limited aesthetic value and contribute little to the site and the character and appearance of the wider area. The moderate value trees are, as would be expected, more prominent and consequently are of greater positive value to the site and wider area. The survey does observe, however, that the majority of the moderate-value trees at the site, including those alongside the Warden Law Lane boundary, will be retained. Whilst the removal of the moderate-value trees would, without any mitigation, lead to a negative impact at site level, the

survey concludes that the proposed additional planting within the gardens of the new dwellings (the planting of small- to medium-sized native species is recommended) will assist in compensating for the loss of the existing trees, to the extent that the proposed development would only result in a 'minor negative impact' at the site.

Given the conclusions of the survey, it is evident that the majority of the trees to be lost at the site are of limited value in terms of the contribution they make to the character and appearance of the locality and the Conservation Area and consequently, there is no objection to their removal. The trees of 'moderate' value do make a greater, more positive contribution to the amenity of the area, but as set out above, it is considered that their loss would only result in a minor negative impact at the site given the level of coverage to be retained and the additional planting planned. It is therefore considered that overall, the proposed tree removals associated with the proposed development will not result in any significant or unacceptable harm being caused to the character and amenity of the locality and Conservation Area, in accordance with the requirements of the NPPF and policy CN17 of the UDP.

With regard to the retained trees at the site, it is noted that the highest quality trees, particularly those around the northern boundary of the site covered by the TPO, are to be incorporated into the development. The survey considers the potential for conflict between the retained trees and the new dwellings at the site (e.g. possible encroachment, shading, leaf fall, honeydew etc.), but suggests that this type of arrangement is common in the locality and to be expected in an area which is characterised by mature tree coverage. As such, whilst the potential for post-development impacts exists, it is not considered to be a significant issue.

The survey has also noted that the development involves some ground and building works (including the provision of the new driveway) in close proximity to retained trees with Root Protection Areas and these works must employ special construction techniques in order to minimise disturbance to their roots. The survey advises that providing appropriate protective measures and construction techniques are employed during development, trees on the site can be retained and that the impacts of the development on the retained trees is 'highly likely' to be neutral.

With regard to the above, it is considered that, subject to conditions requiring the employment of special construction techniques where development is proximate to retained trees, the implications of the proposals in respect of the protected trees at the site will be acceptable and so the development accords with the requirements of policy CN17 of the UDP.

3. Impact of development on residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties, a position which echoes the core principles of the NPPF. The NPPF also sets out that development must afford future occupiers of residential accommodation with satisfactory living conditions.

More detailed guidance is provided by the Council's 'Residential Design Guide' Supplementary Planning Document (SPD) and in this regard, it sets out spacing recommendations to ensure that existing and new dwellings are adequately separated in the interests of affording appropriate levels of outlook and privacy. The SPD recommends that a distance of 21 metres should be maintained between elevations containing main living room windows, whilst 14 metres is appropriate where one elevation is blank or contains only secondary windows.

The impact of the initial proposals on the living conditions of neighbouring dwellings was given very careful consideration in assessing the merits of the initial planning application. For the reasons set out in the delegated report produced in respect of that application, it was considered that the development would have an acceptable relationship with the neighbouring dwellings in terms of their outlook, privacy and in terms of overshadowing and daylight/sunlight.

As noted earlier in this report, the proposed provision of a new access into the plot from the north has required the dwellings to plots 01 and 02 to be turned 180º in comparison to the initial approval, so that their front elevations now face northward. The dwellings do, however, stand on almost identical footprints to those initially approved and their overall scale, massing, design and appearance will also remain the same. As such, it is considered that the revisions to the dwellings occupying plots 01 and 02 will not materially affect their relationship with neighbouring dwellings, in terms of overshadowing, daylight/sunlight and outlook, when compared to the initial approval.

The revised plans do, however, show bedroom windows in the side elevations of the dwellings to plots 01 and 02 which, it is considered, would permit some intrusive overlooking of the garden areas of The Lodge and West Lodge respectively, to the detriment of their privacy. The applicant's agent was contacted regarding this concern and has amended the proposals so that the bedrooms are instead served by windows in the north elevations of the two dwellings, so that the windows face into the garden/driveway areas to the front of each property. This arrangement is considered to be acceptable and to overcome the concerns identified in respect of the privacy of The Lodge and West Lodge.

In addition to the above, it is considered that the revised proposals will still afford occupiers of the new residential units with acceptable living conditions. Each dwelling will continue to benefit from windows and openings providing good levels of outlook and amounts of natural light, whilst dwellings 01 and 02 will still be afforded sizeable areas of private garden to the north and south of each plot (the applicant's agent has produced a site plan to clarify the 'demise' of each plot).

With regard to the above comments, it is considered that the implications of the proposed development as revised on the living conditions of existing neighbouring properties are acceptable, whilst it is considered that the three new dwellings to the site will still provide prospective occupiers with appropriate levels of amenity. The proposals therefore comply with the requirements of the NPPF and policy B2 of the UDP in this regard.

4. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not give rise to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded appropriate levels of dedicated car parking. Paragraph 32 of the NPPF, meanwhile, advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

It is noted that objectors to the proposals have expressed concern in respect of the position of the new access point and its relationship with the junction between Warden Law Lane and Silksworth Road. It has also been suggested that the visibility offered by the new access will be poor and will therefore present a danger to motorists and pedestrians.

The Council's Highways team has, however, offered no objections to the scheme in response to consultation. In reaching this view, the following matters have been taken into consideration:

- Warden Law Lane is a cul-de-sac (albeit with a connection through to Silksworth Hall Drive at its southern end) and as such, is not a 'through route';
- the wall is to be splayed to assist with visibility and the visibility it affords is considered to be satisfactory given the access is to only serve two dwellings;
- the access gates are recessed to allow for vehicles to be parked off the highway as the gates open;
- the footway to the east side of Warden Law Lane ends adjacent to the access point and so there is unlikely to be any conflict between users of the access and pedestrians;
- the access only serves two dwellings and so the intensity of its use by vehicles and pedestrians will be low;

Given the above, the Council's Highways team is of the view that the proposed development is unlikely to give rise to conditions which would unacceptably compromise highway and pedestrian safety. The proposals do not, therefore warrant the refusal of planning permission on highways grounds.

In the absence of any objection to the proposals from the Council's Highways team, it is considered that the implications of the development in relation to highway and pedestrian safety are acceptable and the proposals are therefore considered to accord with the requirements of policies T14 and T22 of the UDP and the NPPF in this regard.

CONCLUSION

The approval of the previous planning application established the principle of the proposed development of the site for the demolition of Villa Maria and the erection of three new residential dwellings. The current application has sought amendments to the initial approval in order to accommodate a new access onto Warden Law Lane and this report has given consideration to the specific impacts of the proposed revisions to the scheme.

To this end, for the reasons set out above, it is considered that given the particular location of the new access point within the boundary wall, and subject to the imposition of the recommended conditions, the amended proposals will not result in any unacceptable harm to the visual amenity of the locality, the particular character and appearance of Warden Law Lane or the heritage significance of the wider Silksworth Hall Conservation Area.

Furthermore, it is considered that althe impact of the development on the protected trees at the site is also acceptable and that the proposed removal of trees will not have an unacceptable negative impact on the overall level of tree cover at the site and the character and amenity of the wider locality.

Additionally, it is considered that the implications of the development in respect of highway and pedestrian safety are acceptable, whilst
with regard to residential amenity, the proposed dwellings have been amended to ensure their impact on the living conditions of existing neighbouring properties is acceptable.

Objectors to the application have suggested that the applicant should be required to utilise the previously-approved access arrangements rather than be allowed to create the new proposed access. As detailed earlier in this report, the applicant has encountered issues in respect of a private covenant which limits the use of Villa Maria's driveway and which would, if not lifted, serve to prevent the approved development from taking place. In these circumstances, the Council is obliged to give consideration to the proposed alternative and having thoroughly assessed all

relevant planning issues, it has been concluded that the proposals are acceptable in respect of built heritage, protected trees, highway safety and residential amenity.

In summary, whilst the proposed revisions to the development do have some minor negative impacts in terms of the impact on the boundary wall and the trees at the site, these impacts are not considered to be harmful enough to warrant refusal of planning permission. Moreover, the proposals would assist with the delivery of three residential dwellings which, it must be recognised, will make a small but positive contribution to the supply of high-quality housing in the area. It is therefore considered that on balance, the proposals are acceptable and represent the sustainable development sought by the NPPF.

The development is therefore considered to accord with the core principles and relevant sections and paragraphs of the NPPF, policies EN10, B2, B4, CN17, T14 and T22 of the Council's adopted UDP and the relevant parts of the Council's adopted Silksworth Hall Conservation Area CAMS.

However, as noted in the 'Representations' section of this report, the public consultation exercise undertaken in respect of this application has not yet expired. A Supplementary Report will provide details of any representations submitted by members of the public, together with a recommended decision.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY
During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION - Minded to Approve, subject to expiry of public consultation and subject to the following conditions:

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

the location plan (drawing no. 1510/Planning/08A);
the existing site plan/topographical survey (drawing no. P2638/amr/1);
the proposed site plan/'demise' plan (drawing no. 1510/Planning/09);
the amended dwelling type 01 as proposed (drawing no. 1510/Planning/01B);
the amended dwelling type 02 as proposed (drawing no. 1510/Planning/03B);
the amended dwelling type 03 as proposed (drawing no. 1510/Planning/Type 03B);
the amended Silksworth Hall Drive site elevation as existing and proposed (drawing no. 1510/Planning/05A);
the amended Villa Maria site sectional elevation as existing and proposed (drawing no. 1510/Planning/07B);
the amended Warden Law Lane site elevation as existing and proposed (drawing no. 1510/Planning/06B);

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 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 areas indicated on the approved plans for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved details before the residential units hereby approved are occupied. The areas shall then be available for such use at all times and shall be used for no other purpose for the lifetime of the approved development, in the interests of highway safety and to comply with policies T14 and T22 of the UDP.

5 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, 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 UDP.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping and treatment of hard surfaces within the application site. For the avoidance of doubt, the scheme should seek to minimise areas of hard surfacing within the development site and shall provide details of all new trees proposed to be planted in order to mitigate the loss of existing trees at the site. The agreed scheme shall then be implemented in accordance with the timings set out by condition 8 of this decision notice, in the interests of visual amenity and to comply with policy B2 of the UDP.

7 All planting, seeding or turfing comprised landscaping scheme approved pursuant to condition 6 shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

8 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and, where appropriate, mitigation excavation) has been completed in accordance with a specification provided by the Local Planning Authority, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and UDP policies B11, B13 and B14.

9 The dwellings hereby approved shall not be occupied until a final report of the results of the archaeological fieldwork undertaken pursuant to condition 8 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains at the site can be preserved wherever possible and recorded, in accordance with the requirements of paragraph 141 of the NPPF and UDP policies B11, B13 and B14.

10 The dwellings hereby approved shall not be occupied until a report detailing the results of the archaeological fieldwork undertaken pursuant to condition 8 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, in order to enhance understanding of, and allow public access to, the work undertaken, in accordance with paragraph 141 of the NPPF and UDP policies B11, B13 and B14 of the UDP.

11 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

12 No equipment, machinery or materials required for the purpose of the approved development shall be brought onto the site until the ground and tree protection measures set out in section 4.2.4 - 4.2.5 of the 'Arboricultural Impact Assessment: Villa Maria' (May 2017) and the accompanying Tree Protection Plan (dated 25th May 2017), prepared by Dendra Consulting Ltd. and submitted with the planning application, have been installed at the locations shown on the Tree Protection Plan. The protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site and nothing shall be stored or placed in any area fenced in accordance with this condition, the ground levels within those areas shall not be altered and nor shall any excavations be made, without the written consent of the Local Planning Authority, in order to protect retained trees at the site and comply with the requirements of policy CN17 of the UDP.

13 Any development, including the laying down of hard surfaces, within the Root Protection Areas of trees to be retained at the site must be undertaken in accordance with the specification provided at section 4.2.1 - 4.2.3 of the 'Arboricultural Impact Assessment: Villa Maria' (May 2017), prepared by Dendra Consulting Ltd. and submitted with the planning application, in order to protect retained trees at the site and comply with the requirements of policy CN17 of the UDP.

14 The development hereby approved shall be carried out in strict accordance with section 6 ('Recommendations and Mitigation') of 'Ecology Report for: Villa Maria' (dated August 2015, submitted with planning application ref. 16/00758/FDC) unless otherwise first agreed in writing with the Council as Local Planning Authority, in order to minimise the risk of protected species being adversely affected by the development and comply with policy CN22 of the Council's adopted UDP.

15 The development hereby approved shall not commence until a plan showing the proposed location of the bird boxes and bat roosting units required pursuant to compliance with condition 14 has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in compliance with the approved details in order to enhance biodiversity opportunities at the site and comply with the objectives of paragraph 118 of the NPPF and policy CN22 of the Council's adopted UDP.

16 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the City Council as Local Planning Authority:

1) A preliminary risk assessment which has identified:

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

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

17 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved, in order to comply with the requirements of paragraph 109 of the NPPF and policy EN14 of the UDP.

19 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, all windows and openings shown on the approved plans (i.e. drawing nos. 1510/Planning/02B, 1510/Planning/03B and 1510/Planning/Type 03B) as being finished with obscured ('stippolyte') glazing shall be fitted with such glazing prior to the occupation of the dwellings hereby approved and shall be maintained as such thereafter for the lifetime of the development, in order to maintain acceptable standards of privacy and comply with the requirements of policy B2 of the Council's adopted UDP.

20 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, all of the screens to all of the balconies of the dwellings hereby approved shall be put in place prior to the occupation of the dwellings and maintained as such thereafter for the lifetime of the approved development, in order to maintain acceptable standards of privacy and to comply with the requirements of policy B2 of the Council's UDP.

21 Notwithstanding the provisions of Schedule 2, Classes A, B, C and D of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no extensions or other external alterations amounting to development shall be undertaken to the dwellings hereby approved, in order to maintain acceptable standards of visual and residential amenity and to comply with the requirements of policies B2 and B4 of the UDP.

22 Notwithstanding the provisions Schedule 2, Part 1, Classes A and C of the current Town and Country Planning (General Permitted Development) Order or any statutory instrument which revokes and re-enacts the provisions of that Order, no windows or openings other than those shown on the approved plans shall be inserted in the dwellings hereby approved, in order to maintain acceptable standards of design and amenity and to comply with policies B2 and B4 of the UDP.

23 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no detached outbuildings or other detached structures shall be erected within the curtilages of the dwellings hereby approved, in order to maintain acceptable standards of design and amenity and to comply with policies B2 and B4 of the UDP.

24 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which revokes and re-enacts the provisions of that Order, no hard surfaces other than those shown on the approved plans shall be installed within the curtilages of the dwellings hereby approved, in order to maintain acceptable standards of design and amenity and to comply with policies B2 and B4 of the UDP.

25 The works associated with the creation of the new access in the boundary wall to Warden Law Lane must not commence until samples of all external materials have been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, samples of stone walling, stone copings, granite setts and channels and gravel for the driveway/courtyard must be submitted for the Council's written approval. A fully-bedded and pointed sample panel of the new stonework to be used in the access works must also be provided on site for the Council's written approval. The development must then be undertaken in full accordance with approved details, in order to ensure the development respects the character, appearance and significance of the historic environment and comply with the objectives of the NPPF and policy B4 of the UDP.

26 The works associated with the creation of the new access in the boundary wall to Warden Law Lane must not commence until a method statement and full specifications, to be provided by a reputable stone mason, for the careful dismantling of the wall section, salvaging of stones for re-use, construction and pointing of new walling and any 'making good' repair works, has been submitted to and approved in writing by the Council as Local Planning Authority. The development must then be undertaken in full accordance with approved details, in order to ensure the development respects the character, appearance and significance of the historic environment and comply with the objectives of the NPPF and policy B4 of the UDP.

27 The works associated with the creation of the new access in the boundary wall to Warden Law Lane must not commence until detailed drawings of the new timber vehicular and pedestrian access gates have been submitted to and approved in writing by the Council as Local Planning Authority. The development must then be undertaken in full accordance with approved details, in order to ensure the development respects the character, appearance and significance of the historic environment and comply with the objectives of the NPPF and policy B4 of the UDP.

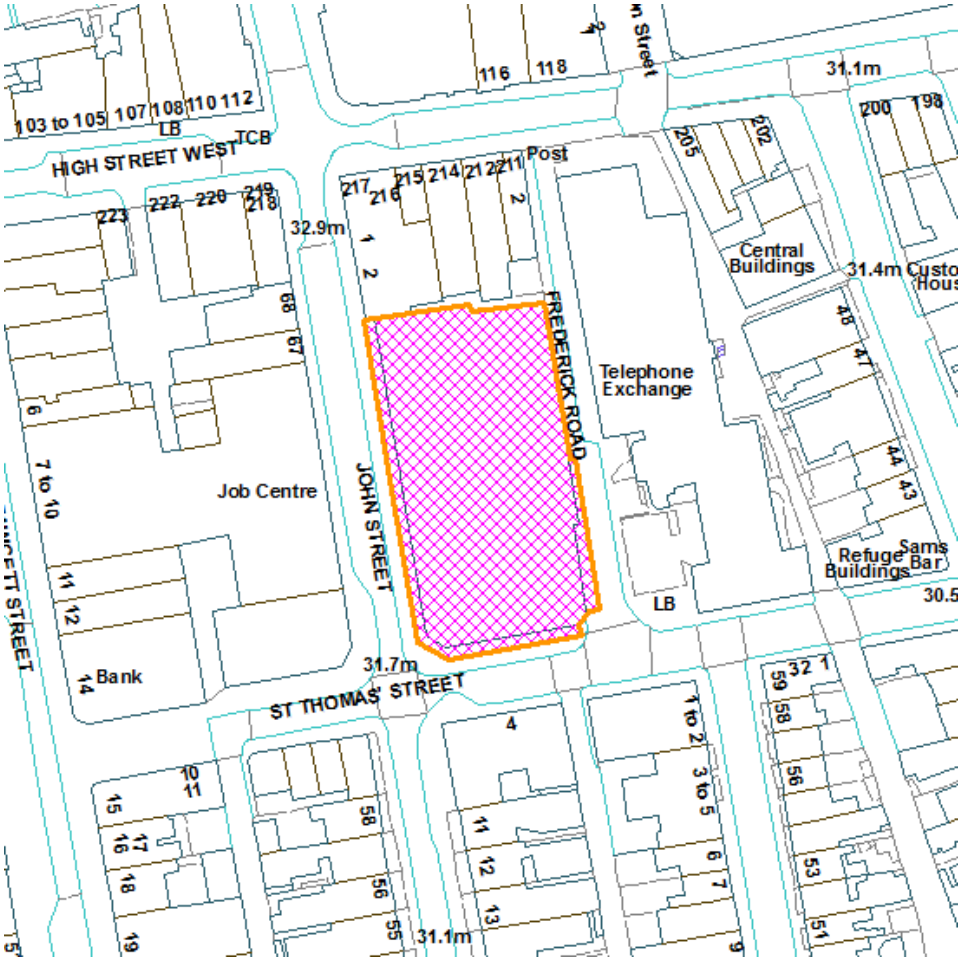
Reference No.: 17/01201/FUL Full Application

Proposal: **Sub-division of existing ground floor retail floor space into 3no. retail units (Use Class A1), entranceway and management office for proposed upper floor accommodation, change of use of upper floors, including additional floor space to fourth floor, to 166no. student bed accommodation (Sui Generis) and provision of external alterations**

Location: Former Joplings John Street City Centre Sunderland SR1 1DP

Ward: Hendon
Applicant: Jaspia Ltd
Date Valid: 21 June 2017
Target Date: 20 September 2017

Location Plan



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PROPOSAL:

Site and Surroundings

This application relates to the former Joplings department store building, a large prominent building situated on the corner of John Street and Saint Thomas Street in City Centre and the Sunniside Conservation Area.

The site is situated amongst typically lower level commercial properties on John Street including an adjoining two-storey building which accommodates an employment agency to the north with a cycle shop beyond and two- and three-storey buildings on the opposite west side of the street which accommodate a restaurant, Job Centre, furniture shop and bookmakers in their ground floors. Traffic lights and bus stops exist adjacent to the site along John Street, which serves as part of numerous bus routes. The six-storey British Telecom building is situated immediately to the east on the opposite side of Frederick Road which runs along the rear of the site. The three-storey Grade II Listed River Wear Commissioners' Building and a further three-storey block accommodating an insurance agency, tea rooms, restaurant and offices are situated on the opposite side of Saint Thomas Street to the south.

The host building, constructed in 1956, has been vacant since June 2010, having previously been operated by Joplings as a department store. The building comprises a basement level in addition to five storeys, including limited additional accommodation and plant on the fourth/roof level, a maximum footprint of some 2400sq.m and a gross internal floorspace of 12,658sq.m. The western and southern sections of the ground floor of the building are notably recessed, creating a concrete canopy above the public footway along John Street and Saint Thomas Street. The upper two storeys are also notably set back from the western and southern building lines of the second and third storeys and the top floor, which has a floor area of some 951sq.m, occupies only the southern part of the building. The southwestern corner of the building is chamfered and contains Joplings signage and a blue clock face on a white backdrop whilst further signage remains in situ on the western and southern elevations. The building is finished predominantly with facing brickwork with exposed steelwork on its rooftop, has three customer entrances (two from John Street and one from Saint Thomas Street) with service access from Frederick Road to the east and includes particularly wide windows to its western and southern elevations and smaller windows on its eastern elevation.

Relevant Planning History

Planning permission was granted in March 2009 (ref. 08/04727/FUL) to reduce the retail area of the Joplings department store to only the basement, ground and first floors and to change the use of the upper three floors of the building and extend the top floor to provide a 120-room hotel with associated elevational treatments. This consent was extended by an additional three years in March 2012 and has now expired.

Planning permission was granted in June 2012 (ref. 12/00793/FUL) to reduce the retail area of the department store to only the basement and ground floors and to change the use of the first, second and third floors to provide a 119-room hotel, with the fourth floor to be used for plant and maintenance. This consent was granted for a period of three years and has also now expired.

Planning permission was granted in March 2016 (ref. 16/00037/FUL) to reduce the retail area of the building to only the ground floor and to change the use of the first, second and third floors to provide a 122-room hotel, with the fourth floor accommodation to be removed. This consent has not been implemented but remains extant.

Proposal

Planning permission is sought to sub-divide the ground floor of the host building to provide 3no. retail units (Use Class A1) and an entrance and management office for the proposed upper floor accommodation and to change the use of the upper floors and extend the top floor to provide student accommodation (Sui Generis) comprising a total of 166no. bedrooms (reduced from 178no. as originally proposed) and ancillary communal facilities.

The host building includes a basement level, however there are no current proposals to utilise this.

At ground floor level, the existing retail space would be divided into 3no. separate units, one (Unit 1) in the northern section and two (Units 2 and 3) in the southern section of the building. Units 1 and 3 would be divided by a new entranceway, management office and lobby to serve and provide access to the upper floors via a new doorway to be provided from John Street. The two main access and fire escape from John Street and main access from Saint Thomas Street would be retained to serve the proposed shops, Unit 2 would be afforded a new doorway from Saint Thomas Street and the service accesses and fenestration onto Frederick Road to the east are to be reconfigured. The ground floor would also accommodate bin stores for the retail units and a further room which would accommodate either plant or bins for the proposed upper floor accommodation.

A total of 35no. bedrooms are proposed at first floor level, to be arranged around the three outer walls of the building. This level would also accommodate 4no. communal areas, a gym, a leisure suite, a cinema room, a lounge area, a bin store and storage space and afford access to 2no. central courtyards.

The second floor would accommodate 45no. bedrooms, the majority of which would be arranged around the outer walls of the building with 10no. bedrooms fronting onto an internal courtyard/atrium. Four communal rooms would be provided, with windows facing into the atrium, and a plant room would be provided behind the eastern stairway.

The third and fourth floors of the building would each accommodate 43no. bedrooms in addition to 4no. communal rooms and a plant room, to be laid out in a similar arrangement to the second floor.

In order to accommodate the proposed accommodation in the fourth floor, the floorspace of this level is proposed to be extended from 951sq.m to 2100sq.m, to match the footprint of the third floor. The upper two floors fronting John Street and Saint Thomas Street would be finished with glazing and cladding panels which are intended to mirror the glazing panels to provide a finish of lightweight appearance.

Other proposed external alterations comprise the installation of an entrance feature above the new entrance to the upper floor accommodation to first and second floor levels, replacement windows and new fenestration features and the application of render to the upper two floors of the east and southeast elevations. The existing concrete canopy and the clock on the southwest elevation are to be retained.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer
Fire Prevention Officer
NE Ambulance Service NHS Trust
Nexus
Northumbrian Water
Southern Area Command - Police
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **28.07.2017**

REPRESENTATIONS:

One representation has been received in response to publicity of this application, submitted on behalf of the University of Sunderland, wherein no objection is made and comments are provided in respect of local and national policies, as set out subsequently in this report, and requests that the significant offering in terms of economic and social benefits which the University brings to Sunderland, in particular the City Centre, is protected. This representation also notes that the University has had no direct engagement with the application regarding this application, however the applicant has provided evidence to the contrary in the form of an email to the University which was sent prior to the submission of this application.

External Consultees

The County Archaeologist recommends that the building be photographically recorded in advance of any development and archive research be undertaken to provide a summary of historic information on the store, given that residents are likely to have memories of the Joplings store which, as such, should be deemed a non-designated heritage asset.

Nexus has advised that John Street is served by up to 44no. buses per hour and, as such, disruption to bus services and passengers should be kept to a minimum during construction works.

Northumbrian Water confirmed that no comments are offered in this instance.

The Tyne and Wear Fire and Rescue Service confirmed that it has no objections to the proposal and provided recommendations relating to Building Regulations.

Internal Consultees

Ecology has offered no objection, noting that the submitted Ecological Risk Assessment Report constitutes an appropriate assessment and, whilst no Habitats Regulations Assessment Screening Opinion Report has been submitted, given the nature and location of the proposed development, it can be concluded that there would be no likely significant effect and, as such, the Council, as competent authority, can screen out the need for further consideration of the impact of the proposed development under the Habitats Regulations Assessment (HRA).

Environmental Health has advised that the proposal is acceptable subject to appropriate conditions relating to glazing and ventilation to achieve appropriate noise levels for residents of the proposed development.

The Flood and Coastal Team, as Lead Local Flood Authority, has recommended approval in respect of flood risk and drainage based on the submitted information.

Network Management has advise that the proposals are considered to be generally acceptable in terms of highways and recommend the imposition of conditions to address any external building works to assist with the safe movement of pedestrians and other highway users, cycle storage facilities and a building management plan to address servicing and refuse collection arrangements for the residential use. Further details are set out in the "Highway Implications" section of this report below.

POLICIES:

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

B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_10_Development affecting the setting of listed buildings
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
B_15_Developments causing large scale ground disturbance (currently undeveloped areas)
B_16_Assessing, recording and preserving historic sites discovered during development
B_24_Appropriate provision for utility services in building development
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_12_Conflicts between new development and flood risk / water resources
H_18_Proposals for provision/ conversion of dwellings for multiple occupation
S_2_Encouraging proposals which will enhance / regenerate defined existing centres.
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The main issues to consider in assessing the proposal are as follows:

1. Land Use
2. Interim Student Accommodation Policy (Including Amenity)
3. Design, Scale, Massing and Appearance

4. Heritage
5. Highway Implications
6. Ecology
7. Flood Risk and Drainage

1. Land Use

Chapter 1 of the National Planning Policy Framework (the "NPPF") is concerned with delivering sustainable development whilst Chapter 2 of the NPPF encourages planning policies and decisions to promote competitive town centre environments and for local authorities to make policies for the management and growth of centres.

Policy S2 of the Council's adopted Unitary Development Plan (the "UDP") advises that favourable consideration be given to proposals which will sustain and enhance the vitality and viability of existing centres whilst policy H18 of the UDP states that proposals for the conversion of non-residential buildings which are vacant or under-used will normally be approved where they will not conflict with other policies and proposals of the plan.

The application site lies within the Central Sunderland Boundary as defined by the adopted UDP Alteration No. 2 (Central Sunderland) and, as such, is subject to policy EC10A therein which promotes the regeneration of Central Sunderland through maximising investment in employment, housing, leisure, tourism and education and strengthening the retail function of the City Centre retail core.

Policy EC5B of Alteration No.2 identifies particular areas within the City Centre as Strategic Locations for Change wherein the Council is to encourage environmental/access improvements and selective mixed use redevelopment which improves connection and integration with the surrounding urban area and with public transport infrastructure. Proposals for redevelopment within such areas are required to:

o Contribute to achieving increased intensity of development around public transport nodes and a concentration of land uses that are most likely to benefit from proximity to public transport;
o Create linkages between different land uses;
o Take account of the potential of these prominent locations in enhancing the image of the city; and
o Accord with UDP Supplementary Planning Guidance.

The host property is situated within an approximately 27.5 hectare area identified by policy SA55B.1 of the UDP Alteration No. 2 as Sunniside, which specifies the following uses to remain predominant within the defined area:

o A2: Financial and Professional Services
o A3: Restaurants and Cafés
o A4: Drinking Establishments
o B1: Business
o C3: Housing

This policy goes on to advise that the following uses are also acceptable within the Sunniside area:

o A1: Retail
o C1: Hotels

- D1: Non-Residential Institutions (art galleries and exhibition space only)
- D2: Assembly and Leisure (health and fitness and on upper floors only)

This policy advises that proposals for uses not identified above will be considered on their individual merits and that the Council wishes to encourage a greater concentration of living opportunities associated with a mixed-use development ethos.

Furthermore, policy SA67A of UDP Alteration No. 2 states that the Council will support proposals for housing development within Central Sunderland and, in particular, the City Centre where sites are not identified or safeguarded for other purposes.

More specifically, the site is situated within the Historic Core (West), as defined by the adopted Sunniside Planning and Design Framework Supplementary Planning Document (SPD). This document identifies the following uses within this area:

Preferred Use:

- A2: Financial and Professional Services

Acceptable Uses:

- A1: Retail
- A3: Restaurants, snack bar, cafés (in accordance with Evening Economy SPD guidelines)
- A4: Pubs and Bars (in accordance with Evening Economy SPD guidelines)
- B1(a): Offices (upper floors only)
- C1: Hotels
- C3: Housing (upper floors only and not hostel or bedsit-type accommodation)

This document also recommends that basement level uses be encouraged.

The proposed retail use of the ground floor of the host building is identified as being acceptable by both aforementioned documents and retains the existing lawful use of this floor. Subdividing this floor to three self-contained units is also likely to cater for a larger number of potential users, thereby increasing the likelihood of bringing this part of the building back into viable use. Whilst part of the ground floor would accommodate a management office and entranceway to the proposed upper floor student accommodation, this would occupy a relatively small proportion of the floorspace and frontage of the ground floor and active frontages would be presented onto John Street and Saint Thomas Street.

The proposed accommodation in the upper floors of the building is considered to be a Sui Generis use and is not explicitly identified as an acceptable use in this part of Sunniside by either of the documents referred to above. However, housing is identified as an acceptable use in upper floors and, whilst the proposed accommodation does not fall within Use Class C3, it would provide high-density accommodation in the City Centre with excellent public transport links, so accords with this aspiration of the UDP Alteration No.2. In addition, the proposal does not comprise hostel or bedsit-type accommodation; the proposed accommodation is bespoke for students, with cooking facilities and study rooms to be shared and each room containing an en-suite and desk. Therefore, the proposal is considered to accord with the aspirations of the UDP Alteration No. 2 and the Sunniside Planning and Design Framework.

In addition, the proposed development would make a significant contribution to the student population of the City Centre and result in an increase in activity within the City Centre during

daytime and evening hours. Indeed, the Council's Economic Masterplan promotes the creation and evolution of a University City as a key driver of regeneration of the City Centre.

For such reasons, the proposal is considered to be acceptable in land-use terms.

2. Interim Student Accommodation Policy

Policy B2A of the UDP alteration No. 2 relates to sustainable urban design and states that the City Council will seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit whilst UDP policy EN6 seeks to protect proposed noise-sensitive development from exposure to existing sources of noise or vibration.

Having particular regard to proposals to provide student accommodation, the Council's Interim Student Accommodation Policy states that, "to assist in the regeneration of the City Centre and in creating a "University City", the Council will consider favourably proposals for purpose built student accommodation or the conversion of existing buildings for student accommodation within the City Centre and on existing university campuses provided that proposals demonstrate that:

a) the development meets an identified need in terms of quantity;
b) the development meets an identified demand in terms of quality;
c) the development is of a scale and appearance appropriate to its surroundings;
d) the development is located within close proximity to local facilities and is accessible to the university by foot, cycle and public transport; and
e) the accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development".

o a): The development meets an identified need in terms of quantity

Having regard to quantitive need, the Councils Housing Strategy Team has recently provided comments, as detailed below, on a development to accommodate 323 students on a site in Bonnersfield on the north bank of the River Wear (application ref. 16/02247/FUL), which Members resolved to approved 08 August 2017 subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (a "S106 Agreement") to ensure that the premises remains solely in use as student accommodation only.

As of October 2016, the University had 10,709 students, of which 5,792 live in Sunderland, and it is estimated that 761 of these students live in halls of residence and 3136 live in the private rented sector. It is understood that there are 593 current bed spaces (and 225 units of accommodation) in larger purpose built / converted accommodation and, as of October 2016, there were 366 students living here. A further 163 students reside in the Echo Building, leaving 2380 living in smaller purpose built/converted accommodation or Houses in Multiple Occupation (HMOs).

Outside of Sunderland, the largest concentration of Sunderland University students live in Durham (1123), South Tyneside (848) and Newcastle (783), with the remainder residing in other outlying areas. Looking at the students living in Newcastle, who may be influenced to live in Sunderland if there were more high quality purpose built accommodation were available, it is considered that there may be a potential demand, as 415 live either in private rented accommodation or their own properties. Whilst there are likely to be a number of varying reasons as to why these students choose to live outside of Sunderland, anecdotal evidence suggests that one reason may be that Newcastle offers more evening jobs, attracting students to live nearby to make their commute more feasible and cost effective.

The overall current trend also indicates a downturn in the number of students enrolling at the University, which is expected to continue in the short term with the University consolidating its offer and reducing its number of courses. The UK leaving the European Union together with proposals to reduce immigration to the UK (including students) may impact upon this further, resulting in a lower demand for accommodation than at present.

In support of this application, the applicant has provided a Planning Support Statement which argues that the benefits of the proposed development, in respect of enhancing the prosperity of the City Centre and bringing a prominent vacant building back into use, far outweigh the requirements of the Interim Student Accommodation Policy for the developer to demonstrate need. Whilst this is a strong case to support the application, it is not considered that the applicant has demonstrated that the proposed development meets an identified quantitive need. The applicant also states that the University was consulted prior to the submission of this application and raised no objection, however this, again, does not constitute demonstration that the proposal meets an identified quantitive need.

o b): The development meets an identified need in terms of quality

In terms of quality of accommodation proposed, the applicant notes in the supporting Planning Support Statement that the developer is a well-established provider of high-quality student accommodation within the northeast and the submitted plans illustrate a high quality of life for future occupants, in-keeping with the applicant's business model.

As alluded to above, like other University cities across the UK, many current students in Sunderland choose to live in (HMOs) within established residential areas, such as Roker Avenue. This, in part, reflects Sunderland's current student accommodation offer which, as set out in the Times Higher Education Student Experience Survey 2016, is ranked within the bottom quartile of all universities nationally, as assessed by students. This is reaffirmed by the data set out above regarding the number of Sunderland University students living outside of Sunderland.

The development of new, high quality and bespoke student accommodation facilities will provide students with greater choice in terms of the accommodation offer when starting university and initially could lead to a housing decline in the traditional student areas of the City, should students choose new purpose-built facilities over the more traditional residential stock. However, such a change should be considered in the context of the Council's wider housing strategy. The decline and subsequent potential release of HMOs back onto the open market could enable these properties to be converted back to single dwellings or flats for families and professionals, which would assist in meeting Sunderland's objectively assessed housing requirement.

Whilst it is essentially a commercial decision (and therefore not a material planning consideration) for the applicant to invest in Sunderland with this form of development, the level of investment proposed clearly reflects a commercial perception that there is potential for growth within Sunderland's student housing market and is a vote of confidence in favour of the recent and on-going regeneration in and around the City Centre.

Paragraph 6.14 of the Interim Student Accommodation Policy advises that proposals should encourage social and community living, with consideration being given to providing a range of accommodation units, such as studios and cluster flats which can provide accommodation for couples and families, as well as single people and the provision of social space such as cinema rooms, games rooms, gym provision and IT areas, which all enhance the student living experience. The current proposal satisfies these aims by providing rooms of varying size,

including those with impaired mobility, as well as cinema and study rooms, communal kitchens and dining areas, a gym and central courtyard.

For the above reasons, particularly in respect of the high proportion of students currently living in smaller purpose built/converted accommodation or HMOs (2380 as of October 2016), it is considered that the proposal meets an identified need in terms of quality by offering an alternative form of bespoke accommodation in a particularly well connected and sustainable City Centre location which accords with the Council's aspirations to provide an enhanced student experience.

o c): The development is of a scale and appearance appropriate to its surroundings

It is considered that the proposed extension and alterations to the building are appropriate relative to the host building and its surroundings, set out below in the "Design, Scale, Massing and Appearance" section of this report.

o d): The development is located within close proximity to local facilities and is accessible to the University by foot, cycle and public transport

Being located in the City Centre, the site particularly well served by local facilities and easily accessible to both University campuses by a variety of means including on foot and by cycle, bus and Metro. In order to promote cycling, it is recommended that a condition be imposed, should Members be minded to grant planning permission, requiring the provision of dedicated cycle storage.

o e): The accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development

Section 4.1 of the Council's Development Control Guidelines Supplementary Planning Guidance (SPG) identifies general principles for conversion to flats and houses in multiple occupation. Therein, it is stated that proposals must reflect the general character and amenity of the area and those which represent an over intensive form of development will normally be resisted. Planning permission may be refused in an area of predominantly single family dwellings and where the development would have a detrimental effect on the established character of the area. Existing features which contribute to the character of the area should be retained and depending on the degree of self-containment, there may be a requirement to provide communal facilities.

It is further recommended at section 4.2 of SPG that, in order, to ensure the privacy of neighbours and occupants, habitable room windows should not be unduly overlooked by people going to and from areas of car parking associated with properties. External entrances to flats or houses in multiple occupation should normally be located on the main road frontages.

Section 4.3 of SPG states that each self-contained unit or house in multiple occupation must have direct pedestrian access to the front of the property, the allocated car parking area and the bin storage area. Furthermore, the SPG seeks to ensure that any new windows serving living rooms, kitchens, bedrooms or other habitable rooms should not overlook or be overlooked by adjoining properties to an unacceptable degree and should have a reasonable outlook. Main living room windows should have a reasonable outlook and should not be lit solely by roof lights and habitable windows should not be in close proximity to high boundary or gable walls. Bin storage should be at the rear of buildings and easily accessible to residents.

Paragraph 6.15 of the Interim Student Accommodation Policy advises that, to ensure proposals provide high quality living accommodation, they should comply with the following minimum standards whilst larger developments should provide adequate communal areas:

i. Bedrooms to offer a choice in size and accommodate a bed, wardrobe, study desk and chair with the minimum size being 10sq.m for a single person, (excluding any en-suite facilities)
ii. Each bedroom shall include at least one window or skylight facing directly outdoors which can easily be opened
iii. If bedrooms are not en-suite one bathroom and one separate WC with wash-hand basin should be provided for every 5 persons. However, for 6 persons or more one of the WC's with wash-hand basin must be separate, others can be contained with bathrooms
iv. Communal kitchens should be a minimum of 7sq.m for 1-5 people sharing, with larger residences requiring more sizeable kitchens
v. A Communal lounge will be required of a size sufficient to accommodate the number of students in the unit
vi. Dining space shall be provided for all students, either separate to or as part of the lounge/kitchen area

In respect of the first three of these points, the proposed development comprises the following:

i. The submitted layout proposes bedrooms of various sizes, the smallest of which would measure 19.5sq.m (16sq.m excluding en-suite) and the applicant has provided a layout which demonstrates that the smallest room can accommodate a bed, wardrobe, study desk and chair as well as bedside tables and a further cabinet
ii. All proposed bedrooms have at least one window and the applicant has confirmed that at least one in each room could be opened
iii. All bedrooms are to be en-suite

In respect of points iv, v and vi, communal rooms with kitchens, lounges and dining space are to be provided on each floor which the applicant is confident, based on experience of operating a similar facility, are appropriate to accommodate the proposed number of residents.

In addition to the above, section 10C of the Council's adopted Residential Design Guide SPD recommends the provision of a minimum gap of 21m between main facing residential windows and 14m between main windows facing onto secondary windows or blank gables for new residential developments, with an additional 5m added to these values for each additional storey beyond two levels. The proposed development would not unreasonably affect the privacy or outlook of any existing residential property, but does not accord with these spacing standards, affording a clearance of less than 7m from the adjacent six-storey British Telecom building to the east at its nearest point and some 8m for the proposed bedrooms which would have windows into the central atrium.

However, the rooms which would be closes to the British Telecom building have been increased in size to compensate for this loss of outlook and the rooms served by the atrium are larger than those which would occupy the western section of the building. In addition, the proposed windows onto the atrium are offset from one another, affording adequate levels of privacy in respect of interfacing residential windows. Whilst the outlook afforded to bedrooms would be substandard in many instances, it must be noted that the site occupies a City Centre location where high density development is encouraged and, therefore, such substandard spacing is considered to be appropriate in this instance. Furthermore, it must be accepted that the proposed development predominantly comprises the conversion of an existing disused building to a desired use.

Taking these factors into account together with the amendments which have been made to the layout together with the location of the site and type of bespoke accommodation proposed, including its communal facilities, it is considered that the proposal demonstrates that high quality living would be afford to its resident students.

Ultimately, the management of the proposed development will be crucial to the quality of accommodation it affords to its residents and, as such, section 7 of the Interim Student Housing Policy requires the submission of a Management Plan comprising the following:

- Details of on-site management
- Control of car parking
- Appropriate sound insulation measures
- An on-going at least annual programme of maintenance
- Security
- Refuse and recycling storage
- Lighting
- Cycle Storage
- Helpline contact for residents

Whilst a management plan has yet to be provided given that its details are not currently known, in order to secure the scheme which would bring the host prominent building back into beneficial use it is considered that the requirement for a management plan can be a conditioned in this instance, should Members be minded to grant planning permission. The management plan should also include the use of the proposed courtyard in terms of its upkeep and hours it may remain open, in order to protect the amenity of residents, although details for the control of car parking are not necessary given that no car parking spaces are proposed.

A Façade Acoustic Design Report has been submitted which identifies a potentially significant noise impact on residents of the proposed development from the existing road network and sets out a specification for the glazing and ventilation of the building to mitigate this impact. The Council's Environmental Health section has confirmed its satisfaction with the recommendations of this report and, as such, upon condition that the development is carried out in accordance with the specified mitigation, it is not considered that residents would be subjected to excessive noise. Within the building, the applicant has confirmed that each unit of accommodation will be constructed to current standards of sound insulation, which can be covered by the necessary Building Regulations.

- Occupancy and use obligations/conditions

The Interim Student Accommodation Policy also sets out potential planning conditions and obligations requiring the developer to submit details of the student residents on an annual basis for monitoring purposes to prevent the premises from being used as hostel accommodation or to impose a condition limiting occupancy of the buildings to students only.

On this occasion, given that the proposal is high quality accommodation which is bespoke for students, it is not considered that a planning condition or obligation restricting the occupation of the accommodation to students only is necessary in this instance. This requirement is intended for schemes where it is not entirely clear that students will be the sole occupants of the building, however on this occasion the submitted plans illustrate a bespoke layout for student living and all cooking facilities would be shared. Such an arrangement would not lend itself to bedsit accommodation whilst a further application for planning permission would be required to operate the premises as a hostel, given that this is a materially different use to that currently proposed.

3. Design, Scale, Massing and Appearance

One of the core principles of the NPPF, as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

To this end, policy B2A of the UDP alteration No. 2 relates to sustainable urban design and states that the City Council will seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit whilst UDP policies B4 and B6 set out that all development within, and adjacent to, conservation areas must preserve or enhance their character or appearance by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries.

Policy SA55B.1 of UDP Alteration No. 2 also advises that new development be of a scale and design which complements the existing scale and character which prevails within Sunniside.

The proposed extension of, and alterations to, the host building have been amended following details discussions with the applicant and planning, urban design and conservation officers of the Council and are now considered to be acceptable, having regard to the historic context of the site.

The main issues of concern relate to the propose extension of the fourth floor and incorporation of a prominent entrance feature on John Street. Whilst no significant changes to these elements of the proposed development have been made since the submission of this application, the external materials to construct these elements has been considered in detail and, consequently, the applicant has proposed the use of a mix of glazing and cladding panels for each. In particular, the entrance feature would consist of glazing which would be tinted to match the colour of the adjacent cladding panels whilst the elevations of the upper two floors onto John Street and Saint Thomas Street would utilise reflective-type cladding mirroring the adjacent glazing to achieve a composition of lightweight appearance. The use of render to the upper two floors of the east and southeast elevations is considered to be acceptable in order to achieve a tidy finish whilst providing some contrast on these elevations and the incorporation of a vertical strip of darker material to the east elevation is welcomed to break up the uniformity of this elevation and providing vertical emphasis where the fenestration pattern differs.

Specific details of these finishes are not available at this time, however it is considered that sufficient assurance has been provided that the materials to be used will achieve an appropriate high quality and lightweight finish and, as such, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring the submission of a schedule or sample of all external materials.

The retention of the concrete canopy along John Street and Saint Thomas Street in addition to the clock on the southwest elevation is also welcomed in terms of maintaining the mid-20th century character of the building.

4. Heritage

Paragraph 128 of the NPPF set out that, "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

Paragraph 132 of the NPPF advises that, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

Paragraph 133 states that, "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use".

Paragraph 134 of the NPPF goes on to state that, "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Paragraph 141 of the NPPF advises that LPAs "should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted".

In addition to policies B4 and B6, UDP policy B10 is relevant to this consideration, which seeks to ensure that development does not adversely affect the character or setting of listed buildings. Reflective of NPPF paragraph 141, policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

In addition, policy B2A of the UDP alteration No. 2 relates to sustainable urban design and states that the City Council will seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

The Council has further detailed guidance in the form of the Sunniside Conservation Area Character Appraisal and Management Strategy, in which proposal 7a sets out that "the Council will require all forms of new development in the Conservation Area, including new buildings and extensions, to display the highest standards of design quality, having special regard to the form, massing and materials of surrounding buildings and key views and vistas".

The host Joplings department store building is considered to be a distinctive local landmark and has an important place in the social and economic development of the City, opening in High Street East in 1804, before moving to High Street West in 1919 where it stayed until the present premises opened in John Street in 1956. The building is located within close proximity to an abundance of listed buildings from the surrounding late Georgian / early Victorian Fawcett Estate terraces. Whilst not of great historic interest when compared with most buildings in the Conservation Area, it is nevertheless a decent example of its period and sits reasonably well in its particular site given the scale, form and characteristics of buildings in the immediate vicinity, especially those on the opposite side of John Street.

The design, scale, massing and appearance of the proposed development is considered to be appropriate for the reasons set out above, although it is considered that the proposal would result in some harm to designated heritage assets, namely the Sunniside Conservation Area and the setting of the Grade II listed River Wear Commissioners' Building, by virtue of the extension of the fourth floor. However, subject to the use of appropriate materials, it is considered that such harm would be less than substantial and, as such, NPPF paragraph 134 is applicable which sets out that such harm must be weighed against the public benefits of the proposal.

The applicant in the submitted Planning Support Statement has set out benefits of the proposal in respect of delivering the three dimensions of sustainable development as set out by the NPPF, namely:

o Economic - providing private sector capital and accommodating a significant number of students which will act as a catalyst for regeneration of the City Centre through spending in local shops and amenities
o Social - enhancing the vitality of the City Centre by increasing its student population and supporting new and existing businesses
o Environmental - making use of a previously developed site in a highly sustainable location for residential accommodation, being well served by public transport and local amenities

These benefits are accepted and, having regard to the size and prominence of the host building, the number of students it would accommodate and the amount of time the building has remained vacant, it is considered that the public benefits of the proposed development far outweigh the less than substantial harm described above.

Given that the building is of architectural merit and social history interest and Sunderland residents will no doubt have many memories of the Joplings Store, it is considered, in accordance with the advice of the County Archaeologist, that the building be photographically recorded and a programme of archaeological building recording be carried out and the results of which submitted, which can be conditioned should Members be minded to grant planning permission.

5. Highway Implications

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

In accordance with the comments provided by the Council's Network Management section, it is noted that the application site is located within the City Centre and is accessible by walking, cycling and public transport whilst public parking is available nearby at Sunniside Multi Storey, High Street and Nile Street and City Centre Resident Parking Permit Schemes are available if required. Therefore, it is not considered that any parking provision is necessary in this instance.

It is also noted that John Street allows only buses and cycles travelling southbound whilst other vehicular movements are prohibited and the main pedestrian entrance to the proposed accommodation is located on John Street. The only available space for dropping off / picking up students is located on Saint Thomas Street in the form of 4no. on-street pay and display bays and waiting restrictions are in place in the surrounding area and subject to enforcement. Therefore, it is recommended that the afore-recommended condition for a management plan includes details of pick up and drop off arrangements, in additional to bin collection and servicing arrangements for the proposed residential use.

Servicing of the proposed retail units will need to take place to the east of the building via Frederick Road, which can be conditioned, and use could be made of the existing loading bays; an internal corridor is provided for deliveries to all three proposed retail units. The retention of the concrete canopy along John Street, as well as Saint Thomas Street, is also considered to be beneficial in terms of offering protection to users of the bus stops.

It is also recommended that a condition be imposed requiring the submission and agreement of a Construction Management Plan, should Members be minded to grant planning permission, in order to avoid disruption to the local highway network during construction works. Network Management has advised that the existing footway will need to be retained to enable the safe use of the bus stops located on the eastern side of John Street. Consideration may be given to closing off the footway in sections in stages to enable external works to the building in a phased manner, although any temporary bus stop requirements will need to be arranged with Nexus in advance of introducing any temporary traffic management on the footways.

6. Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process, including minimising impacts and providing net gains in biodiversity. Paragraph 118 sets out that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

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

Accordingly, this application is supported by an Ecological Risk Assessment Report which has been inspected by the Council's Ecology section confirming that the Report provides an appropriate assessment and sets out reasonable recommendations. Therefore, should Members be minded to grant planning permission, it is recommended that a condition be imposed requiring adherence to such recommendations, which include a further pre-commencement inspection prior to the commencement of works and that works are carried out outside of the bird breeding period unless a competent ecologist is present to carry out a further check for the presence of nesting birds.

No Habitats Regulations Assessment Screening Opinion Report has been submitted with this application and the quantum of residents which the development would accommodate has the potential to impact on European Sites, either alone and in combination with other developments coming forward. However, given the nature and location of the proposed accommodation, which is unlikely to result in residents owning pets, in particularly dogs which can pose a threat to the European Site, it is not considered that the proposal is likely to pose any significant effect and, as such, the impact of the proposed development under Habitats Regulations Assessment can be screened out.

7. Flood Risk and Drainage

Paragraph 103 of the NPPF states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would 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) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats whilst UDP policy B24 advises that appropriate provision for utilities be made.

The Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

In this instance, whilst the proposal constitutes major development, the footprint or permeable area of the building would not be altered, as per the conclusion of the submitted Drainage Statement. On this basis, upon consultation with the Council's Flood and Coastal Team, as Lead Local Flood Authority, proposal is considered to be acceptable in terms of floor risk and drainage.

Equality Act 2010

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

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

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

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

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

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

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

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

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

Conclusion

For the reasons set out above, the proposal is considered to be acceptable in land-use terms and, whilst the level of student accommodation to be provided may indeed be greater than currently required in terms of quantity within the City, the type of accommodation offered by the proposed development is considered to meet a qualitive need, the site occupies a highly sustainable location for housing, within close proximity to the University campuses and a high standard of student living would be offered. The proposed extension and alteration to the building is considered to be acceptable in terms of design, scale, massing and appearance and, whilst they would pose some (less than substantial) harm on the character and appearance of the

Conservation Area and setting of a listed building, such harm would be comfortably outweighed by the public benefits which would be brought about by the development. In addition, subject to the imposition of conditions, it is not considered that the proposal would pose any unacceptable detrimental impact on the local highway network or ecology and there are no concerns in respect of flood risk and drainage.

As such, it is considered that the proposal accords with the provisions of the UDP, including its Alteration No. 2, and, in the absence of any material considerations to indicate otherwise, it is recommended that planning permission be approved, subject to the conditions set out below.

RECOMMENDATION: Approve subject to the draft conditions listed below:-

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.

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

Drawing no. 1706000: Site Layout Plan received 21.08.2017
Drawing no. 1706001: Existing Floor Plans received 21.08.2017
Drawing no. 1706002: Proposed Floor Plans received 21.08.2017
Drawing no. 1706003: Existing Elevations received 21.08.2017
Drawing no. 1706004: Proposed Elevations received 21.08.2017 (17:09)

In order to ensure that the completed development accords with the scheme approved.

3 Notwithstanding any indication of materials which may have been given in the application, 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, the character and appearance of the Conservation Area and the setting of the Grade II listed River Wear Commissioners' Building and to comply with paragraph 134 of the National Planning Policy Framework and policies B2, B4, B6 and B10 of the adopted Unitary Development Plan.

4 No development, including demolition, shall take place until a programme of archaeological building recording has been completed in accordance with a specification provided by the Local Planning Authority and a report of its results has been submitted to and approved, in writing, by the Local Planning Authority, in order to provide an archive record of the historic building and to accord with paragraph 141 of the National Planning

Policy Framework and policies B11, B13 and B14 of the adopted Unitary Development Plan.

5 No development, including demolition, shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- o Parking of vehicles of site operatives and visitors
- o Storage of plant and materials used in constructing the development
- o Measures to ensure public highway remains sufficiently clean of dirt
- o Measures to control the emission of dust, dirt and other airborne pollutants
- o Measures to control noise and vibration
- o Communication plan for liaising with the public

The development, including demolition works, shall be implemented in accordance with the approved Plan, in order to protect the amenity of the local area and to avoid disruption to the local highway network and to comply with paragraph 32 of the National Planning Policy Framework and policies EN1, EN5 and T14 of the adopted Unitary Development Plan.

6 No development shall commence until a report detailing the results of a further inspection of the building by a competent ecologist to ascertain the presence of any species or their habitat together with any mitigation and a timetable for its implementation and details of maintenance, where appropriate, has been submitted to and approved, in writing, by the Local Planning Authority. The development hereby approved shall be carried out in complete accordance with the recommendations detailed in Section 4 of the Ecological Risk Assessment Report prepared by BSG Ecology dated January 2016 and any necessary further mitigation shall be implemented and maintained in accordance with the agreed details thereafter, in order to protect and species or their habitat which may be present within the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

7 The upper floors of the building shall not be occupied for the purposes hereby approved until a detailed written management plan for the operation of the student accommodation has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- o Details of on site management, including maintenance and opening hours of the courtyard
- o Appropriate sound insulation measures
- o An at least annual on-going programme of maintenance
- o Security
- o Refuse and recycling storage
- o External lighting
- o Cycle storage
- o Helpline contact for residents
- o Pick-up and drop off arrangements

In the interests of residential amenity and to accord with the Interim Student Accommodation Policy and policy H18 of the adopted Unitary Development Plan.

8 The development shall be carried out in complete accordance with the recommendations set out by Table 1 of the Façade Acoustic Design Report (ref. 6112.1A) prepared by Apex Acoustics dated 25 May 2017 and, for the avoidance of doubt, all specified mitigation measures shall be fully installed prior to the occupation of any bedroom for which the Report identifies mitigation is required, in order to protect residents from exposure to excessive noise and to comply with paragraph 123 of the National Planning Policy Framework and policy EN5 of the adopted Unitary Development Plan, policy B2A of Alteration Number 2 to the Unitary Development Plan.

9 Notwithstanding the submitted plans, all servicing, including deliveries and the collection of refuse, shall take place from Frederick Road to the east of the site, in order to avoid disruption to the local highway network and to accord with policy T14 of the adopted Unitary Development Plan.

10 The development hereby approved shall be implemented in accordance with the details contained within the Drainage Statement prepared by Fairhurst dated June 2017, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality and to comply with paragraph 103 of the National Planning Policy Framework and policies EN12 and B24 of the adopted Unitary Development Plan.

5. South Sunderland

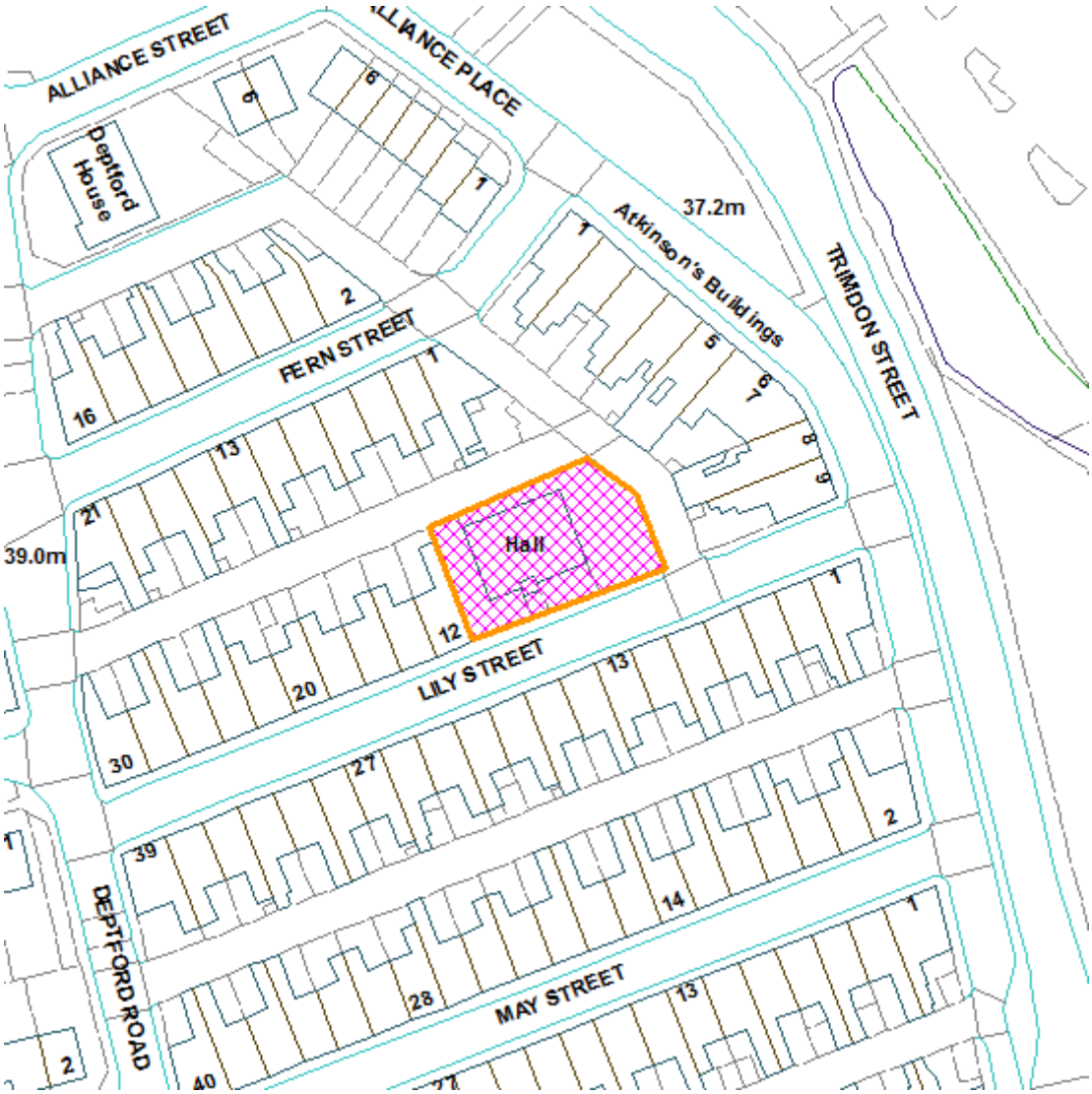
Reference No.: 17/01343/VAR Variation of Condition

Proposal: **Variation of condition 2 (plans) of previously approved application 16/00211/FUL (Demolition of community hall and erection of 6 no. terraced dwellings.) to change boundary wall detail. (Retrospective)**

Location: Former Community Hall Lily Street Millfield Sunderland

Ward: Millfield
Applicant: Slayco Ltd
Date Valid: 18 July 2017
Target Date: 12 September 2017

Location Plan



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PROPOSAL:

The proposal involves the variation of condition 2 (compliance with list of approved plans) of previously-approved application ref. 16/00211/FUL (Demolition of community hall and erection of 6 no. terraced dwellings) to change boundary wall details (retrospective) at former Community Hall, Lily Street, Millfield, Sunderland, SR4 6AQ.

The application relates to a recently-approved residential development at Lily Street in Millfield, which involved the erection of a terrace of 6 no. dwellings on the site of a demolished Community Hall building. The new dwellings effectively act as a continuation of the terrace of single-storey cottages flanking the north side of the street, although the approved properties are one-and-a-half storeys in scale and feature peaked dormer windows to their front elevations.

The dwellings are set back slightly from the footway of Lily Street behind small front 'gardens', whilst to their rear are yards which back on to the lane serving the rear of Lily Street and the adjacent Fern Street. The approved plans indicated that the 'front garden' areas would be enclosed by 600mm high brick walls and the rear yards would be enclosed by 1.8 metres high brick walls. The eastern side boundary of the site, which is flanked by the lane serving the rear of the adjacent Atkinson's Buildings, is also shown as being enclosed by a 1.8 metres high brick wall.

The erection of the new dwellings is largely complete and it is evident that the boundary treatment used to the front gardens and rear yards differs from that shown by the approved plans. Rather than being enclosed by brick walls, the front gardens have been enclosed by 900mm high fencing constructed from horizontally-arranged grey plastic panels, interspersed with 1 metre high concrete posts. The boundary to the rear lane of Atkinson's Buildings and the boundary to the rear lane of Lily Street, meanwhile, take the form of 2.1 metres high fencing constructed from the same plastic panelling and also interspersed with concrete posts. The rear yard boundary also features black-painted roller-shutter vehicular and pedestrian access gates, the housing boxes for which sit above the top of the fencing.

The current application seeks to utilise the provisions of section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 of planning approval ref. 16/00211/FUL - the condition requires the development to be carried out in accordance with the approved plans and the application consequently proposes to vary the condition to instead seek approval for the boundary treatment erected at the site and allow for it to be retained.

A letter produced by a structural engineer engaged with the development at the site has been submitted to support the application. It explains that the ground conditions at the site are very poor and that as a result, developing solid foundations for the construction of the new dwellings proved to be very difficult. The brick boundary walls proposed by the initial planning application would have required substantial foundations of their own and it was considered that given the difficulties encountered elsewhere on the site, such foundations may have been difficult to achieve without disproportionate ground improvement works being involved.

The letter concludes by suggesting the as-built solution of adopting a more lightweight post and panel fencing system is more appropriate for the site, although it does not disclose whether any other boundary treatment options had also been considered.

An application of this nature would normally be determined by officers under the Council's Delegation scheme, but it has been referred to the Development Control (South) Area Sub-Committee at the request of Ward Councillor Niall Hodson.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Millfied - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **29.08.2017**

REPRESENTATIONS:

Public consultation - no representations received to date. The period for receipt of representations does not expire until 29th August 2017. Details of any representations received will be provided to Members at the Committee.

Council's Highways officers - no objections to the development.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

CONSIDERATION OF APPLICATION
The principle of the proposed redevelopment of the site to demolish the Community Hall at Lily Street and erect six new dwellings has already been established through the approval of application ref. 16/00211/FUL. In determining the initial application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of land use and the loss of a community facility and its impact on residential amenity, visual amenity and highway and pedestrian safety.

The proposed variation of condition 2 of the extant planning permission seeks approval for the boundary treatment erected at the site, as opposed to that detailed by the approved plans. The proposal is only considered to raise fresh considerations in respect of the visual amenity of the locality and so rather than fully revisit all matters previously addressed in the determination of the initial planning application, it is considered appropriate that this report focuses on the impact of the boundary treatment on the prevailing streetscene. For a consideration of the full range of matters listed above, please refer to the Delegated report produced in respect of app. ref. 16/00211/FUL.

In considering the revised proposals, regard must be given to the National Planning Policy Framework (NPPF), which provides the current Government planning policy guidance. Development plans must be produced, and planning applications determined, with regard to the

NPPF and it sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case is the principle that development should always seek to secure a high quality design and a good standard of amenity.

More guidance on design matters is provided by paragraph 56 of the NPPF, which states that the Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 64, meanwhile, states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions.

This guidance provided by the NPPF underpins policy B2 of the Council's adopted Unitary Development Plan (1998), which requires the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality. Section 7.0 of the Council's adopted 'Residential Design Guide' Supplementary Planning Document (SPD) also stresses the importance of detailing in ensuring the success of a residential development and at section 7.10, it highlights the value of appropriate boundary treatment in the finish of development involving new dwellings.

With regard to the visual amenity of the area, it was considered that the boundary treatment approved in respect of the initial planning permission was appropriate in that brick walls are the predominant form of boundary treatment found at dwellings and other properties in the vicinity. The walls would also have related well to the approved dwellings, for such 'traditional' brick boundaries would have been consistent with the relatively traditional design of the dwellings and the external materials used in their construction. The boundary walls would have consequently represented an appropriate and sympathetic finish to the development which related well to the new dwellings and would have had an acceptable impact on the prevailing streetscene.

The boundary fences built at the site, however, raise significant concerns in respect of their impact on the visual amenity of the area. In this regard, the design of the boundary fences and the materials used in their construction are wholly at odds with the typical form of boundaries found in the locality, with the expanses of grey plastic panelling and concrete posts appearing as incongruous and intrusive in an environment characterised by traditional brick-built dwellinghouses and boundary enclosures. Moreover, and with specific regard to the boundary with the rear lane, the positioning of the roller shutter door housings above the top edge of the fencing appears as unsightly and affords the boundary a rather 'incomplete' and untidy finish, to the further detriment of the appearance of the boundary.

In addition to the above, whereas the approved boundary treatment would have afforded an attractive and complementary finish to the development as a whole, the built boundaries do not relate well to the new dwellings, for again the design and materials used in the fencing built at the site jars uncomfortably with the traditional design and brick construction of the approved properties. As such, rather than provide appropriate detailing for the approved residential development, it is considered that the boundary treatment actually detracts from its overall appearance and design quality.

It is not disputed that the applicant has encountered difficulties in respect of the ground conditions at the site and that further difficulties may have been encountered in the event the approved brick walls were constructed. It has not been demonstrated, however, that the brick walls could definitely not have been erected and nor does it appear that other, potentially less intrusive, boundary treatment options were considered and discounted. As such, in the Council's view, it

has not been evidenced that the boundary treatment erected at the site was the only reasonable option.

With regard to the above comments, it is considered that the design and appearance of the proposed boundary treatment is such that it has a significant negative impact on the visual amenity of the area, for it appears as intrusive and incongruous within its context and fails to provide a complementary finish to the dwellings approved as part of planning application ref. 16/00211/FUL. The proposed development therefore fails to respond satisfactorily to its context and so does not accord with the objectives of the core principles and paragraphs 56 and 64 of the NPPF, policy B2 of the Council's adopted UDP and section 7.0 of the Council's Residential Design Guide SPD.

However, as noted in the 'Representations' section of this report, the public consultation exercise undertaken in respect of this application has not yet expired. A Supplementary Report will provide details of any representations submitted by members of the public, together with a recommended decision.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:
(a) tackle prejudice, and
(b) promote understanding.

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

RECOMMENDATION - Minded to Refuse pending the expiry of public consultation period, for the reason set out below.

Reasons:

1 The proposed boundary fencing, by virtue of its design, appearance and the materials used in its construction, appears as intrusive within the prevailing streetscene and detracts from the appearance of the residential development to which it relates. The boundary fencing therefore fails to represent good design and is harmful to the visual amenity of the locality, in conflict with the objectives of the NPPF, policy B2 of the Council's UDP and the Council's 'Residential Design Guide' SPD.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00202/FU4 **Hendon**	Dailyclever Projects Ltd 4-5 Foyle StreetSunderlandSR1 1LB	Change of use from restaurant and residential accommodation (use classes A3 and C3) to bar with function suite and 1no residential unit (use classes A4 and C3), together with external decking area and external staircase and other external alterations.	28/02/2017	25/04/2017

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00434/LB4 **Hendon**	Dailyclever Projects Ltd 4-5 Foyle StreetSunderlandSR1 1LB	External alterations comprising installation of glazed Juliet balcony screens to first floor of north elevation, replacement of 2no. first floor windows with glazed doorway and provision of terrace with railings and raised platform and external stairway to east elevation and replacement of 1no. first floor window with doorway to south elevation. Internal alterations including removal and provision of walls, installation of bar at ground and first floor levels and associated works to facilitate proposed change of use.	28/02/2017	25/04/2017

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00500/VA4 **Hendon**	Mr Andrew Anderson 42 - 45 Nile StreetSunderlandSR1 1ES	Variation of condition 2 (plans) attached to planning approval 16/00748/FU4 - alterations to elevations (including amendments to previously approved balconies and windows and construction materials) increase height of building by 200mm and internal alterations (including provision on ground floor of three retail units, cycle store and bin store)	20/03/2017	19/06/2017
15/01038/FU4 **Hendon**	Mr John Cambell Site Of 40/41Lawrence StreetSunderland	Erection of two semi detached dwellings.	16/07/2015	10/09/2015

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00787/ADV **Hendon**	Community Partners Ltd Various RoundaboutsCity Centre/South Sunderland	Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.	10/05/2017	05/07/2017
17/01563/FUL **Millfield**	Mr Anthony Coatsworth 18 Westbourne RoadSunderlandSR1 3SQ	Change of use from 3 bed residential to 4 bed HMO and 1 self contained Studio flat.	31/07/2017	25/09/2017
17/01593/FUL **Ryhope**	Persimmon Homes Land To The Rear OfBevan AvenueSunderland	Erection of 17 dwellings (with revised site levels and retaining structure details RETROSPECTIVE) .	03/08/2017	02/11/2017

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/01336/FUL **St Chads**	Mr Kevin Pryle Fox Cover Filling StationDurham RoadSunderlandSR3 3NS	Erection of single storey extension to side to provide Subway sandwich outlet (Use Class A1)	09/08/2017	04/10/2017
15/02345/OUT **Silksworth**	Mr Phillip Jefferies The Hunters LodgeSilksworth LaneSunderlandSR3 1AQ	Outline application for demolition of existing public house, to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).	04/08/2016	29/09/2016