

PLANNING AND HIGHWAYS COMMITTEE

AGENDA

Extraordinary Meeting to be held in the COUNCIL CHAMBER, CIVIC CENTRE on Tuesday, 31st May, 2016 at 5.30 p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Reference from Development Control (South Sunderland) Sub-Committee	1
	Planning Application Reference: 14/01461/OUT	
	Land at Silksworth Lane/ Silksworth Road, Silksworth, Sunderland	
	Report of the Executive Director of Commercial Development	
	(copy attached)	

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

19th May, 2016

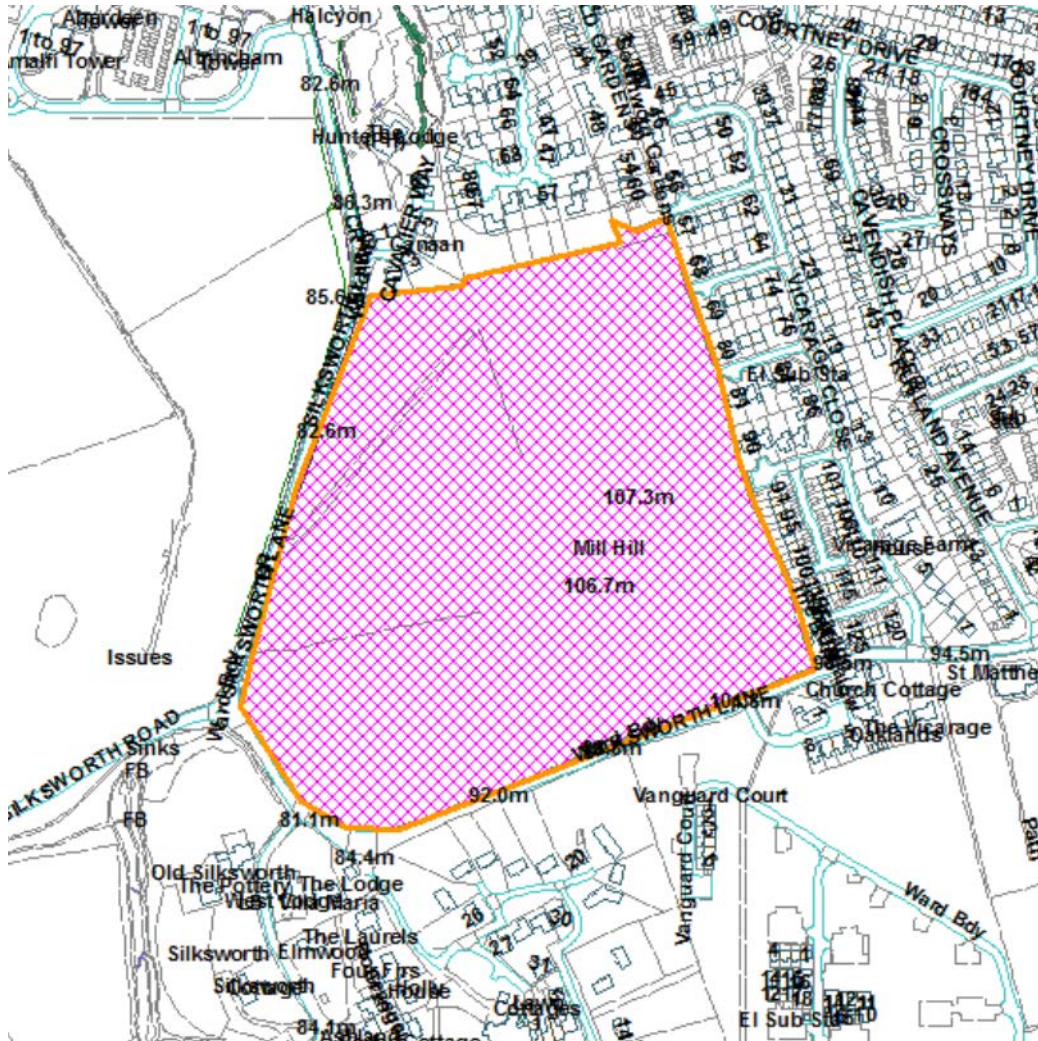
Planning Application Reference: 14/01461/OUT

Land at Silksworth Lane/ Silksworth Road, Silksworth, Sunderland

Application Description:

OUTLINE APPLICATION

Residential development of “up to” 250 no. residential dwellings, including landscaped open space and footpath connections, and details of site access.



Members may recall that this development proposal appeared before Members at the 26 January 2016 Planning & Highways Committee meeting. After considering the development proposal at the meeting Members agreed to defer the application primarily over concerns relating to the proposed site access given, that it was located to the south of the site and on the banked section of Silksworth Lane. Members requested that the Applicant review their development proposal to explore different alternatives for access into the site. The deferral of the application also provided Members of the Committee with another opportunity to undertake a site visit.

Since the January Committee meeting the Applicant's Transport Consultant, AECOM, has produced a Technical Note in order to respond to the issues and comments raised. The Note provides clarification on the proposed site access and also contains a Road Safety Audit (Stage 1).

Before discussing the Note in further detail, and by way of summary, on submission of the Technical Note the Applicant's development proposal remains as previously proposed i.e. the main access into the site is from the banked section of Silksworth Lane. In order to avoid duplication, and given that the Agenda report from the 26 January Committee meeting remains entirely relevant and therefore forms the basis of the recommendation being made to Committee it has been appended to this report by way of an Appendix. Members should therefore read these two reports in conjunction with one another.

Members should also note that subsequent to January's Planning & Highways Committee meeting a 161 signed petition has been submitted in support of the proposal. The petition is headed by a statement that the development will enhance employment sustainability, bring new jobs and much needed housing to the area.

- Transport Technical Note

This additional review of traffic issues associated with this proposal is as a result of a request made by Committee Members at the Planning and Highways Committee in January to reconsider the site access arrangements. The applicant's Transport Consultant AECOM has produced a Technical Note, which is accompanied by a Road Safety Audit (Stage 1). Two alternative site access options have been explored by the applicant, which are as follows:

- The first option of creating a priority access on the western boundary to the north of the Silksworth Lane/ Silksworth Road junction has been considered and dismissed. The reasoning for this is mainly down to the difference in levels between the site and highway. A new access at this location would require an access road to be constructed at a gradient in excess of maximum design standards.
- The second option of changing the Silksworth Lane/ Silksworth Road junction to a roundabout has also been considered and dismissed for the same reasons and due to visibility restrictions owing to the existing retaining walls in this location.

Following this review the Applicant is still proposing a site access at the southern boundary of the site, along the banked section of Silksworth Lane.

On review of the Technical Note engineering colleagues are satisfied with the assessment and have re-iterated the fact that the proposed site access meets with design standards once a number of measures are introduced, including carriageway widening, provision of pedestrian crossing points and new footways to the southern boundary. In addition, the intention to reduce the speed limit to 30mph is also noted, as are the carriageway improvements at the bend in the road further to the west of the proposed site access.

The submitted Stage 1 Road Safety Audit has been undertaken to investigate the suitability and condition of the road network immediately adjacent the site. The Audit includes an updated review of traffic flows and impact to reflect the fact that the outline application was first submitted in summer 2014. The update surveys were undertaken during the week beginning 8 February 2016 in order to obtain current data on traffic flows during a normal working week before school holidays. The report also includes up to date road traffic collision data that is based on information provided via Northumbria Police. Obtaining this information is standard practice for major planning applications, and is used to review road safety history and to identify any specific causes for road traffic collisions involving personal injury over a 5 year period. Similar to the site access issue on review of the Road Safety Audit engineering colleagues have confirmed their satisfaction with its findings and conclusions.

The Technical Note has investigated alternative accesses to the site and confirmed that both options are unachievable due to land and highway constraints, with both having associated highway safety issues. The junction proposed from Silksworth Road is still the most viable and appropriate location to access the land, subject to the implementation of a number of highway improvements, please see the Highway considerations section of the Appendix report for further information in this regard.

In conclusion, the Technical Note is considered to be an appropriate submission which does not identify any significant reason for refusing outline planning permission on highway engineering grounds.

- Response to objectors

Further to Member concerns over site access comments were also made regarding the Committee report's response to the objections received. The 26 January 2016 report, which is attached as an Appendix, summarised the various objections whilst the technical considerations section explained in detail why the development proposal is considered acceptable in respect of local and national planning policy as well as material planning considerations.

Nevertheless, in order to clarify how the objections have been considered the following section groups the various objections, where relevant, and discusses these in more detail. Members should also note that full copies of the representations are available to view on the Council's website via the planning application portal using application reference 14/01461/OUT.

As stated in the Appendix report, in total 46 letters of representation have been received, with 45 logged as being written in objection to the development. There were also 3 objecting petitions received, the first of which was signed by 62 individuals; the second by 104, and the third, which was appended to concerns over the opening up of cul-de-sacs and the proposed density of development adjacent to Vicarage Close, was signed by 39 people.

Members should also note that subsequent to January's Planning & Highways Committee a 161 signed petition has been submitted in support of the proposal. The

petition is headed by a statement that the development will enhance employment sustainability, bring new jobs and much needed housing to the area.

- **Impact on views**

It should be noted that a loss of view is not material to the consideration of a planning application.

However, visual amenity and landscape impacts are material and in this respect it should be noted that as the planning application is an outline submission it is only the principle of development that it is being determined at this stage. Matters relating to detailed designs (scale, height and massing) are being reserved for future reserved matters submission(s), should Members approve the application. It is at this stage that landscape and visual impacts on the wider area will be more appropriately assessed and considered.

Furthermore, and as discussed in the Heritage and design considerations section of the 26 January Committee report (please see the Appendix), as the site is a prominent, sloping site and in order to inform the future reserved matters submission(s) a Parameter Plan (Drawing SD10.03 Rev C) forms part of this outline submission. This will form part of the approved set of plans (please see Condition 3 in the Appendix report) and ensure that its founding principles are embedded in the development going forward.

The Parameter Plan details maximum of 2 stories for any buildings adjacent to the Ski View and Vicarage Close estates; secures swathes of no build-landscaped areas; highlights that the high point of the site (with views out and over the surrounding woodland) is within a key no build zone i.e. the green infrastructure corridor running through the site; and specifically identifies key views over the surrounding area i.e. the lower slopes of the site that are in close proximity to the western landscaped buffer and Silksworth Conservation Area.

In the event that Members are minded to approve the development this Parameter Plan will form an integral part of the approved development via the in accordance with the approved plans condition (please see Condition 3 in the Appendix report). This will require that any future reserved matters submission must be in accordance with its founding principles.

Furthermore, given the prominence and sloping nature of the site, adjacency of existing residential properties and the Silksworth Hall Conservation Area, should detailed designs be submitted for reserved matters approval, which will be subject to a formal public consultation exercise, any submission will be assessed on its merit and which must demonstrate its acceptability in respect to visual amenity and landscaping matters.

- **Ecology impacts; Who is to maintain Parkland?**

The Habitat Regulations, Ecology & Arboriculture section of the Appendix Report discusses at length why the scheme is considered to be acceptable in respect of the

international designations along the coast and why it is considered to be acceptable in terms of on-site and off-site ecology and arboricultural impacts.

Members should also note that since the application was last at Committee a member of the public contacted the LPA's Ecologist regarding mounded material on the western edge of the site, near to the Silksworth Road – Lane junction. The LPA's Ecologist subsequently visited the site and noted potential for digging/ burrowing activity, and there was concern that badger activity could not be ruled out. It was apparent that there was a patch of scrub vegetation to the north of what appeared to be sand coloured soil mounds and as such, the LPA's Ecologist recommended that the Applicant's Ecologist undertake a checking survey and provide an assessment by way of a response.

Consequently, the Applicant's Ecologist visited the site and confirmed that the mounded material appeared to be builder's sand/ imported material, it was noted as being very loose and that small amounts of fresh material had been tracked out of the burrow owing to a different colouration. The Applicant's Ecologist considered that the heaps had been present for some time as vegetation was starting to grow through spoiled material. Importantly, however, it was confirmed that there are no definite field signs attributable to badger at the holes or in the local area, and that the nearby path appears to have been generated by human activity. The holes are also considered to lack the width at depth that would be expected for a badger sett and that the dimensions are more likely to be attributable to rabbit, or fox use. In order to verify these claims photographs were provided by way of illustration. It was concluded that there is no evidence of badger activity on the site.

On review of the submitted information the LPA's Ecologist has confirmed that he is satisfied with the results and conclusion arrived at by the Applicant's Ecologist.

Comments were made at the last meeting in respect of the proposed on-site ecological mitigation measures, as detailed in the Habitat Regulations, Ecology & Arboriculture section of the Appendix report. The comments questioned their deliverability given their detailed and involved nature. However, the measures stated in the Agenda report are those that have been suggested via the planning application's Ecological Survey Works report. They demonstrate how the development proposal can contribute to biodiversity at the site. Therefore, in order to embed biodiversity enhancement within the development proposal the Agenda report (please see the Appendix) proposes Condition 10 'Biodiversity Enhancement Measures'.

The condition requires that prior to any development commencing on site precise written details of biodiversity enhancement measures, a written timetable for the implementation of the ecological enhancement and a methodology for the management of those measures on site shall be agreed in writing by the LPA. This is a perfectly reasonable approach, especially given the outline nature of the submission and any submission to discharge such a condition, should Members approve the development, will be undertaken in consultation with the LPA's Ecologist. In terms of how these measures can be managed during the lifetime of the development such work can be undertaken by a private management company.

However, in response to the concerns expressed at the January Committee meeting the Section 106 Agreement will also be extended to include the public realm/ open space areas in order to ensure the public space areas are constructed and maintained to a specified standard. The Section 106 Agreement will enable the developer to offer for adoption to the Council such areas, in the event that both parties agree and subject to any prospective adoption conditions, including the potential for a payment of a commuted sum.

- **Encroachment; Substantial reduction of open area between Farrington and Silksworth leading to coalescence of built up areas; Inappropriate use**

Section 1 Land-use Policy considerations of the Agenda report (please see the Appendix) discussed at length the site's open space allocation. It considered the development of this area of open space within the context of the more up-to-date Draft Sunderland Greenspace Audit and Report 2012. The site is surrounded by housing to the north, east and south and is contained by Silksworth Lane/ Road, whilst to the west of the site is Foxhole Wood and Doxford Park, both of which are Council owned and are not included within the Strategic Policy team's Sunderland Housing Land Availability Assessment (SHLAA) i.e. a key evidence base that demonstrates the required 5-year housing land supply going forward in terms of the council's emerging Local Plan. The application site is part of the SHLAA and is identified as a 1-5 year and 6-10 year site. This aspect is of key significance when balancing against the loss of open space within the Silksworth Ward of the City, which the Draft Sunderland Greenspace Audit has identified as having an above average quantity and quality of open space.

- **Plenty of brownfield sites to build on first**

As discussed in Section 1 Land-use Policy considerations of the Agenda report 63% of the SHLAA sites are brownfield. It is therefore clear that there is a predominance of brownfield land within the Council's 5-year housing land supply.

The LPA has to consider the development proposal put before it and the fact that it is delivering and contributing to the identified housing need is a key material consideration to which significant weight is attributed.

- **Doctor Surgeries and other services are full. Area cannot cope with the proposed development**

Please refer to the Planning Obligations section of the Appendix report.

- **Primary schools (New Silksworth, St Leonards, Mill Hill and Farrington) are at full capacity**

Please refer to the Planning Obligations section of the Appendix report.

- **Youths cutting through the estates disrespecting property; Increase in criminal activity; Increased litter**

Private issues, such as damage to property, are not material to the consideration of a planning application. Anti-social behaviour issues are matters for the Police.

- **Health concerns; Noise from use; No mention of construction traffic to the site and the difficulty posed by the constrained road network in terms of constructing the development; No mention of construction traffic to the site and the difficulty posed by the constrained road network in terms of constructing the development; Concerns about constructing the development in terms of noise, pollution and disturbance, especially given the likely 10 year build rate; Development should take place during the working week.**

As discussed in the Consultation Section of the Agenda report (please see the Appendix) Environmental Health colleagues have assessed the planning submission. In response colleagues made comments in respect of land contamination and air quality and considered there to be no grounds to withhold planning permission. The submitted air quality assessment confirmed that even in a worst case scenario the impact of the proposed development upon completion would be negligible/ not significant. Moreover, whilst there can be the potential for problems to arise during construction e.g. noise, dust, construction vehicles, hours of working, condition 4 (please see the Appendix report) requires the agreement of an Environmental Management Plan prior to any works commencing on site.

Furthermore, problems arising from the construction period of any works are also covered by Environmental Health legislation such as the Control of Pollution Acts. In the event that Members are minded to approve, an informative will also be placed on the decision notice highlighting to the developer that in view of the close proximity of the proposed development to residential properties then an application for prior consent in respect of works on construction sites under Section 61 of the Control of Pollution Act (1974) should be made to the Council's Public Protection & Regulatory Services.

- **Loss of privacy; Overdevelopment. SHLAA identifies the site for 168 houses and a third of the site for open space; Overshadowing and overlooking from new development; Loss of daylight from new builds**

As discussed in Section 4 Heritage and design considerations section of the Agenda report (please see the Appendix) given that this an outline submission any reserved matters will be subject to the Council spacing standards, as detailed in Section 10C of the Residential Design Guide Supplementary Planning Document (SPD). Strict adherence to these spacing standards, especially in terms of the existing residents, will ensure that space, light, outlook and privacy amenity are satisfactorily protected.

In terms of the density of the proposed development Section 4 also discusses that at 30 dwellings per hectare (net site area of 8.45 hectares) or 22 dwellings per hectare (gross site area of 11.28 hectares) the density is considered appropriate for the site given its sustainable, urban location. Nevertheless, the application is applying for "up to" 250 dwellings and even though the illustrative Masterplan as Proposed (Drawing SD1010.01) indicates a development that accommodates around 240 dwellings the

actual amount of units that could be developed at the site will be subject to the various technical considerations as discussed above.

- **Questioning the submission's assessments given the application is in outline, matters could be varied in future when the developer is appointed**

This is an outline submission that is seeking to establish the principle of residential development at the site with the main access taken from the southern boundary. The Parameter Plan also confirms certain parameters not least no build zones and maximum stories of development adjacent to existing residential properties. In the event that Members approve the development it will be the future reserved matters submission(s) that will determine the detailed aspects such as appearance, landscaping, layout and scale within the context of the Parameter Plan (Drawing SD10.03 Rev C).

- **At a meeting (Public Inquiry) about the Ski View development (approved on appeal) at the Civic in the 1990s it was stated that no further development could take place to the south as it would change the skyline**

This application has to be assessed on its own individual merit relative to the development plan and against local and national planning policy and relevant material planning considerations. The Agenda report explains in detail as to why the proposal is considered on balance acceptable.

- **Dazzling effect on existing residents (91–100 Vicarage Close) from car headlights. Roads should be removed from this area of the site**

Parameter Plan SD10.03 Rev C has enlarged the 'No build zone' to the front of these properties thereby effectively removing the ability for a vehicular access to be introduced in the development areas to the immediate north and south. In short the roads have been removed.

- **There were numerous and varied objections on the grounds of highway engineering considerations given the surrounding constrained and graded footpath and road network**

As discussed at the start of this report the Applicant's Transport Consultant has submitted a Road Safety Audit. Furthermore, the Highways considerations of the Agenda report (please see the Appendix) discusses in detail why the scheme is considered acceptable.

- **Objector had concerns about the lack of permeability between the development and surrounding estate to the north and east**

A number of objections were received by residents in Vicarage Close regarding the number of access points from the site into the existing estate that were detailed on an earlier set of plans. In response the Applicant has amended their scheme so that only one formal footpath/ pedestrian link will be introduced along the eastern

boundary, which is to the south of 100 Vicarage Close. In summary, the reduction in permeability relative to Ski View and Vicarage Close is as a result of a number of objections received by residents from Vicarage Close during the course of the application.

- **Footpaths into Vicarage Close, this estate has not been designed to accommodate such increases in footfall; Footpath to front of 91 to 100 Vicarage Close is privately owned. Permission has not been sought for this purpose**

The footpaths within Vicarage Close and the footpath to the front of 91 to 100 are adopted highway. The proposed footpath connection from the site to the south of 100 Vicarage Close connects into an existing footpath to the front of 111-119a Vicarage Close, which has a circa 8m grassed strip and hammerhead running parallel. Another benefit of connecting into the existing footpath network at this location is that it is in close proximity to the entrance to Vicarage Close. The proposed footpath connection is considered to be satisfactorily commodious for pedestrian movement. There is also a proposed footpath link to the south of the site opposite the former Mill Hill Estate.

- **No footpath marked on the south side of the site, which is close to a bus stop**

As part of the main access into the site the existing narrow footway along the banked section of Silksworth Lane will be widened to a minimum of 2m and the Road Safety Audit confirms that the existing bus stop will be re-located further to the north, away from the bend and accessible by the new widened footway. This solution also has benefit of not having to undertaken significant engineering works within the development site to deliver a footpath connection at this location, thereby undermining existing tree coverage.

- **Loss of heritage; Detrimental impact on Conservation Area; The land is the only piece of land adjacent to the Conservation Area that has not been developed; Number of trees on site, more should be done to retain them and increase them in quality and quantity**

Section 4 Heritage and design considerations of the main Agenda report (please see the Appendix) discusses in detail the impacts of the development on the setting of the Silksworth Hall Conservation Area. Neither the LPA's Built Heritage Team, Historic England or County Archaeologist have objected to the development, whilst the western boundary of the site, which contains four Category A Trees provides the space within which to deliver a landscaped buffer that will help to assimilate the development with the existing dense tree cover in the area, which has been identified in the Silksworth Hall Conservation Area Character Appraisal and Management Strategy as a key defining characteristic of the Conservation Area.

- **An objection quoted Human Rights Act and the application infringed on their rights**

There has been extensive litigation in the courts as to whether the English planning system is compliant with both the Human Rights Act 1998 and the European Convention on Human Rights (from which the 1998 Act is derived). The established view on human rights and the planning system is that the planning system is generally compliant with the ECHR and HA 1998. The Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on householders who already have rights to make representations to a democratic body within the planning system.

The Agenda report (please see the Appendix) has discussed at length how the development proposal has been assessed against local and national planning policy and material planning considerations. Furthermore, the planning application has been subject to three separate public consultation exercises and the various objections to the proposal have been noted and reported to Members of the Committee.

- **Mining heritage and questions of the stability of the land, an objector's property has suffered cracks caused by tree roots; Risk of gas leakage if plans go ahead**

Matters controlled under Building Regulations (which will govern the development's structural stability) or other non-planning legislation e.g. the Party Wall Act (which also governs excavations near neighbouring buildings), are non-material planning considerations.

Regarding Coal Mining Activity and as noted in the planning submission's geo-environmental appraisal the site is located within a Standing Advice Area i.e. within the defined coalfield but with no known defined risks having been recorded by the Coal Authority. In such circumstances the Coal Authority is not a statutory consultee.

Notwithstanding the fact that the Applicant's planning submission is alive to the fact that the site lies within a Standing Advice Area, in the event that Members approve the development, and as has been previously advised to the LPA by the Coal Authority, an informative shall still be placed on the decision notice reaffirming that should any coal mining feature be encountered during development the developer should report this immediately to The Coal Authority. The informative will contain key contact details for that organisation.

In their consultation response colleagues in Environmental Health colleagues confirmed that there are no reasons to refuse outline planning permission on land contamination grounds. Nevertheless, in recognition of the sensitivity of the proposed land use (i.e. residential) Environmental Health colleagues have recommended that standard conditions for Phase 1 & 2 investigations, remediation strategy and verification are conditioned, should Members approve the development.

As part of the site investigations (please see condition 14 on the main Agenda report attached as an Appendix) an assessment of the potential risk to property (existing

and proposed) will need to be approved in writing prior to development commencing on site. This will inform the subsequent remediation statement and ensure that the layout of any development assesses ground conditions, having due regard to surrounding areas, and should also ensure that development avoids any potential hazards in the ground. It will also, where relevant, require ground improvement techniques to ensure a stable development e.g. removing poor material with suitable inert and stable material.

- **Statement of Community Involvement – wrong to suggest that many were in support of the development. Complaints about the inadequacy of the applicant’s public meeting in the summer (2015) and as such, there have been requests for another public meeting**

There have been two community involvement events associated with this development proposal. The first occurred prior to the submission of the application and the second consultation event was held in the 2015 following the amendments to the Parameter Plan and in light of the fact that a significant amount of time had lapsed since the application was first submitted in 2014. Both these events were undertaken and administered by the Applicant and their development team.

Notwithstanding the Applicant’s voluntary engagement with the local community the planning application has been subject to three extensive rounds of public consultation. This has involved neighbour notification letters, numerous site notices and press notices. Full copies of representations are available to view via the planning application portal on the Council’s website using application reference 14/01461/OUT.

- **Concerns about the inadequacy of existing drainage systems. Development will lead to surface water flooding problems; Development would increase flood risk given the road to the front of 91 to 100 Vicarage Close**

The Flood Risk considerations section of the Agenda report highlights that the submitted Flood Risk Assessment and addendum correspondence have adequately demonstrated that this outline planning submission is acceptable in respect of flood risk, whilst the Council, as the Lead Local Flood Authority, and the Environment Agency have offered no objection to the proposed development.

- **Improve broadband connectivity on the site**

This is a non-material planning consideration.

- **Roads should be resurfaced if approved, noise levels seem to exceed legal limits**

The Transport Assessment has demonstrated that traffic volumes associated with the proposed development generally result in only a minor impact; that it should not lead to a constrained road network and that the proposed site access junction and neighbouring highway junctions will operate in a satisfactory manner. As consequence the flow of traffic and the noise created should not be of such a

significance so as to excessively increase noise levels over and above that which is presently experienced. Nevertheless, as part of the site access works the banked section of Silksworth Road will require modification works and as such, the road will be modified, altered and likely resurfaced, whilst the bend in the road to the west of the site access will also undergo carriageway improvements works, including resurfacing.

- **Comments were made that the development is seen as a major step forward in improving housing in the Silksworth area**

Comments are noted.

CONCLUSION

The Applicant's Transport Consultant, AECOM, have re-assessed access into the site, looking at two alternatives to the west of the site. The resultant Transport Note is also accompanied by a Road Safety Audit (Stage 1), which did not identify any significant issues with the arrangement or location of the proposed site access. Given that this is an outline planning submission the concerns noted within the Road Safety Audit were attributed to detailed design matters, which will be resolved as and when the detailed designs come forward via relevant highway agreements.

Engineering colleagues have reviewed the Technical Note and are satisfied with its findings and conclusions. Furthermore, as discussed in the Highways considerations section of the Appendix report, the development proposal will generally provide betterment over the existing situation while not creating highway safety issues. Within the context of Paragraph 32 of the National Planning Policy Framework (NPPF), which states that "...Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe"; there are not considered to be sufficient reason on which to refuse planning permission on highway engineering grounds.

It is noted that the development proposal will result in the loss of open space; however, as opposed to the Council owned Foxhole Wood, the application site is in private ownership. Indeed this a fact was recognised in the Unitary Development Plan (UDP) land allocating policy SA29, as the supporting commentary states that "...Land west of Silksworth Lane is Council-owned but incorporating the hillside to the east would need to be subject of negotiation with the private owner". The Land-use and Policy considerations section of the Appendix report has already highlighted this uncertainty over the viability and deliverability of Policy SA29, which is considered to be further evidenced by the fact that the Urban Country Park envisaged by this policy is yet to be realised at the site.

It is in light of these facts the no-build zones, which form an integral part of the Parameter Plan, are the reasons why it is considered that public accessibility and recreation opportunities will be improved by the development. It formalises and ensures public access on what is at present private land. These areas will benefit from formal footpath networks and, in-conjunction with the green infrastructure corridor running through the middle of the site, linking St Matthew's Field to Foxhole Wood; it is considered that this is positive aspect of the development proposal.

In conclusion, given that there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the UDP and NPPF, when both are taken as a whole, and given that the development proposal will deliver much needed housing in the City, as confirmed by the fact that it is 1-5 year and 6-10 year SHLAA site, it is considered that the development proposal is on balance acceptable and Members are recommended to approve the development subject to the draft conditions listed in the Appendix report and subject to the successful completion of the Section 106 Agreement, again as detailed in the Appendix report, with an additional schedule relating to the management and maintenance of the public realm/ open space areas within the development site.

RECOMMENDATION:

In light of the fact that the Section 106 is still to be completed Members are recommended to delegate to the Executive Director of Commercial Development to approve the application subject to the successful completion of the Section 106 Agreement, as set out, and subject to the draft conditions outlined in the Appendix report.

APPENDIX

26 JANUARY 2016 PLANNING & HIGHWAYS COMMITTEE REPORT

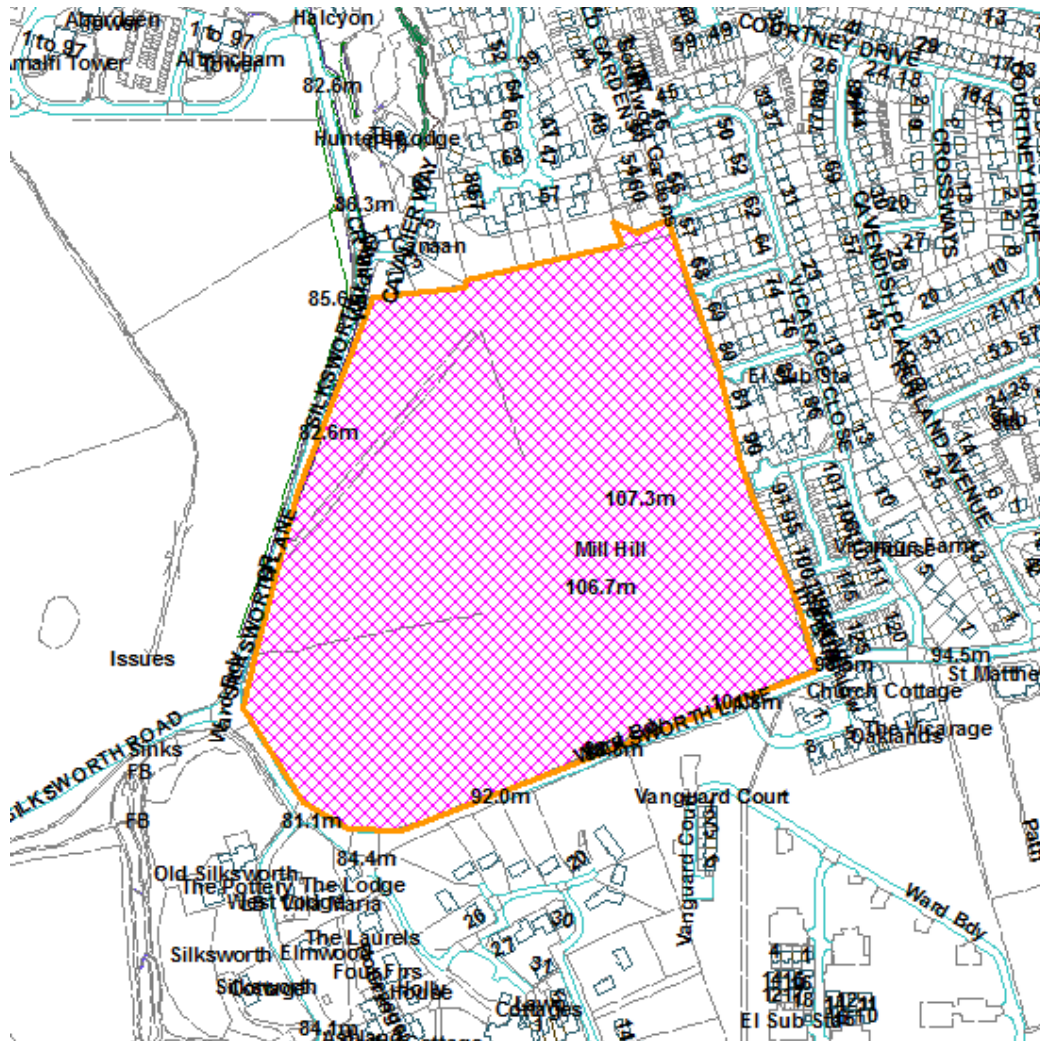
Planning Application Reference: 14/01461/OUT

Land at Silksworth Lane/ Silksworth Road, Silksworth, Sunderland

Application Description:

OUTLINE APPLICATION

Residential development of “up to” 250 no. residential dwellings, including landscaped open space and footpath connections, and details of site access.



Proposed Development

The planning application is an outline submission that is seeking to establish whether or not the principle of developing “up to” 250 residential dwellings on the site is acceptable. The application is also seeking to confirm the means of access into the site, particularly the vehicular access into the site from the bank section of Silksworth Lane.

The details relating to appearance, landscaping, layout and scale (height, width and length) will be subject to a “reserved matters” application at a later stage. These matters are not for consideration at this outline stage.

This largely rough, grassland site is approximately 11.28 hectares and generally slopes from an east to west direction with the highest point (108AOD) located to the eastern centre of the site, where it slopes down by 30m (78AOD) to the western boundary, adjacent to the Silksworth Lane – Silksworth Road junction. There are large sections of retaining walls along the western and southern boundaries to Silksworth Lane. To the north and east the site abuts the residential estates of Ski View and Vicarage Close respectively, whilst the Silksworth Hall Conservation Area is situated on the opposite side of the bank to the south of the site. Further afield is Gentoo’s continued re-development of Doxford Park and the Silksworth local centre and Doxford centre/ Morrison’s.

The planning submission has been supported by the following documents:-

- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Surface Water Drainage Strategy and addendum correspondence
- Transport Assessment and addendum correspondence
- Travel Plan
- Tree Survey/ Arboricultural Impact Assessment
- Site Investigation Report
- Archaeology
- Geophysical Survey Report

Environmental Impact Assessment

In September 2014 the development proposal was screened to determine whether the planning submission should be informed by an Environmental Impact Assessment (EIA). In assessing this Schedule 2 development due regard was given to Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) 2011. It was considered that within the context of the then 2011 Regulations the proposed development did not require the submission of an EIA; please see the Screening Request and Opinion via reference 14/00936/SCR for further information in this regard.

Habitat Regulations

The Council, as the Local Planning Authority (LPA), is presently formulating a Supplementary Planning Document (SPD) in order to support the emerging South Sunderland Growth Area (SSGA), which is a proposed housing growth area in relative close proximity to the application site. The SPD will give detail to guide potential planning applications in order to ensure a co-ordinated and strategic approach to decision-making.

A Habitat Regulations Assessment (HRA) is required because of the size of the SSGA and its proximity to the Natura 2000 (N2K) European sites (i.e. Northumbria

Coast Special Protection Area (SPA)/ Ramsar site and Durham Coast Special Area of Conservation (SAC)). Following the HRA Screening stage, two likely Significant Effects have been identified: recreational disturbance of SPA wintering birds and degradation of SAC habitat, both having been identified through increased visitor pressure (e.g. dog walking).

The relevance of this to the application is due to the fact that the proposed development site is a neighbouring site to the SSGA and therefore in-combination with the housing growth area could contribute to recreational pressures on the N2K sites along the coast. Consequently, the applicant has screened their development within the context of the Habitat Regulations. This aspect of the development will be discussed in more detail in the ecology section of this report, please also note Natural England's response in the consultation section of this report.

Consultation

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order (2010 & 2015), that is, by:

- Site Notice
- Press Notice and
- Neighbour Notification Letters

The application is a departure from the Unitary Development Plan and has been advertised as such.

The application has been subject to three rounds of consultation. The following is a summary of the all the comments received at various stages of the application process. Members should note that full copies of the representations are available to view via the planning application portal on the Council's website using application reference 14/01461/OUT.

In total 46 letters of representation have been received, 45 have been logged as being written in objection.

There were also 3 petitions received, the first one signed by 62 individuals; the second by 104, and the third, which was appended to concerns over the opening up of cul-de-sacs and the proposed density adjacent to Vicarage Close, was signed by 39 people.

- Impact on views
- Ecology impacts
- Encroachment
- Plenty of brownfield sites to build on first
- Substantial reduction of the open area between Farrington and Silksworth leading to coalescence of built up areas
- Doctor Surgeries and other services are full. Area cannot cope with the proposed development

- Primary schools (New Silksworth, St Leonards, Mill Hill and Farringdon) are at full capacity
- Who is to maintain parkland?
- Youths cutting through the estates disrespecting property. Increase in criminal activity
- Health concerns
- Inappropriate use
- Increased litter
- Loss of privacy
- Noise from use
- Overdevelopment. SHLAA identifies the site for 168 houses and a third of the site for open space
- Questioning the submission's assessments given the application is in outline, matters could be varied in the future when the developer is appointed
- Visual amenity
- Overshadowing and overlooking from new development
- Loss of daylight from new builds
- At a meeting (Public Inquiry) about the Ski View development (approved on appeal) at the Civic in the 1990s it was stated that no further development could take place to the south as it would change the skyline
- Dazzling effect on existing residents (91–100 Vicarage Close) from car headlights. Roads should be removed from this area of the site
- Poor access
- Traffic generation, extra traffic through the village
- Silksworth Road/ Lane is a busy, fast and dangerous road with many entrances and exits, an additional point would exacerbate this situation
- Unsuitability of proposed access that has restricted visibility
- Inaccuracies within the Transport Assessment
- There are no accident statistics from the police regarding road traffic incidents
- Access taken from the north via Scarborough Road would be more suitable as this would be less dangerous. However, objectors do not believe a safe solution exists given the topography, existing road network, bends and narrow nature of the road network. The introduction of another major junction would cause another traffic hazard
- Preference from one objector that access should be taken from the existing Silksworth Road/ Lane junction at the most westerly point of the site via a large roundabout. This would also assist in resolving what is an already dangerous junction
- Difficulty of service and delivery vehicles onto such a large estate. Blockage will be inevitable and fatality a distinct possibility. Another expressed doubt about how emergency vehicles would be to access the site via Courtney Drive
- Objector had concerns about the lack of permeability between the development and surrounding estate to the north and east
- During a non-school day an objector totalled 326 vehicles per hour, and during other random periods this increased to 400 – 500
- Doubts over whether the reduction to 30mph would resolve the highway safety concerns

- Concerns about increased traffic next to Vicarage Close, which is a traffic hazard. The objector has witnessed numerous accidents
- No mention of construction traffic to the site and the difficulty posed by the constrained road network in terms of constructing the development
- Concerns about constructing the development in terms of noise, pollution and disturbance, especially given the likely 10 year build rate
- Site access is situated in a dangerous position, near to brow of the hill and bends in the road. It is also overshadowed by trees that make the road slippery during inclement weather
- In icy conditions an objector has witnessed vehicles from Cavalier Way narrowly missing passing traffic. An increase in traffic would exacerbate the situation
- Footpaths are inadequate around the site; have to step onto road if you meet a pushchair etc.
- Footpaths into Vicarage Close, this estate has not been designed to accommodate such increases in footfall
- Footpath to front of 91 to 100 Vicarage Close is privately owned. Permission has not been sought for this purpose
- No footpath marked on the south side of the site, which is close to a bus stop
- Loss of heritage
- Detrimental impact on Conservation Area
- The land is the only piece of land adjacent to the Conservation Area that has not been developed
- An objection quoted Human Rights Act and the application infringed on their rights
- Mining heritage and questions of the stability of the land, an objector's property has suffered cracks caused by tree roots
- Statement of Community Involvement – wrong to suggest that many were in support of the development. Complaints about the inadequacy of the applicant's public meeting in the summer (2015) and as such, there have been requests for another public meeting
- Risk of gas leakage if plans go ahead
- Adding more traffic to the road will compromise further the constrained road network that surround the nearby services in the centre of Silksworth
- Concerns about the inadequacy of existing drainage systems. Development will lead to surface water flooding problems
- Development would increase flood risk given the road to the front of 91 to 100 Vicarage Close

A letter was received from a nearby resident in the Silksworth Hall Conservation Area that highlighted various issues that should be resolved prior to permission being given;

- Main entrance should not be on the bank or top of the bank. Access should be along the Cavalier Public House
- Roads should be resurfaced if approved, noise levels seem to exceed legal limits
- Development should take place during the working week
- Development should improve quality and size of public footpaths

- Number of trees on site, more should be done to retain them and increase them in quality and quantity
- More needs to be done to improve junctions at Gilley Law and Doxford Park
- Improve broadband connectivity on the site
- Comments were made that the development is seen as a major step forward in improving housing in the Silksworth area

Northumbrian Water Ltd (NWL)

In making their response NWL assessed the impact of the proposed development in terms of their assets and the capacity of their network. Having assessed the submission in this context NWL has confirmed they have no issues to raise subject to the development being carried out in accordance with the Flood Risk Assessment. Namely that foul water will discharge at 13.5 litres per second into manhole 4002 and that no surface water will enter the public sewerage system. Consequently they requested that Flood Risk Assessment form part of the approved documents/ plans.

Environment Agency (EA)

The EA confirmed that they have no objection to the development proposal. However, in making this response they noted that the Flood Risk Assessment failed to conclusively qualify where the surface water drainage is to be disposed. Therefore the EA stated that if it is to be the watercourse to the west of the site then the proposed development will be acceptable only if the following planning condition was included:-

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved plans before the development is completed.

Reason:

To prevent the increased risk of flooding, both on and off site.

Highways Agency (HA)

The HA have confirmed that they have no objection to the development proposal.

Heritage England (HE)

Historic England made comment on the application given that the site borders the Silksworth Hall Conservation Area. They highlighted that the setting of which will need to be maintained, preferably enhanced by the application. However, as this is an outline submission they stated that detailed consideration should be given to this

at the reserved matters stage. Consequently, they have not objected to the application.

Nevertheless, they highlighted that the setting of the neighbouring Silksworth Conservation Area relies on strong natural and man-made boundaries, as provides for a distinct, partially rural historic character. The importance of boundary treatments lays not only within the conservation area but also outside it and where this has not been reinforced the setting of the conservation area has been adversely affected, for example with the supermarket (Morrisons) off Wardens Lane.

Consequently Historic England suggest that should the application be approved, that sufficient consideration is given at the reserved matters stage to the development's natural boundary to Silksworth Lane and the need to retain and enhance the setting of the Silksworth Hall Conservation Area in line with Paragraph 131 of the NPPF.

Environmental Health

The consultation response from colleagues in the Council's Public Protection and Regulatory Services highlighted the following:-

- Land contamination

A preliminary site investigation was submitted in support of the application. Environmental Health noted that the anticipated geology is head or boulder clay over Magnesian Limestone. Very little made ground is anticipated apart from infill of two small gravel quarries. It was noted that there is an old limestone quarry located 100m from the northern boundary. The preliminary site investigation proposes to undertake further site investigation comprising of trial pits and associated contamination testing of soils and groundwater (the latter if encountered).

Nevertheless, in view of the time that has lapsed since the initial preliminary site investigation was undertaken, Environmental Health colleagues have recommended that the desk study and walkover be updated, and a Phase 2 investigation be carried out for the site due to the sensitivity of the proposed land use (i.e. residential) and possible contamination within in-fill of gravel pits, made ground associated with old farm premises and potential use of the land prior to 1895 or undocumented more recent uses. Risk for the presence of invasive plants should be considered. Furthermore, in recognition of the fact that Sunderland was subject to wartime bombing it is recommended that a Preliminary UXO desk based risk assessment be undertaken to determine whether there is a risk from unexploded ordnance.

Subject to contamination being found there may be a requirement for development of a Remediation Strategy and Verification Plan / Verification Report.

In conclusion, Environmental Health colleagues confirmed that there are no reasons to refuse outline planning permission on the grounds of land contamination. Nevertheless, given the sensitivity of the proposed land use it is recommended that standard conditions for Phase 1 & 2 investigations, remediation strategy, verification plan and report are included, should Members be minded to approve.

- Construction methodology

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site operations should not commence before 7:00 hours and cease at or before 19:00 hours Monday to Friday inclusive, and 7:30 and 14:00 hours Saturdays. Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. Such matters can be dealt with going forward by way of a construction environmental management plan condition.

- Air Quality

An Air Quality Assessment was submitted as part of the application to consider the potential impacts of the proposed development. The assessment has considered the air quality impacts of construction together with the additional road traffic generated by the proposed development. The construction phase assessment has highlighted the potential for nuisance from dust and particulate matter without mitigation. The reports states that a Dust Mitigation Plan will be written and implemented for the site. Similar to the above this matter can be dealt with by way of the construction environmental management plan condition.

In the worst case scenario the air quality impact of the proposed development upon completion is predicted to be negligible/ not significant.

Natural England

The application site is 4km from the Northumbria coast Special Protection Area (SPA) and Durham Coast Special Area of Conservation (SAC). These European sites (N2K) are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The SPA is also listed as Northumbria Coast Ramsar site and both SPA and SAC are also notified at a national level as Durham Coast Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that the LPA, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The conservation objectives for each European site explain how the site should be restored and/ or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that the LPA, as the competent authority, has screened the proposal to check for the likelihood of significant effects on the N2K. The LPA's assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in-combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts, and in particular the mitigation agreed in the form of financial contributions towards Sustainable Access Management across the South Sunderland Growth Area (SSGA), as detailed in the SSGA Appropriate Assessment. On the basis of information provided, Natural England concurs with this view.

It was also noted that the site is within 4km of the Durham Coast Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England advises that this SSSI does not represent a constraint in determining this application.

County Archaeologist (CA)

An archaeological desk based assessment was produced in July 2013. The assessment concludes that the name 'Mill Hill' suggests the former presence of a windmill on the site, indeed an estate map of 1714 shows a windmill that appears to have gone by 1842. There was also a Mill Hill Farm in the area, whilst part of the site was subject to gravel quarrying. Prehistoric features and finds are known in the Silksworth area; a stone coffin was found in 1879; two Neolithic polished axes and a leaf-shaped arrowhead have been found, whilst a Bronze Age round barrow was discovered at Steeple hill.

Silksworth dates back to at least 930 AD when King Athelstan granted it to the See of Durham. In 1323-4 Silksworth was granted by the King to Richard de Emeldon (mayor of Newcastle on a number of occasions). Sir Robert de Umfraville held the manor in the later 14th Century. It passed by marriage to the Middletons in the 15th Century, who held it until the end of the 17th Century.

In August 2013 a geophysical survey was undertaken that identified the remains of ridge and furrow from medieval or post medieval ploughing and a former field boundary. The CA has therefore requested that archaeological trial trenching should be undertaken in order to test the results of the geophysical survey and to investigate the sites of the windmill and the farm. This should be done before the reserved matters application is submitted. Where archaeological remains are found in the preliminary trenches and where those remains are at threat by the proposed development, the remains will need to be fully archaeologically excavated before development can proceed.

The CA has therefore recommended that a geophysical survey is undertaken followed by evaluation trial trenching, along with any findings being reported on, the content of which being publicised. Consequently, should Members be minded to approve, these can be required via the imposition of three conditions provided to the LPA by the CA.

1. Land-use and Policy considerations

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. In the case of Sunderland this is the Unitary Development Plan (UDP). However, since the publication of the National Planning Policy Framework (NPPF) (27 March 2012) and as the UDP was adopted in 1998 i.e. it predates the 2004 Act, in terms of decision-taking greater weight has had to be given to the Paragraphs of the NPPF.

Indeed, the importance of the NPPF is highlighted by Paragraphs 214 and 215 of that document. Paragraph 214 states that for 12 months from the day of the NPPF's publication decision-takers were able to give full weight to relevant policies of their development plan where they had been adopted prior to 2004. However, Paragraph 215 then goes on to confirm that following this 12-month grace period the level of weight that can then be given to local planning policies depends on their degree of consistency with the NPPF i.e. the closer the policies in the UDP to the policies in the Framework, the greater the weight that may be given.

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

Under the heading of "...the presumption in favour of sustainable development", Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making". Paragraph 12 states that:

"...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

However, Paragraph 14, which sets out the presumption in favour of sustainable development in more detail, stating that for decision-taking this means, unless material considerations indicate otherwise:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted.

Paragraphs 186 and 187 require local planning authorities to approach decision-taking in a positive way. In particular, Paragraph 187 requires that "...Local 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" by working with applicants to "...secure developments that improve the economic, social and environmental conditions of the area".

Before moving onto the detailed consideration of the proposal it is important to consider what constitutes the phrase "...in accordance with the development plan". A key High Court Judgement on this matter was *R v Rochdale Metropolitan Borough Council ex parte Milne*. Within the context of Section 54A of the Town and Country Planning Act 1990 Mr Justice Sullivan, in his judgement of 31 July 2000, concluded as follows:-

“...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be “in accordance with the plan...”

“For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.”

This established principle appears in the NPPF via Paragraph 6, wherein it states that “...the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

- Open space allocation

The site is allocated in the UDP as ‘New and Upgraded Open Space/ Leisure Use’ via Policy SA29. This policy earmarks the site, along with the larger expanse of green space to the west and land extending southwards to Chapelgarth via Doxford, as an ‘Urban Country Park’. Policy SA29, which encompasses approximately 47 hectares, was designed to improve the level of open space provision in the area and to safeguard the area from residential pressures; it also echoed the Council’s policy of protecting open breaks between settlements, in this instance Farringdon and Silksworth.

The developable area of the application site represents less than 16% of the total designation and within the supporting commentary to Policy SA29, it was acknowledged that the success of incorporating the application site into the ‘Urban Country Park’ would be dependent upon negotiations with the land owner. This contrasts with the Council-owned land on the opposite side of Silksworth Lane to the site, which is the largest portion of the allocation. The fact that the application site is privately owned raises questions over the viability and deliverability of this element of the policy allocation, especially given the implications of Paragraphs 173 – 177 and 215 of the NPPF.

Paragraphs 173 – 177 highlight the need to ensure viability and deliverability in both plan-making and decision-taking. Pursuing sustainable development requires Local Plans to be deliverable. To this end it is noteworthy that the ‘Urban Country Park’ has not come into fruition since the UDP was adopted. Furthermore, given the fact that the landowner via the applicant, Partner Construction, has now submitted this planning application, it is at least questionable whether the landowner would now readily relinquish the site over to an Urban Country Park. In so far as it relates to the application site it is therefore not considered unreasonable to suggest that viability and deliverability issues exist over this aspect of Policy SA29.

In terms of the NPPF’s specific reference to open space areas, Paragraph 73 states that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Paragraph 74 then, in part, states that existing open space should not be

built on unless an assessment has been undertaken which has clearly shown the open space 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 terms of its UDP equivalent, policy L7 provides the criteria for the consideration of development proposals resulting in the loss of recreational and amenity land. Policy L7 states, in part, that land allocated for open space or outdoor recreation will be retained in its existing use. Permission for other uses on such sites will only be granted if alternative provision is made and there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Given the above policy requirements, as well as going forward in terms of the emerging local plan, it is considered important to re-iterate the NPPF's requirement that local planning policy is based on robust and up-to-date assessments. Consequently, the Council's Strategic Policy team, who are drafting the next iteration of the City's plan (i.e. the emerging Core Strategy), audited the City's greenspace in 2012, culminating in the 'Draft Sunderland Greenspace Audit and Report 2012', hereby referred to as the "Audit".

Amenity greenspace is a generic description for green space and planting which softens the urban fabric, allows for informal leisure and provides a setting for buildings. The Audit states that in comparison to other local authorities Sunderland appears to have a higher than average proportion of amenity greenspace, whilst in terms of the City itself, Silksworth has an above average rating in terms of the quantity and quality of its greenspaces.

In contrast the Audit established that in terms of its quantity and quality of greenspace the Farringdon area of the City is below average and low respectively. This highlights, in part, why the larger, western portion of Policy SA29 i.e. Foxhole Wood, which is located within Farringdon, is not identified as either being deliverable or developable for housing in the Council's Sunderland Housing Land Availability Assessment (SHLAA).

The Audit also qualifies the overall value of greenspaces by amalgamating site quality, accessibility and need. In terms of Silksworth the greenspace value has been identified as being above average, as it contains the "high quality" Silksworth Sports Complex and surrounding park land and also surrounding pockets that are either very high or high. Relative to the other greenspaces in Silksworth the application site has only been classed as above average, whilst the Council-owned western Foxhole Wood portion has been classed as being of a very high quality.

In terms of formal parkland, which is defined in the Audit as being designed, organised and accessible greenspace that provides high quality opportunities for informal recreation and/ or community events, Silksworth has been noted as having good quality parks (Silksworth Welfare Park and Doxford Park) that have a very high standard in terms of access. It is therefore clear that Silksworth is reasonably catered for in terms of its greenspace provision.

In terms of how the development proposal has approached Policy SA29 allocation, it is noted that the proposed housing platforms have been set within a landscaped setting. The submitted Parameter Plan has identified broad areas for housing and areas of open space that are more readily accessible and which have links within and outwith the site. A key component has been the introduction of a swathe of open space along its highest point, located on an approximate south-east to north-west trajectory, whilst a 'wildlife buffer' has been introduced around the western and southern boundaries, along with additional areas of open space along the northern and southern boundaries.

Overall, having regard to the limited levels of accessibility to the site and in view of the fact that the development proposal will open up and connect the site to the wider area via the proposed green infrastructure corridor, it is considered that the development proposal results in a net benefit in terms of open space access and recreational opportunities.

- Housing

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.

In terms of housing, Paragraphs 47 and 159 requires that local planning authorities should have a clear understanding of housing needs in their area. This is demonstrated by a Strategic Housing Market Assessments (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 the likely economic viability of land to meet that identified need.

In terms of decision-taking, Paragraph 49 then 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. A five-year supply of housing land, or lack of, is an important and significant material consideration in the determination of planning applications.

To this end the Council's 2013 SHLAA identifies the application site as being deliverable for housing within 1-5 years i.e. it forms part of the five-year supply of deliverable housing sites. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within five years. It should be also noted that 64% of the total sites identified within the 2013 SHLAA are brownfield, which indicates the strong bias of the City's identified housing land supply towards previously developed land.

Nevertheless, as the with emerging Core Strategy, the SHLAA has not been subject to independent examination and as such, on balance, at this stage the Council cannot say with certainty that a five-year supply of deliverable housing sites is available in the City. Accordingly, it is considered that the more up to date development management and housing policies in the NPPF should be given significant weight. Again, in this respect, attention is drawn to the wording of Paragraphs 14 and 49, particularly that housing applications should be considered within the context of a presumption in favour of sustainable development.

Concluding remarks

As stated above, Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole, or specific policies indicate that it should be restricted.

Considering Paragraph 14 from a principle of development perspective it is noted that the site forms part of the Council's five-year supply of housing land and is therefore recognised by Strategic Policy as being key in helping to meet the City's identified housing need. This positive aspect of the development is considered significant given the wording of Paragraph 49 and its statement that housing applications should be considered in the context of the presumption in favour of sustainable development.

Furthermore, Silksworth, the area within which the site is located, has an above average rating in terms of the quantity and quality of its amenity greenspaces and is an area that is noted for having good quality parks that benefit from a very high standard of access. Moreover, and notwithstanding the fact that the land is privately owned, given its overgrown and rough grassland nature the site presently provides for a limited level of accessibility and active usage. Furthermore, the proposed development will retain approximately one quarter of the site for open space purposes that incorporates a network of footpaths and accessible open spaces. It is therefore considered that on balance there will be a positive benefit in terms of open space access and recreational opportunities afforded by the development proposal.

It is also noted in the supporting commentary to Policy SA29 that incorporating the site within an Urban Country Park was dependent on the successful negotiation with the private owner. Moreover, unlike say Herrington Country Park, the proposed Urban Country Park has not yet been realised and in conjunction with the fact that there is now this planning application to consider, it is not considered unreasonable to at least question the viability and deliverability of Policy SA29 in so far as it relates to the application site. It is therefore considered that are significant conflicts between the principle of Policy SA29 at the site and Paragraphs 173 – 177 of the NPPF.

Accordingly, as will be discussed in the following sections, given that the site is located within sustainable location close to local centres, services and public transport links, it is considered that principle of developing the site for residential purposes is on balance acceptable.

2. Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists. Proposals should not cause traffic congestion or highway safety problems whilst they should also 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. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In terms of considering this planning application and along with the principle of development, it is the means of access that the applicant has applied to be determined at this stage. All other matters are reserved for approval at a later date. A Transport Assessment has been submitted in support of the planning application.

- Application site and road environs

The Transport Assessment includes an analysis of the recent 3-year accident period at and around the site. Using information obtained from the Traffic Accident Data Unit the Transport Assessment considers that the majority of the recorded accidents were attributed to some form of driver and/ or pedestrian error or environmental issue. There was no common site specific pattern or causation identified. The Transport Assessment considers that there are no exceptional grounds from a road accident history perspective that would warrant a refusal of permission.

Silksworth Road is an approximately 6.7m wide single carriageway road running east-west to the south of the site and takes the form of a typical distributor road through Silksworth with links to the A690 to the west. There are footways on both sides of Silksworth Road at its eastern end although the southern footway ends at the south-west of the site. Street lighting is provided along the northern side of the road. The road then slopes uphill from west to east and has a speed limit that changes from 40 mph to 30mph approximately 100 metres to the east of the proposed site access.

Silksworth Lane is a single carriageway of approximately 6m width and runs north-south to the west of the site. A reasonable standard footway and street lighting is present to the western side i.e. on the opposite side of the road relative to the western boundary of the site.

The Transport Assessment considers the site to be well served by bus services, with frequent 20-minute services running along Silksworth Road to destinations that include South Shields, Sunderland Interchange, University of Sunderland, the Royal Hospital and Low Moorsley. There are more than 20 bus stops within 1km walking distance of the proposed site access on Silksworth Road, with two bus stops located approximately 250m away from the site access to the west. However, the LPA also notes that there are more commodious bus stops within 400m east of the proposed site access, one of which is a bus stop with shelter on the City Centre bound part of the network. The Transport Assessment also considers the site to be located within

walking and cycling distance to a number of typical retail, health, education and leisure facilities, all of numerous examples cited are within 2km of the site.

- Development Proposal

A single vehicular access to the site will be taken from a new junction on Silksworth Road with a right turn arrangement. Localised widening works will be required to facilitate this junction layout and will include an enhancement to footway provision in this area along with a new pedestrian refuge island.

The Transport Assessment notes that Silksworth Road is subject to a 40mph speed limit in the vicinity of the proposed site access that changes to 30mph approximately 100m to the east. The Transport Assessment has therefore suggested that the 30mph area could be extended further west along Silksworth Road in order to reduce speeds and increase driver awareness that they are entering an area where a higher level of pedestrian movement might be expected.

In terms of the proposed site access a visibility of 120m in each direction can be achieved. This visibility distance has been checked against the safe stopping distance requirements of Manual for Streets. Given the achieved visibility, along with the associated road widening that will enable the right turn priority junction and nominal 2m footway; engineering colleagues have confirmed the proposed site access is acceptable in principle.

The Transport Assessment is based upon an extensive survey of traffic data in the area. In accordance with the Department of Transport guidance the assessments for the local road network incorporates years 2014 (year of planning application submission) and 2019 (5 years hence), whilst 2024 (10 years post planning application) has been considered for the impact on the local and strategic road network. The assessments consider both the 'as existing' scenario and plus development scenario. The traffic impact of the development on the local road network has been assessed using robust assumptions, demonstrating that the site access junction and neighbouring highway junctions can operate in a satisfactory manner.

In order to confirm the development proposal's acceptability the Transport Assessment also includes an operational capacity assessment of the proposed right-turn into the site from Silksworth Road. The traffic flows attributed with the right-turn into the site are considerably below the threshold where a constrained network would be created. The results highlight that the proposed site access operates with a significant degree of spare capacity with minimal queuing in the peak periods.

In order to demonstrate the acceptability of the development proposal the Transport Assessment also operationally assessed the Silksworth Road/ Silksworth Lane junction to the south-west of the site. The results highlight that the junction currently operates with congestion, most notably in the afternoon peak period. The assessment's analysis of the development proposal's impact forecast only a small difference in the mean max queue lengths.

Nevertheless, from studying the observed peak hour traffic movements through this junction it was noted that movements from the southern Silksworth Road arm are notably lighter than those observed for Silksworth Lane and the Silksworth Road western arm. Therefore, in order to help mitigate the development's impact and provide betterment in terms of the existing congestion, the Transport Assessment proposes to amend the existing give-way arrangement in order to reflect the majority of traffic movements. This amendment would see a change in the priority of the Silksworth Road southern arm i.e. at the bottom of the bank, forming the minor arm of the junction, with the new main-line flow being Silksworth Road (west) to Silksworth Lane (i.e. the part of this road that runs parallel to the western boundary of the site). The change in priority of the junction will require kerb-lines to be altered to narrow the entrance to form build-outs, which in turn will assist in reducing speeds as part of the proposed speed limit reduction to 30mph.

Since the submission of the planning application and associated Transport Assessment engineering colleagues in Network Operations have reviewed the development proposal. Their first consultation response highlighted concerns over the increase in pedestrian activity brought about by the development proposal and the constrained and limited pedestrian network within and around the site.

To the immediate east of the site walking eastwards to Silksworth along the northern footway of Silksworth Road sections of the footway fall below the width of 1.2m and owing to utility poles at two points, narrows further to 0.7m wide. This existing constraint highlights the need for a pedestrian link from the site into the adopted and more commodious footpath network in Vicarage Close, thereby providing a safer alternative route for pedestrians. As part of utility works to serve the development and form the new vehicular access road, the developer will need to arrange for the removal of existing utility poles along the front of the site on Silksworth Road with the cabling diverted underground. It is recommended that the applicant arranges for the supplies to existing properties to be diverted underground at this stage, which will help improve on the constraint of the narrow footway.

The engineers also noted that the proposed crossing with pedestrian refuge near to the site access on Silksworth Road would cross onto a narrowed southern footway adjacent to the former Mill Hill estate. Part of the footway is proposed to be widened and extended to provide a link to the existing footpath network connecting to Mill Hill Road.

In terms of improving walking routes from the site to Doxford Park via Warden Law Lane, the developer is to provide a 2m wide footway as part of the proposed site access improvements which would merge into the existing footway along the northern side of Silksworth Road to its junction with Warden Law Lane. The developer has been requested to provide improvements to the bend in the road near the junction with Warden Law Lane as part of the proposed reduction in speed limit. These improvements include provision of high friction surfacing and road narrowing markings to assist with crossing provision to footpaths adjacent to Doxford Park.

The developer will be required to improve accessibility for pedestrians to the west of the site, which includes links from the site to Farringdon Academy. The development will lead to an increase in usage of this route by school age children, with increased

demand for crossing in the vicinity of Silksworth Lane and Warden Law Lane. There are new footpaths proposed within the site which need to be installed and brought into use in association with the phased building of the development. There are new pedestrian refuges to be built on Silksworth Road and Silksworth Lane, the locations of which are identified on the development Parameter Plan. The new crossings will also improve access to the open space to the west of Silksworth Lane.

There are no recorded Public Rights of Way (PROW) on the site; however there is the potential for strong desire lines to be claimed as PROW on the basis of historic use. The engineers advised in their initial response that there is evidence on the ground of established informal use of routes that could be claimed as public rights of way on the basis of historic use. If such claims were substantiated on the basis of evidence then they would either need to be accommodated on their current course, or diverted to or otherwise replaced by alternative routes. The latter may be paths away from roads, or depending on the status and connections made via footways beside new estate roads.

The internal footpath network should ideally be constructed at a width of 3metres to accommodate shared use by pedestrians/ cyclists to support sustainable travel, with details agreed at the reserved matters stage.

The footpath connections to the east of the site have been reduced through the development of the parameter plan and scheme layout during the planning process. The remaining footpath link is proposed to connect to an existing adopted public footpath, with the route realigned to connect directly to the footpath to the south of 100 Vicarage Close. As discussed above, this route is a more commodious footpath network linking with Vicarage Close, thereby providing a safer alternative route for the proposed residents.

The traffic impact of the development on the local road network has been assessed using robust assumptions, demonstrating that the site access junction and neighbouring highway junctions can operate in a satisfactory manner.

In summary, following extensive discussions with representatives from planning and highways a number of improvements are proposed by the applicant to the surrounding road network. These are essential requirements which need to be delivered to ensure a safe and accessible development.

The specific highway improvements including:

1. The widening of Silksworth Road at the entrance to the development, which includes a right-turn pocket, a pedestrian refuge, new footways to the north and footway improvements to the south
2. Change the priority of the Silksworth Lane/ Silksworth Road junction with build outs to narrow the road entrance and reduce the speed limit along Silksworth Lane from 40mph to 30mph
3. High friction surfacing and road markings and hatching to narrow the bend on Silksworth Lane/ Warden Law Lane to assist management of traffic and speed reduction

4. New pedestrian refuge on Silksworth Lane to provide crossing point to the west of the development
5. New pedestrian refuge on Silksworth Road to provide crossing point to the west of the development and connect to the existing footway network to Doxford Park

In conclusion, it is considered that the Transport Assessment has satisfactorily demonstrated that subject to the proposed modifications and measures detailed above, which will be the subject of planning conditions and delivered and managed going forward by the Local Highway Authority via Section 278 Agreements, the highway network will be able to cope with the increase in traffic associated with the development proposal. The proposal is therefore considered to be on balance acceptable and in accordance with Paragraph 32 of the NPPF and UDP policies T8, T9 and T14 of the UDP.

3. Habitat Regulations, Ecology & Arboriculture

Paragraphs 109 and 118 of the NPPF state that local planning authorities should minimise impacts and provide net gains in biodiversity where possible 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. 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.

- Habitat Regulations Assessment

In order to meet the requirement of the Habitats Directive (92/43/EEC) a Screening Assessment has been undertaken of the development proposal by the Competent Authority – Sunderland City Council (LPA's ecologists), in accordance with EC guidance on the 'Assessments of Plans and Projects significantly affecting Natura 2000 sites' and in line with DTA 'The Habitats Regulations Assessment Handbook'.

By way of background, since the submission of the planning application an initial Stage 1 Screening Assessment was undertaken by the City Council, as the competent authority, of the emerging South Sunderland Growth Area (SSGA) Supplementary Planning Document (SPD). The SSGA is an emerging housing allocation that has the potential to deliver some 3350 new homes in the south Sunderland area. This initial assessment concluded a likely significant effect from the plan (i.e. the SSGA SPD) and as such, an Appropriate Assessment (AA) of the SPD was required. The AA identified a likely significant effect from housing in this area

through indirect effects on the SPA and SAC and subsequently proposed a series of mitigation measures.

The mitigation measures incorporated Suitable Alternative Natural Greenspace (SANG) and accompanying green infrastructure in order to absorb the majority of the dog-walking activity of the proposed new residents, while Strategic Access Management Measures (SAMM) were identified in order to reduce the effects of additional coastal visitors on the SPA birds and habitats of the coast and include coastal rangers, signage, requirements for dogs to be on a lead, and encouragement to use cliff top routes rather than the beach. Monitoring work will also be required to allow actions to be increased if needed. Development will only be considered acceptable if it accords with these mitigation measures, as they have been designed in order to ensure no adverse effects on the integrity of the SPA or SAC.

Given that this planning application was submitted when the SPD's AA work was ongoing and as the site is in relative close proximity to the SSGA it has been necessary to include this development proposal in that exercise.

In summary, the SSGA AA has developed a package of requirements for individual housing areas with different developments delivering either SAMM or SANG. Early schemes will deliver SAMM, as these are the first key steps in reducing potential harm to the SPA or SAC from increased numbers of visitors. Later and larger schemes will then deliver SANG and green infrastructure improvements. The SSGA's AA identifies a payment of £1,703.00 per dwelling for the Silksworth Lane site. The costs identified will, in part, fund the raft of mitigation and monitoring measures along the coast. The LPA's ecologists have also noted that the site design has incorporated areas of greenspace that will benefit from new paths so as to encourage local circular walks, thereby contributing to the wider green infrastructure improvements.

However, as this application was pending consideration during the SSGA's AA process the SHLAA figure formed the basis for the site, although it appears that a figure of 160 was used rather than the 168 identified in the SHLAA. Notwithstanding this discrepancy, as the development proposal is seeking permission for "up to 250" units it has been necessary for the applicant to account for and address the impact of the additional units.

In order to address the effects of the additional 90 households a suite of additional SAMM measures have been proposed that are considered complementary to those measures already identified via the SSGA's AA. These additional measures have been translated into £1758.93 per dwelling figure (i.e. for maximum 90), over above the £1703.00 per dwelling figure that has already been identified for the 160 units. It should also be noted, as discussed in the consultation section of this report, Natural England concurs with the approach and conclusions adopted by the LPA.

In short, the SSGA's AA and the screening assessment for the additional (maximum) 90 units have demonstrated that a development proposal of "up to 250" dwellings at the site is unlikely to have any significant impact on the conservation objectives of the N2K and Ramsar sites along the coast. This is on the proviso that the identified green infrastructure improvements and SAMM contributions are secured via a

Section 106 Agreement. The Section 106 Agreement will relate to the detail contained within 'Report to inform a Screening Assessment for the proposed development at Silksworth Lane, Mill Hill Sunderland' by E3 Ecology Limited Report no 3 Final September 2015, and to confirm, the costs would be:

- 160 dwellings at £1703.00 per unit = £272,480.00
- (maximum) 90 dwellings at £1758.93 per unit = £158,303.70

On this basis the LPA's ecologist and Natural England have concluded that Likely Significant Effects are unlikely and as such, the development is acceptable and in accordance with Paragraph 119 of the NPPF.

- On-site ecology considerations

The planning application was supported by an 'Ecological Survey Works' report, June 2014. The report was informed by a desk top study and field surveys that assessed the habitats and whether protected species were present at the site. The field surveys included an aerial inspection of trees (bats); transect surveys (bats) and remote monitoring over a 4 week period. A Habitat Suitability Index (HSI) of ponds both on and off site was also undertaken. The surveys also assessed and considered the likelihood of Biodiversity Action Plan (BAP) species being present on the site.

In terms of habitats the report explained that the area was noted for supporting remnants of former hedgerows, as well as sporadic hawthorn scrub and broadleaf trees. Tree cover to the southern and south-western boundary was noted for its maturity; two beech trees in particular were identified as being of a substantial age. The grassland, which dominates the site, was considered to be of parish ecological value. The mature tree cover was considered to be of local value given the extent of the wildlife corridors within the area.

The ecology report also noted that there were no ponds or watercourses on site, while all ponds within 500m were assessed for the risk of supporting protected species. None were identified while otter and water vole were considered absent given a lack of good quality habitat for either species on site or in the immediate area. The survey work also recorded Cotoneaster and Montbretia in two separate locations. These are non-native and invasive species.

The aerial tree risk assessment did not confirm the presence of roosting bats on site; only two trees were considered to contain features of value to this species. Transect work highlighted low numbers of common pipistrelle and soprano pipistrelle bats, although Anabat remote monitoring within the southwest of the site provided a high number of pipistrelle passes and small numbers of commuting whiskered/ Brandt's, Natterer's and noctule. Common pipistrelles accounted for 97% of data recorded on the Anabat device.

In terms of the site's entirety the report considered that it provided suitable foraging habitat at times through coarse grassland and tall ruderal growth. However, the ecology report explained that subsequent to mowing in the summer foraging activity was essentially restricted to scrub and tree habitats. Given that similar and better

quality habitats are available to the west, south west and south east and as no roosts were recorded on site, overall the site was considered of local value in terms of bat species.

Nevertheless, a key commuting linkage was identified within the south-western corner of the site, which is to be retained going forward into the reserved matters stage via the Parameter Plan's 'No build zone'. In conjunction with the ecology report's proposal to improve this area via enhancements to the entire western boundary, amendments have also been sought and incorporated for the widening of the no build zone through the site. This green infrastructure corridor provides a wildlife link between the open space areas to south-east and north-west of the site. The open spaces and corridors within and through the site will help mitigate the development proposal's impact by connecting and strengthening the linkages to wider habitats.

In terms of bird species the ecology report noted that they were likely to nest within tree and scrub cover. Ground nesting species were considered unlikely given the site was used by dog walkers. The ecology report also discussed the barn owl record provided by the LPA's ecologist within the area. However, following the survey work, it was considered that the site offered no roosting or foraging habitat for barn owls and that it was severed from potential nesting locations by existing residential development. The report corroborated this assessment by highlighting the fact that four of the six bat surveys were undertaken by an experienced ornithologist and this species was not recorded on any occasion.

Habitats at the site were considered unsuitable for reptiles and a very low risk of slow worm was identified on site. Nevertheless, in the unlikely event that amphibians were found to be present the report highlighted clearance methods in order to negate any harm.

It was also considered that connectivity to the site for badger was lacking and no evidence of this species was found. Nor was any evidence of red squirrel activity recorded, whilst this species is considered highly unlikely due to widespread decline and lack of connections to areas with known records.

In conclusion the ecology report considered that as this was an outline submission the tangible impacts were considered to be:-

- Spread of Cotoneaster and Montbretia;
- Loss of a large area of open space of local value to bats, birds and other wildlife including the BAP species hedgehog and common toad;
- Potential lighting and disturbance effects to bat species.

Therefore, in terms of mitigation the report suggested a creation of a wildlife buffer of approximately 40m width along the majority of the western boundary. It was nevertheless noted that the buffer width was flexible and may be slightly narrower or wider in places, as determined by the landscaping of the site. It is considered that the no build zones within the Parameter Plan achieve this recommendation and as such embeds this form of mitigation going forward to reserved matters stages.

Furthermore, the report, which will form the basis of an appropriately worded planning condition, highlights that as part of the development of the site mitigation will also come in the form of:-

- Retention of existing hedging and tree cover;
- Planting of scrub, field and forest trees within 6m diameter clusters;
- Footpaths to be cut to a depth of 300mm with the removed material creating banked contours along edges and seeded with species rich mix of vetches, oxeye, scabious, knapweed and other species of value to invertebrates (as directed by the project ecologist within the habitat management plan);
- Approximately 50% of the buffer area retained or soil stripped to allow the persistence of neutral grassland. The remainder of the retained area will be sown with a species rich amenity mix in order to provide useable open space areas;
- Buffer areas fenced by close-panel fencing along rear gardens of residential properties, where relevant, and planted with thorn hedging mix to discourage tipping of garden waste;
- Retained neutral grassland area will be twice-yearly mowed, with the removal of arisings to maintain this grassland in the long-term;
- A central verge will track the main access road and be seeded with a rich amenity mix as well as containing regularly planted trees such as apple, cherry and field maple;
- Overwinter clearance of scrub and leaf litter to be undertaken by hand;
- Vegetation clearance works undertaken before coarse grass growth in the early summer, to negate the risk of harm to mammal and amphibian species including hedgehog and common toad;
- Works will follow a Cotoneaster/ Montbretia method statement where removal of this species is required;
- Site lighting will avoid spill to retained tree cover, hedgerows and boundary features;
- Bat boxes will be installed within 10% of properties;
- Bird boxes will be promoted to residents;
- A management plan will be provided for habitat within the site.

Furthermore, general good practice measures relevant to the site include:

- Vegetation clearance will not take place during the bird nesting season (March-August), unless a checking survey undertaken by an ornithologist confirms that active nests are absent.
- Any trenches left open overnight on site will contain a means of escape for mammal species (a ramp angled at 45 degrees and 30cm in width is sufficient).
- Timber treatments within new builds will avoid those which are toxic to mammals.

Following the consultation response from the LPA's ecologist and given that this is an outline submission, in terms of going forward to the reserved matters stages, in the event that Members are minded to approve, the mitigation and enhancement measures will be subject to an appropriately worded planning condition.

Furthermore, looking beyond, but integral to, the HRA mitigation, and again acting on the advice of the LPA's ecologist, the applicant has agreed to a financial contribution of £122,000, which will be secured via a Section 106 Agreement and will be directed towards wetland creation and restoration, grassland restoration, woodland improvement works and community participation and site establishment. The contribution will fund measures to offset the impacts of increased public pressure brought about by the development on key areas of greenspace and biodiversity interest in proximity to the application site.

In conclusion, given the findings of the submitted ecology report and in light of the widened green infrastructure corridor through the site, along with the enlarged open space to the east that is adjacent to Vicarage Close, subject to the above condition and Section 106 Agreement, it considered that the development is on balance acceptable in respect of its ecological impacts, in accordance with Paragraphs 109 and 118 of the NPPF and UDP policies CN17, CN18 and CN22.

- Arboricultural considerations

The planning application has been supported by an Arboricultural Impact Assessment (AIA). The AIA has categorised the trees into the following:-

Category A: Trees that are of high quality and value, which make a substantial contribution to the site.

Category B: Trees that are of moderate quality and value. Their condition is also noted as making a substantial contribution to the site.

Category C: Trees that are considered to be of low quality and value. Their condition is adequate and could remain in the short term.

- 1: Mainly arboricultural qualities
- 2: Mainly landscape qualities
- 3: Mainly cultural values, including conservation

Of the trees surveyed four were assigned as Category A i.e. 11, 13, 21 and 22. These trees are located within the south-western portion of the site, adjacent to Warden Law Lane and the junction between Silksworth Road and Silksworth Lane. In view of the fact that these trees are located well within the no build zone they can be reasonably retained going forward in terms of the future detailed reserved matters stage.

Given that the application is seeking approval of the means of access, it is important to note that this will require the removal of a number of trees i.e. 24 – 33 and 34 – 38, as well as Groups 13 and 14. Out of these; 23, 24, 34 – 36 have been assigned as Category B with the rest being Category C. Out of the Category B trees only 35, which is an Ash tree, was assigned as being a “1” i.e. noted for its arboricultural qualities. Furthermore, in terms of the development areas within the site, as designated by the Parameter Plan, it appears that Groups 4 and 5, which have both been assigned Category B2 given their landscape quality, could be impacted by the development proposal.

However, given the outline nature of the submission, should Members be minded to approve, careful and detailed consideration will be given to the relationship of built development, footways and trees when detailed designs have been formulated. The retention, or part thereof, of such groups can be fully assessed at that time. Moreover, it should be noted that the open space areas will be subject to a scheme of landscaping that has the potential to realise and significantly enhance the tree population within these areas and across the site.

Similar to the agreement of a scheme of landscaping and in the event Members are minded to approve, Section 5 of the AIA highlights the key considerations that will be considered and submitted as part of the Arboricultural Method Statement. It is standard practice for an Arboricultural Method Statement to be the subject of an appropriately worded planning condition. The issues raised in Section 5 of the AIA will need to be demonstrated within the detailed designs and submitted as part of the future reserved matters submission.

It is considered that for the purposes of this outline application the submitted AIA provides for a sufficiently detailed basis on which to recommend an approval of permission in respect to its impact on trees. Through the imposition of a condition requiring the agreement of an Arboricultural Method Statement and in light of the fact that landscaping is a reserved matter, it is considered that this outline planning submission is on balance acceptable and in accordance with policy CN17.

4. Heritage and design considerations

In terms of design considerations UDP policy B2 requires that the scale, massing, layout and setting of proposed development should respect and enhance the best qualities of nearby properties and the locality. Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 131 requires local planning authorities to account for Conservation Areas in decision-taking and whose setting should be maintained, preferably enhanced. UDP policies B8 and B10 are relevant. These policies require development proposals to sustain and enhance listed buildings.

Paragraph 135 requires that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- Heritage considerations

The planning application has been supported by a desk based assessment undertaken on behalf of the applicant in order to assess the heritage assets and archaeological interest of the area. The work involved a 1km search radius of listed buildings within the area followed by site visits in order to assess whether the proposed development would have any impact on the setting of the designated assets.

The assessment noted that Silksworth Cottage, Doxford House and Silksworth Hall were the nearest listed buildings. Nevertheless, it was also noted that as these are located within the Silksworth Hall Conservation Area they are visually disconnected from the application site by mid-late 20th Century infill residential development, which has essentially destroyed a large part of the previous garden to Silksworth Hall, existing road infrastructure and significant tree planting.

Regarding the Conservation Area itself and reviewing the Council's Silksworth Hall Conservation Area Character Appraisal and Management Strategy (CAMS), the fundamental character is considered to be defined by the existing dense tree cover flanking Warden Law Lane and the historic boundaries of Doxford House and Silksworth Hall. The gently winding Warden Law Lane provides the central focus of the Conservation Area, along with the strong sense of enclosure formed by high limestone boundary walls and tree cover along the route.

The nearest part of the site to Warden Law Lane and the open meadow of Doxford Park is the south-western portion of the site, which is where a significant area of "no build zone" is located. Crucially this no build zone will enable the retention of an area that benefits from significant mature tree coverage, thereby ensuring that there is minimal disturbance to the natural and significant topography that exists within this part of the site, along with the associated retaining walls that abut the footway and road. The presence of the south-western no build zone will also help to ensure that the development proposal maintains a reasonable relationship with the Warden Law Lane 'gateway' and its terminating vista relative to Silksworth Lane. It is therefore considered that the setting of the Conservation Area can be reasonably maintained at this key part of Silksworth Lane.

Furthermore, the "no build zone" will also provide for areas through which the development proposal can enhance tree coverage within the site via a scheme of landscaping and, as discussed in the land-use policy considerations section of this report, the Council-owned Foxhole Wood open space to the north of Doxford Park, across from Silksworth Road i.e. the key area of open space area within Farrington, will remain as open space, thereby ensuring that a green environment will be the defining characteristic within the immediate vicinity of the Conservation Area.

The CAMS also considers that the mid-late 20th century residential infill development within Silksworth Hall has greatly obscured the original layout of the estate and greatly diminished its significance. This infill development is pertinent to the development proposal as the rear boundaries of the estate abut Silksworth Lane and oppose the site. The rear boundaries are defined by a significant and unsympathetic expanse of concrete walling and mature tree coverage. It is considered that this form of boundary defines the strong inward facing nature of the Conservation Area.

Notwithstanding this relationship with Silksworth Lane the development proposal does not alter the Conservation Area's side of the road and neither does it require the removal of any trees on this side of the road, many of which are protected by virtue of a Tree Preservation Order. Furthermore, excluding the proposed site access and sections of new pedestrian footway and a relatively small area of

proposed built development, the majority of the development proposal's southern boundary will be retained as a green corridor.

In terms of consultation responses Historic England and colleagues in the LPA's Built Heritage team have in their responses advised that sufficient consideration be given at the detailed reserved matters stage to the development's natural boundary to Silksworth Lane and the relationship of the development proposal to the Conservation Area. Crucially, both these consultees have not objected to the principle of development at the site.

The County Archaeologist has also responded on the basis of the submitted archaeological desk based assessment. The assessment included a geophysical survey in order to identify any remains of ridge and furrow from medieval or post medieval ploughing. In her response the CA has requested that archaeological trial trenching be undertaken in order to test the results of the geophysical survey and to investigate the sites of the windmill and farm. This will be expected prior to the submission of the reserved matters application. Where archaeological remains are found in the preliminary trenches and where those remains are at threat by the proposed development the remains will need to be fully archaeologically excavated before development can proceed.

The CA has therefore recommended that a geophysical survey be undertaken followed by evaluation trial trenching, along with any findings being reported on, the content of which being publicised. Consequently, should Members be minded to approve these can be required via the imposition of three conditions provided to the LPA by the CA.

- Urban Design and Residential amenity

The Parameter Plan is the drawing that will form part of the approved set of plans and as such, is the drawing that will dictate any future reserved matters, should Members be minded to approve the application. The other illustrative plans convey how the applicant envisages the site could be developed and highlight key design principles. Since the application was first submitted the Parameter Plan has been amended following observations from consultees and objectors.

Initially the central open space corridor through the site was considered narrow and there were concerns that it did not physically and visually connect the site to the open space areas and green corridors to the north-west and south-east. As a consequence the applicant has amended their scheme by widening the central "no build zone", which is now considered to provide an appropriate and continuous link corridor through the site. The amended Parameter Plan ensures an appropriately sized green infrastructure corridor will be embedded within the future development of the site.

Following numerous objections from residents in Vicarage Close regarding the number of routes illustrated on the initial indicative plans the amended Parameter Plan has confirmed that only one pedestrian link from the site to Vicarage Close will be delivered. No vehicular connections are proposed. The proposed pedestrian footpath will be located to the south of 100 Vicarage Close, thereby minimising

impacts on these existing properties given they directly face onto the site. The proposed footpath will link into the adopted footpath thereby ensuring a reasonable link is achieved to the wider footway network and therefore the services and public transport links that exist to the east. This is especially important, as indicated by the numerous objections, as the existing footway on northern side of Silksworth Lane is in part narrow and constrained and does not provide for a commodious pedestrian link to the east.

The amended Parameter Plan also incorporates an enlarged and widened area of open space to the immediate west of 91-100 Vicarage Close. The amended Parameter Plan confirms that this area of open space, as well as the other no build zones, do not contain any vehicular roads and is an amendment to the scheme following those objections expressing concerns over the potential for car headlights to shine and dazzle into front room windows.

In terms of going forward to the detailed design stage and in order to ensure that the residential amenity of existing residents are appropriately protected the amended Parameter Plan now confirms that the proposed development platforms nearest Vicarage Close and Ski View will contain no higher than two-storey properties. Previously the plan stated that the area nearest these existing residential properties would be "Building Height Limited". The maximum two-storey reference ensures that any proposed dwellings should relate to the scale and massing of the existing properties.

Furthermore, Members should also note that any future reserved matters will be subject to public consultation and will be assessed against the Council's Residential Design Guide Supplementary Planning Document (SPD). The SPD is the assessment tool used to ensure the delivery of sensitive and appropriately designed development.

Section 10C of the SPD highlights the minimum standards that will normally be expected in development proposals. In terms of main facing windows for 1 or 2 storey properties a minimum of 21m from any point of facing windows will be required. In terms of main windows facing side or end elevations for 1 or 2 storey properties a minimum of 14m from any point of a main window will be required. Moreover, for every 1m in difference of ground levels 2m will be required to be added on the above horizontal distances. By adopting the established spacing standards in the design approach and using them to assess the reserved matters submissions, particularly where it relates to existing residential development, will ensure that residential amenity of existing residents is appropriately managed, whilst also ensuring an appropriate level of amenity for future occupants and that any future scheme accords with Paragraph 17 of the NPPF.

In terms of the density of the development the net developable area (as indicated on the 'Masterplan as Proposed' drawing) is 8.45 hectares, which gives a maximum density of just under 30 dwellings per hectare. This is reduced to just over 22 dwellings per hectare when calculated on the gross area of the site. Either way a maximum of 30 dwellings per hectare is considered to be an appropriate quantum of development given the site is situated within an urban area and is surrounded by

other residential development and near to the shopping centres of Doxford and Silksworth, other local services and good public transport routes.

The Parameter Plan also details areas that are designated for key views over the surrounding area. Key views are detailed in the Design and Access Statement (DAS) as those areas that have an outward character to the southern and western boundary and as such presents a “public front” to the scheme. The density plan in the DAS highlights that this will be an area where the low level of density is envisaged. This therefore complements the fact that the lower density of housing will be located adjacent to a relatively substantial no build zone, especially the south-western and western boundary, which provides an important, strong green edge to the site.

In light of the submitted Parameter Plan, which confirms a maximum of two-storey properties adjacent to existing residential properties and given the areas of open space being delivered via the no build zones, this outline submission is considered acceptable in respect of urban design considerations and in accordance with UDP policy B2 and Paragraph 17 of the NPPF.

Flood Risk considerations

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 the 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 primary concern of the planning process is 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 via a suite of proactive measures that avoid placing receptors further at flood risk.

The planning process 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 their development is safe. This is done via 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 discharges is considered to be a crucial tool in managing and reducing flood risk to new and existing development.

A FRA and accompanying correspondence (dated 19 May 2015) was submitted in support of the application. The 19 May 2015 correspondence was written in response to URS' review of the FRA. URS were initially requested by the LPA to assess the flood risk aspect of the development proposal when it was first submitted. However, since URS' review the Council, as the Lead Local Flood Authority (LLFA), now has a dedicated Flood and Coastal Engineer, who is a statutory consultee on major development proposals with surface water drainage considerations.

Returning to the consideration of flood risk at the site the FRA has confirmed that the site is wholly located within Flood Zone 1 (Low Probability) and is suitable for all types of land uses. The FRA demonstrates that flood risk from all sources has been considered. The FRA recognises that as the proposed development will lead to an increase in impermeable areas runoff from the site will need to be restricted to ensure that current design standards can be met.

Following the submission of the FRA and its subsequent addendum correspondence the LLFA considers the development proposal to be acceptable given its confirmation that the surface water drainage system will limit surface water flows to less than the existing Greenfield Runoff rates. Storage will also be provided in order to deal with the 1 in 100 year storm event plus an additional 30% capacity to accommodate climate change over the life time of the development (100 years). The FRA submission has stated that surface water will be stored via oversized pipework and/ or a tank system that will be accommodated in development's open spaces. Given the sloping nature of the site the FRA has stated that this storage will be split into two locations. The exact locations will be subject to the detailed design stage. The LLFA has confirmed that proposed drainage system will assist the Hendon Burn culvert, which is the nearest watercourse, by reducing the surface water flows that it currently experiences from the site. Nevertheless, given the outline nature of the planning submission, in the event that Members are minded to approve, the LLFA has requested that a condition be included in order to agree the detailed drainage designs prior to development commencing on site.

Similarly, the Environment Agency has offered no objection subject to their proposed condition that also requires the agreement of a surface water drainage scheme for the site. It is considered that this condition will ensure both the LLFA and EA's requests are met going forward to the detailed reserved matters stage. Furthermore, NWL have requested that a condition be included that no surface water flow from the proposed development be allowed to connect into the public sewerage system and that the foul water discharge rate shall discharge at 13.5 litres per second into manhole 4002. Again this can be conditioned should Members be minded to approve.

In conclusion, the submitted FRA and addendum correspondence has adequately demonstrated that the outline planning submission is acceptable in respect of flood risk and, subject to the imposition of the conditions as stated above, is acceptable and in accordance with the requirements of Paragraph 103 of the NPPF and UDP policy EN12.

Planning Obligations

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law three tests for planning obligations. The three tests are also repeated in the NPPF via Paragraph 204.

Both CIL and the NPPF state 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 proposed development;
- fairly and reasonably related in scale and kind to the development proposal.

Furthermore, Paragraph 203 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through planning conditions.

Further to the Section 106 requests already discussed the development proposal also requires obligations in respect of Affordable Housing, Education and Recreation play space.

- Affordable Housing

Policy H16 of the UDP states that the Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The SHMA and recent Economic Viability of Affordable Housing Requirement Study highlights 10% affordable dwellings on housing development sites at a 75% social rented/ 25% intermediate split. In light of the development seeking “up to 250” dwellings this equates to a maximum of 25 affordable units. The applicant has agreed to the provision of “up to” 25 units on the site and given the SHMA has identified that 2, 3 & 4 bed houses are needed within the area the 25 units shall be based on these types at a 75% social rented/ 25% intermediate split. This will be set out in the Section 106 agreement.

- Education

Based on the number of new houses proposed i.e. “up to 250”, the Council’s Children’s Services section has calculated that “up to” 33 new primary pupils would need to be accommodated. Based upon their cost multiplier (i.e. £11,889 per pupil), which in turn is based on the Department for Children, Schools and Families, equated to a financial contribution of £392,337. The monies made available by the development will be co-ordinated and allocated by colleagues in Children’s Services. In terms of the primary schools that will be the focus of the above financial contribution Children’s Services has identified these as being New Silksworth and Mill Hill.

This requested sum is considered necessary to make the development acceptable in planning terms as it will mitigate the impact of new primary school children being

brought to the area by the development proposal. It is directly related to the development as it relates to the funding of education provision in the local area that serves the development site. It is considered fair and reasonable as it based on the Council's estimate of demand for school places based on the size of the development and published DfE formula.

- Recreation play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more a requirement of UDP policy H21, supplemented by policy R3, is the provision of formal equipped play and recreational facilities. Given there is no formal children's play space being provided on the site a financial contribution for off-site play/ recreation is appropriate, at the current rate of £701 for each two bed unit i.e. "up to" £175,250 (£701 X "up to 250" units). The contribution will be for the provision of new play facilities or the improvement of existing play facilities, where appropriate, at St Matthew's Field, Foxhole and/ or Silksworth Adventure Centre Play Areas with funds being utilised to support on-going maintenance of the play park(s).

This requested sum is considered necessary to make the development acceptable in planning terms by meeting the rise in demand for additional formal recreation, whilst being directly related to the development given that it will accommodate the new residents to the area and it is fair and reasonable as it is based on the Council's standard formula for the provision of play facilities.

- Other requests

Regarding those objections to the scheme in terms of the surrounding doctor surgeries being able to accommodate the new residents, it is not considered reasonable to pursue a financial contribution in light of the tests detailed above.

Firstly, the work being undertaken in terms of understanding infrastructure requirements for the emerging SSGA has highlighted that there is no need for additional surgery provision. The NHS has stated that the surgeries in Silksworth and Ryhope have sufficient capacity to accommodate the new SSGA community, which at 3350 new homes is significantly larger than the "up to 250" units being applied for by this application. The SSGA will also be developed out over a significantly longer time period, yet still the NHS is comfortable with the health provision in the wider area. It is also noted that the wider area has recently benefitted from a PCT centre on the former Cherry Knowle Hospital site.

It should also be noted that there is no specific adopted local planning policy that requires developers to provide financial contributions in terms of doctor's surgeries in the locality. Furthermore, given the nature of a doctor surgery, it is not unreasonable to suggest that these will expand as their customer base expands. It is therefore not considered reasonable to pursue this as a Section 106 request.

In conclusion, and as detailed throughout the report, the applicant has agreed to various planning and financial contributions via a Section 106 Agreement. For completeness these are as follows:-

- Affordable Housing (10% on-site) – detailed above
- Education (up to £392,337) – detailed above
- Children’s Play Space (up to £175,250) – detailed above
- Site-specific ecology issues (£122,000) – please see ecology section
- Habitat Regulations Assessment (£1703 per unit (160) i.e. £272,480 & £1758.93 per unit (up to 90) i.e. up to £158,303.70 – please see ecology section

As the applicant has agreed to meet the above obligations, it is considered that the development proposal appropriately and reasonably mitigates for its impact, thereby ensuring that it is acceptable in planning terms.

Conclusion

The NPPF states that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development should be the basis for every decision. In particular, Paragraph 14 of the NPPF, which is an overarching key paragraph, states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless “...specific policies in this Framework indicate development should be restricted”.

The considerations section of this report have discussed the various technical planning aspects relating to the development proposal and there are not considered to be any significant material planning considerations or adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF when taken as a whole.

The various consultation responses and objections have highlighted various issues that have helped shaped the development proposal via the amended Parameter Plan. Most notable of these is the widened central green infrastructure open space corridor through the site, as well as enlarged areas of open space to the east of Vicarage Close and to the north of the former Mill Hill Estate. Furthermore, the engineers have requested various pedestrian refuges and associated traffic calming measures in order to ensure pedestrian provision is reasonably catered for by the development, whilst the Parameter Plan confirms that there will be only one pedestrian link east from the site into Vicarage Close.

Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, which will assist in the development proposal having a neutral impact on the N2K sites, whilst also ensuring a sustainable form of development via the provision of affordable housing, education, site-specific ecology and sport and recreation contributions.

The development will have the following positive benefits:-

- Delivery of much needed housing, as identified in the Council’s SHMA and SHLAA
- Improvements to the site’s public accessibility for informal recreation opportunities

- Green infrastructure corridor through the site, which provides for open space and wildlife corridor connections with Foxhole to the north-west and St Matthew's field and beyond to the south-east
- Improvements to pedestrian facilities within the area providing betterment for existing residents
- Re-prioritisation of the Silksworth Lane and Silksworth Road junction, thereby alleviating existing congestion and improving the local road network
- Improvement to Hendon Burn culvert given the development proposal will reduce the surface water flows that it currently experiences from the site

The development will have the following negative impacts:-

- Loss of open space, as allocated via UDP policy SA29
- Loss of natural habitat and trees
- Impacts on surrounding residential area during the construction of the development

Notwithstanding the negative impacts being brought about by the development proposal significant weight is being given to the housing and development management policies of the Framework. Of particular significance is Paragraph 49 which states that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore clear that the NPPF is directing decision takers to approach housing proposals in a positive and pro-active manner and that they should only be refused if any adverse impacts of doing so would significantly outweigh the benefits of the scheme, when assessed against the policies of the NPPF as a whole.

Accordingly, it is recommended that planning permission be granted as the adverse impacts referred to in the above report are not considered significant to outweigh the strong positive benefits of the development proposal, as set out above.

RECOMMENDATION:

Members delegate to the Executive Director of Commercial Development to approve the application subject to the completion of a Section 106 Agreement (as detailed above) and the draft conditions outlined below:

1. Outline - Approval of Reserved Matters

An application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Reason:

To ensure the development is commenced within a reasonable period of time from the date of this permission and in pursuance 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. Outline – outstanding Reserved Matters

Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

- Appearance
- Landscaping
- Layout
- Scale

Plans and particulars of the reserved matters shall be submitted utilising an appropriate planning application form and shall be carried out as approved.

Reason:

As the application is in outline and only details of access has been submitted, the reserved matters set out above are reserved for subsequent approval by the Local Planning Authority, in pursuance of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Plans

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:

Existing Plan, Drawing No: SD.00.02;
Parameter Plan, Drawing No: SD10.03 Rev C;
Proposed New Site Access General Arrangement, Drawing No:
ACM_60333900_PC001;
Proposed New Uncontrolled Pedestrian Crossing Silksworth Lane and Silksworth Lane/ Silksworth Road Junction Improvements, Drawing No:
ACM_60333900_PC002;
Proposed New Uncontrolled Pedestrian Crossing Silksworth Road, Drawing No:
ACM_60333900_PC003;
Silksworth Lane at Silksworth Hall Drive Proposed Highway Improvement, Drawing No: ACM_60333900_PC004;
Highway Improvement Local Plan, Drawing No: ACM_60333900_PC005.

Reason:

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the Unitary Development Plan and Paragraph 17 of the National Planning Policy Framework.

4. Environmental Management Plan

No construction work shall take place until an Environmental Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The

approved Management Plan shall be adhered to throughout the construction period. The Management Plan shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control vibration during construction;
- x) communication plan for liaising with the public.

Reason:

To protect the amenities of the area and to ensure highway safety, in accordance with policies EN5, B2 and T14 of the Unitary Development Plan and paragraphs 17, 32, 120 and 123 of the National Planning Policy Framework.

5. Construction hours

The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect the amenities of the area and to comply with policies B2 and EN5 of the Unitary Development Plan and paragraphs 17, 120 and 123 of the National Planning Policy Framework.

6. Materials

Notwithstanding any indication of materials that 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.

Reason:

In the interests of visual amenity and to comply with policies B2 and B6 of the Unitary Development Plan and paragraphs 17, 58, 64 and 137 of the National Planning Policy Framework.

7. Finished Floor Levels

No development shall commence, other than those investigative works required in pursuance of land contamination, until details of the proposed finished floor levels of each property across the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reason:

In order to ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan and paragraph 17 of the National Planning Policy Framework.

8. Boundary Enclosures

Notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable.

Reason:

In the interests of visual amenity and to comply with policies B2 and B6 of the Unitary Development Plan and paragraphs 17, 64 and 137 of the National Planning Policy Framework.

9. Ecology – Working Method Statements

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be built in accordance with Section F.2 Mitigation Requirements and G.3 Montbretia and Cotoneaster method statement of the Ecological Survey Works, Report No 2 (June 2014) Revision R03.

Reason:

In the interests of nature conservation and to accord with policies CN18 and CN22 of the Unitary Development Plan and paragraph 118 of the National Planning Policy Framework.

10. Ecology – Biodiversity Enhancement Measures

No development shall take place, other than those investigative works required in pursuance of land contamination, until a scheme to enhance the biodiversity of the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of biodiversity enhancement measures, a written timetable for the implementation of the ecological enhancement measures and a methodology for the management of those measures on site. Once approved, the ecological enhancement/ mitigation measures shall be installed as approved and in strict accordance with the agreed timetable, and retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan and paragraph 118 of the National Planning Policy Framework.

11. Landscaping 5 years

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

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan and paragraphs 17, 56, 58 and 118 of the National Planning Policy Framework.

12. Tree Construction/ Method Statement

No development shall take place, nor shall any plant, equipment or materials be brought onto the site until there has been submitted to, and approved in writing by, the Local Planning Authority:

- i) an up-to-date tree survey including details of all trees that have a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability;
- iii) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site];
- iv) and a plan showing which trees are to be retained, which are to be removed and which are to be lopped, topped or otherwise treated;
- v) details of the position and specification of fencing [and other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

The development shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interests of visual amenity and to comply with UDP policies B2 and CN17 and paragraph 58 of the National Planning Policy Framework.

13. Land Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation within each phase of development must not commence until conditions number 14 to number 16 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 16 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 and paragraphs 109 and 120 of the National Planning Policy Framework.

14. Land Contamination – Investigation

Unless otherwise agreed in writing by the Local Planning Authority development within each phase of development must not commence until an investigation and risk assessment for that phase, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including shallow mine workings;
- (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 and paragraphs 109 and 120 of the National Planning Policy Framework..

15. Land contamination – Remediation Scheme

Unless otherwise agreed by the Local Planning Authority, development must not commence within each phase of development until a detailed remediation scheme to bring the relevant part 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 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 and paragraphs 109 and 120 of the National Planning Policy Framework..

16. Land contamination - Verification Report

The remediation scheme approved under Condition number 15 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development within each phase other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report for that phase 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 and paragraphs 109 and 120 of the National Planning Policy Framework.

17. Land contamination – Unidentified contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 14 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 16

(Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 16 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 and paragraphs 109 and 120 of the National Planning Policy Framework.

18. Roads completed to base level

No dwelling shall be occupied on site until the access roads within the development, or the access roads within that phase of development, have been completed to at least base level and off street parking has been made available for the parking of vehicles within the development, or that phase of the development.

Reason:

In the interests of highway safety and the free passage of traffic and to comply with the requirements of policy T14 of the Unitary Development Plan and paragraph 32 of the National Planning Policy Framework.

19. Archaeological Excavation and Recording Condition

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

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the National Planning Policy Framework and policy B13 of the Unitary Development Plan.

20. 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 21 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 National Planning Policy Framework and policy B13 of the Unitary Development Plan.

21. 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 in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the National Planning Policy Framework and paragraph 135 of the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide March 2010.

22. Surface water drainage

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved plans before the development is completed.

Reason:

To prevent the increased risk of flooding, both on and off site and to accord with policy EN12 of the Unitary Development Plan and paragraph 103 of the National Planning Policy Framework.

23. Foul water discharge

The development to which this permission relates shall be built and completed in accordance with 'Section 10.4 Foul Drainage' of the Flood Risk Assessment and Surface Water Management Strategy (6 June 2014) Rev A; namely that foul water

discharge from the development, hereby approved, shall be limited to a maximum discharge rate of 13.5 litres per second into manhole 4002 and that no surface water from the development hereby approved shall enter into the public sewerage system.

Reason:

In order to achieve a satisfactory form of development and to comply with policy M20 of the Unitary Development Plan.

24. Tree replacements

Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting, along with a timetable for replanting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and completed in accordance with the agreed details.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B6 and CN17 of the Unitary Development Plan and Paragraphs 58, 64 and 137 of the National Planning Policy Framework.

25. Highway works

No development shall commence, other than those investigative works required in pursuance of land contamination, until the details of the following have been submitted to and approved in writing by the Local Planning Authority:

1. Widening of Silksworth Road entrance to the development, hereby approved, including a right-turn pocket, a pedestrian refuge, new footways to the north and footway improvements to the south of the site (Drawing No: ACM_60333900_PC001);
2. Alteration in the priority of the Silksworth Lane/ Silksworth Road junction, including build outs to narrow the road entrance and a reduction in the speed limit along Silksworth Lane from 40mph to 30mph (Drawing No: ACM_60333900_PC002);
3. High friction surfacing and road markings and hatching on Silksworth Lane/ Warden Law Lane (Silksworth Lane at Silksworth Hall Drive Proposed Highway Improvement, Drawing No: ACM_60333900_PC004);
4. New pedestrian refuge on Silksworth Lane to the west of the development, hereby approved, including associated carriageway widening (Drawing No: ACM_60333900_PC002);
5. New pedestrian refuge on Silksworth Road to the west of the development, hereby approved, including associated carriageway widening and new footway provision to the north of Silksworth Road (Drawing No: ACM_60333900_PC003).

The development shall then be laid out in accordance with the approved details and in accordance with a timetable to be agreed in writing by the Local Planning Authority. These works are necessary to ensure that development is acceptable in respect to highway engineering and safety considerations, in accordance with policy T14 of the Unitary Development Plan and paragraphs 32 and 35 of the National Planning Policy Framework.

26. Highways – internal layout

No development shall commence, other than those investigative works required in pursuance of land contamination, until details of the internal road layouts; including roads, footways, footpaths and cycleways, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be laid out in accordance with the approved details and in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to comply with policies T9, T10 and T14 of the Unitary Development Plan and paragraphs 32 and 35 of the National Planning Policy Framework.