

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director City Development

Reference No.: 20/01360/FUL Full Application

Proposal: **Erection of 86 no. residential dwellings (Class C3)**

Location: Land at Cragdale Gardens Hetton-le-Hole Houghton-le-Spring

Ward: Hetton

Applicant: Gentoo Group Limited

Date Valid: 31 July 2020

Target Date: 30 October 2020

PROPOSAL:

Planning permission is sought for the erection of 86 no. residential dwellings on land at Cragdale Gardens, Hetton-le-Hole, Sunderland.

The Proposed Development Site.

The site, which has an area of 2.97 hectares, is located to the south west of Cragdale Gardens, Hetton-le-Hole. The site has a proposed access directly from Ennerdale Street and is currently vacant grassland.

The northern and western boundaries of the site are bound by residential dwellings, which look on to the application site with a pedestrian footpath linking all of the properties. To the east of the site is an area of greenspace which includes a children's play area (Peat Carr park) and beyond that are further residential dwellings.

The southern boundary of the site is bound by heavy tree line. There is a prominent informal pedestrian route running from north to south across the proposed development linking to a formal public footpath to the south. To the south of the site is open land in the form of an agricultural field and also Hetton-le-Hill Golf Course, which includes Elmore Golf Course Local Wildlife Site (LWS).

The development site has a fall in gradient from south west to north east. There is an existing overhead power cable/pylon running south north through the centre of the site.

The Proposed Development

The proposed development comprises 86 affordable dwellings. These will comprise:

- 6 Bungalow properties;
- 68 (two storey) Houses; and
- 12 Apartments.

The dwellings proposed are generally arranged rear garden to rear garden to maximise levels of privacy for future occupiers, each property will have a bin storage area located to the rear. The properties proposed in the southern most portion of the site have south facing rear gardens backing on to the undeveloped land to the rear and the Hetton-le-Hill Golf Course.

The development will comprise a mix of five different two-storey house types, one bungalow house types and an apartment type, with variations on the house types provided via the use of alternative roof orientations and gables to either the front or side elevations. The house types

also incorporate contemporary detailing such as flat-roofed entrance canopies and feature brick panels, although the traditional pitched roofs and bricks are designed to be in-keeping with the character and appearance of dwellings in the wider area. The predominant materials used will be slate effect concrete tiles, facing bricks (with variations provided throughout the development), glazing in upvc and composite type doors.

Access

It is proposed to create a vehicular access to the development from Ennerdale Street, essentially continuing the street frontage of the existing Ennerdale Street into the new proposed development. Internally the proposal comprises a vehicular highway arranged in a loop together with two cul-de-sac. Each property proposed has off road parking and visitor parking spaces are located throughout the development. Pedestrian connectivity between the proposed development and existing residential areas is maintained with routes in place from the north and the west. The existing pedestrian route to the south on to the perimeter of Hetton-le-Hill Golf Club will also be retained.

A 10 metre wide soft landscaped strip is provided between the existing houses to the western and northern boundaries of the site and the proposed new development. It is considered that this will help to retain an open landscaped aspect for most existing residents and also provide a space for informal recreation.

The application was accompanied by a suite of supporting plans and documents.

CONSULTEES:

Network Management
Flood And Coastal Group Engineer
Natural England
Environmental Health
Northumbrian Water
Tyne And Wear Archaeology Officer
Nexus
Network Management
Director of Childrens Services
Northern Electric
Northumbrian Water
Environmental Health
Flood and Coastal Group Engineer LLFA
Northumbria Police

Final Date for Receipt of Representations: 06.01.2021

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

REPRESENTATIONS:

CONSULTATION RESPONSES

Public consultation – 25 letters of objection and a petition in objection.

Received on grounds of:

Loss of open space;
Increase in traffic and highway safety concerns;
Overdevelopment of the site;
Pressure on local services;
Impact upon wildlife;
Increase in litter;
Loss of privacy;
Noise impact;
Poor design;
Impact on visual amenity.

Each of the above grounds for objection are addressed in the main body of the report below.

Tyne and Wear Archaeology Officer

Initial Comments - The archaeological desk-based assessment was produced by Archaeological Services, Durham University. The site is not directly associated with any Historic Environment Records however, no previous archaeological investigation has been undertaken within the site boundary. The proposed development site is located in an area where there is some evidence for prehistoric activity just beyond the eastern boundary of the study area. This included a Mesolithic flint find spot and a Bronze Age barrow (HER 249). The proposed development site is not located within the immediate vicinity of central medieval settlements in the area (HER 262 and HER 278) and the site was likely to have been used as farmland during the medieval and post-medieval periods. As the site has potential to impact archaeological remains, the report recommends that the site is subject to a geophysical survey and further evaluative investigation in the form of trial trenching may be required.

In June 2020 Archaeological Services Durham University undertook a geophysical survey. In the survey ridge and furrow cultivation, a probable field boundary, services and a spread of ferrous and/or fired waste material were identified. In the report it was recommended that a programme of targeted evaluation trenches should be undertaken to confirm the results of the geophysical survey and to explore whether earlier archaeological remains survive beneath the later cultivation features.

This application should not be determined until an archaeological evaluation trench report is submitted so that it can be reviewed. Archaeological evaluation trenches are required in order to inform a decision about whether further archaeological work will be required and if this work can be secured by condition.

Final comments – The archaeological evaluation report shows the results of the archaeological evaluation undertaken by Archaeological Services Durham University in 2020. A total of eight evaluation trenches were excavated. Medieval or post-medieval plough furrows were identified within the trenches. In the report it is recommended that no further archaeological work is required in relation to the proposed development.

Based on the results outlined in the archaeological reports and the findings outlined in the evaluation fieldwork report no further archaeological work is required in relation to the development site.

Northumbrian Water

No objections to the development. A condition is requested requiring compliance with the agreed Sustainable Drainage strategy for the site.

Natural England

As submitted the application could have potential significant effects on

- Northumbria Coast Special Protection Area (SPA)
- Northumbria Coast Ramsar Site
- Moorsley Woods Site of Special Scientific Interest (SSSI)

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

The following information is required:

The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location.

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

Council's Ecology team

Initial consultation comments made the following observations:

A map is required to show the areas of land and the access routes that the new residents are expected to use to recreate to help understand if the conclusion of no direct impacts upon designated sites is appropriate.

Subsequent Comments from the Council's Natural Heritage Team:

As stated in previous comments by the LPA the statement made by Biodiverse Consulting in relation to there being no indirect impacts generated from 86 new homes on the Elemore Golf Course Local Wildlife Site is unjustified due to the lack of information within revision 2 of the Mitigation Strategy for the application. However, the information within the SSSI impact zone report states that people will travel on average 500m to walk their dogs to suitable attractive greenspace which places the Local Wildlife Site within this zone of influence.

This application will remove existing green space utilised by residents in the area, the Golf Course is no longer in operation and has not been for some time and is subject to local residents recreating on site due to the serious of footpaths that access and run through the site consequently the Local Wildlife Site has a number of desire lines running through sensitive grassland and along the stream which demonstrates an existing problem. An additional 86 dwellings within easy access of the site with little alternative provision in the area will undoubtedly lead to new residents utilising the Local Wildlife Site and possibly the golf course due to its attractiveness therefore generating recreational impacts from the development.

The map within appendix 2 of the Mitigation Report showing alternative green space provision shows an unattractive remnant of amenity greenspace hemmed in by development and the other areas are further away from the housing site than the Local Wildlife Site and access would be difficult through the existing housing estate with the easiest access being via the Golf Course itself.

Based on accessibility to the golf course and Local Wildlife Site it would suggest that there is attractive alternative greenspace provision in closer proximity than the SSSI itself and would agree that indirect impacts are unlikely to arise on the SSSI due to poor access and distance to the site.

As stated on the 8.09.20, 1.12.20 the report by BSG identified that biodiversity net gain is required as part of planning however nothing was provided then or has been provided as part of the updated information.

The UK Government National Planning Policy Framework (NPPF) 2012 (amended 2019) policy 174 and 175 - affirm that Planning policies and decisions should contribute to and enhance to the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The Local Planning Authority in line with national policy have a local policy NE2 that request where appropriate, development must demonstrate how it will provide net gains in biodiversity.

There is no biodiversity net gain calculations or information with this application demonstrating what would constitute net gain for biodiversity.

Lighting impacts on the land to the south should be understood from the outset and should inform design and layout. In the absence of this information the LPA would like to understand what the light spillage will be as part of the scheme in the southern area and how they will be addressed with reference to best practice design requirements for bats (BCT & ILP, 2018).

Council's Environmental Health team

Land contamination - notes that Phase I and Phase II reports benefit from NQMS certification.

Noise and air quality – Air quality and noise screening assessment has been undertaken by the applicant's environmental consultant. Given the location of the proposed development and the background information and air quality data supplied, it is agreed that there is no requirement for comprehensive noise and air quality assessments.

Construction Environmental Management Plan (CEMP) – A CEMP has been submitted to support the application and mitigate the effects of the development during the construction phase of development.

Council's Planning Policy team

Saved UDP Policy HA11.2 is relevant to this application. It allocates part of the site (eastern aspect) for new outdoor sports facilities. In addition the Greenspace Audit (2018) identifies the entirety of the site as amenity greenspace.

As the proposal would result in the loss of amenity greenspace CSDP Policy NE4 Greenspace is relevant. NE4 aims to protect, conserve and enhance the quality, community value, function and accessibility of greenspace an wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report. The Policy aims to do this by allocating Greenspaces in the Allocations and Designations Plan and by requiring development to contribute towards the provision and enhancement of greenspaces.

Policy NE4 is relevant to all greenspace types as defined in SCDP paragraph 10.23. This includes amenity greenspaces which the Greenspace Audit considers this site to be. In this context, it is also considered that criteria of Criterion 4 of the policy is also relevant.

Criterion 4 of policy NE4, further states that development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. The proposal is accompanied by an assessment which identifies it as being surplus to requirements; or
- II. A replacement facility which is equivalent in terms of usefulness is provided; or

III. A contribution is made to the Council for new offsite provision.

The site is included in the Greenspace Audit (2018) where it is given a final score of 71 against a ward average of 80. The ward (Hetton) has a very high quantity of greenspace, although it is below average in terms of quality. In addition, the neighbourhood (Moorsley and Easington Lane) is identified as having a low quality of amenity greenspace.

It should also be noted that NE4: Greenspace (at criterion 3) also sets criteria regarding the need for major residential development to provide for the equivalent of minimum of 0.9 hectares for every 1000 bed spaces unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered more appropriate.

In addition, the proposal's approach to biodiversity net gain is also relevant. It is not understood how the application will seek to deliver biodiversity net gain. In this respect CSDP Policy NE2 at Criterion one is relevant. This sets out that proposals, where appropriate, must demonstrate how it will provide net gain in biodiversity. Furthermore, the NPPF at paragraph 170 (d) states that planning decisions should contribute to and enhance the natural local environment by (inter alia) minimising the impact on and providing net gains for biodiversity.

It is noted that the application form states that there are several trees on the site. The provisions of CSDP Policy NE3:Woodland, Hedgerows and Trees is relevant. At Criterion three the policy sets out that development should give consideration to trees and hedgerows both on their individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting. Careful consideration should therefore be given if the proposals would result in the loss of any trees.

CSDP Policy SP8: Housing Supply and Delivery sets out that the Council will achieve its housing target by (inter alia) the delivery of windfall sites (criterion 5). The site would be considered a windfall site for the purposes of housing delivery and would assist in meeting the Council's housing requirement.

CSDP Policy H1: Housing Mix provides (inter alia) that residential development should provide a mix of house types, tenures and sizes which is appropriate to its location. Consideration should be given to the appropriateness of the proposed housing mix taking into account the findings of the latest SHMA.

CSDP Policy H2: Affordable Housing sets out that all proposals for 10 or more (or on sites of 0.5 hectares plus) should provide at least 15% affordable housing. It is noted that all dwellings proposed would be provided at an affordable level. Amongst other things the policy stipulates (at criterion 2) that affordable homes should be retained in affordable use in perpetuity. If planning permission is to be granted, it must be ensured that the dwellings are held in affordable tenure in perpetuity in alignment with the policy.

CSDP Policy BH1: Design Quality, is relevant to ensure that the proposals deliver a well designed scheme. In addition, CSDP Policy BH2: Sustainable Design and Construction sets out a range of sustainable design and construction criteria.

The site is located on two retained designations relating to transport. Saved UDP Policy HA28.2 which relates to the Hetton Bypass as well as saved UDP Policy HA25 which relates to a multi user route. Consideration should be given to the impact that these proposals may have on these designations including their potential deliverability. As part of this consideration, it should be noted that the part of the Hetton Bypass scheme which falls within the boundary of County Durham is no longer proposed to be safeguarded through Durham Local Plan process and that Policy SP10 of the adopted CSDP does not identify the route as a priority scheme as a result of

concerns over its potential deliverability.

The proposal is located on a site allocated for a new outdoor sports facility as well as being considered amenity greenspace. The applicant is therefore required to provide evidence to satisfy the policy requirement of NE4 Criterion 4. It should be noted as part of this consideration that the Council's latest greenspace audit identifies the Hetton ward as having very high levels of amenity greenspace, albeit low quality greenspace. On this basis there may be justification to release the site for development, especially where off-site contributions can be made to improve other low quality greenspaces within the locality.

Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)

Initially advised that additional information was required in relation to flood risk and the sustainable drainage strategy for the site. In particular, further information was requested in relation to the design and maintenance of the drainage swales within the development, source control measures and the mitigation/management measures in place during each phase of development.

Subsequent to receipt of these comments, discussions between the applicant's consultant and the LLFA have been taking place and an agreement has been reached on the final details of the sustainable drainage scheme. There are consequently no objections to the development from a flood risk and drainage perspective, although the LLFA has requested that a condition be imposed which requires confirmation that the agreed measures have been implemented on site.

Council's Highways team

The vehicular access to the site will be from Ennerdale Street which is satisfactory to serve the proposed development. Access to Moorsley Street is available via two routes with vehicles travelling to and from the north using Coalbank Road and vehicles travelling to and from the south using Ennerdale Street. This will ensure that all the traffic associated with the proposed development will use one route to access Moorsley Road.

It should be noted that both the junctions of Moorsley Road with Coalbank Farm and Ennerdale Street have excellent visibility in both directions for the 30mph speed limit in place. In addition, there is no evidence of road safety issues at either junction.

Taking the above into account it is considered that the proposed access arrangements for the proposed development are acceptable.

The site is located in an existing residential area within easy walking distance of bus stops and facilities and amenities available in the local area. Good pedestrian routes are proposed linking the site to existing pedestrian infrastructure in the vicinity of the site.

The proposed parking provision is in accordance with the Council's proposed parking standards.

The proposed turning heads are satisfactory to ensure that large refuse vehicles can safely manoeuvre within the site.

It may be necessary to implement traffic calming measures internal to the development, speed tables located at the junctions may be appropriate, to ensure vehicle speeds are not excessive. These will need to be agreed as part of a Section 38 technical submission.

The submitted Transport Statement has satisfactorily demonstrated that the traffic likely to be generated by the proposed development would have a minimal impact on the operation of the local road network and road safety.

The proposed development will entail works to existing highways, which will require the developer to enter into an agreement with the Council under Section 278 of the Highways Act before commencing works in the highway.

Council's Education officer

Requests a financial contribution of £243,093.62, to be spent on supporting primary and secondary school provision in the Hetton Ward. The contribution could also be used to support Special Educational Needs (SEN) provision more widely across the City.

Hetton Town Council

Hetton Town Council submitted a detailed and lengthy letter of objection in response to consultation regarding this development. Hetton Town Council's main grounds for objection to the development are:

1. Loss of open space: this issue is addressed comprehensively in the report below.
2. Financial risk: all financial contributions are secured via legally enforceable financial agreements under the provisions of section 106 of the Town and Country Planning Act, 1990 (as amended).
3. Gentoo property management: Cannot be considered as a material planning consideration.
4. Highways and carparking: this issue is addressed comprehensively in the response to consultation provided by the Council's Engineering Development Team and in the report below.
5. Need for social housing: the requirement for affordable housing is widely evidenced on both a local and national basis. Affordable housing is required by both local and National Planning Policy. These requirements for affordable housing are set out in the report below.

In summary, Hetton Town Council's objection states that:

Notwithstanding the speculative and unsupported assumptions, predictions and contradictory and untrue statements in the Planning Position Statement, this application should be refused as the SCSDP was adopted in 2020 and is up to date in accordance with the National Planning Policy Framework. No representations were made to allocate this site for housing during the process before the SCSDP was adopted. The site is clearly marked as Open Countryside in Figure 29 in the SCSDP. Policy SP6 states that these areas should be protected from inappropriate development and there are no material considerations that justify departing from the very recently adopted SCSDP and therefore object to this application.

If the Planning and Highways West Committee does not accept this then the application would be contrary to the UDP.

Photographs on pages 7-9 evidence resident concerns contributing to neglect and the decline of the area.

Officer response: It is accepted that part of the development site is subject to a longstanding UDP allocation for an outdoor sports facility. (This issue is further explored in the report below). However, the application under consideration is a departure from the adopted development plan and has been publicised as such in accordance with the provisions of the Town and Country Planning (Development Management Procedure) Order, 2015.

Furthermore, as set out in the report below the Council's adopted CSDP is not an allocations document and some "saved" UDP Policies remain in force. Once adopted, the (currently draft) Allocations and Designations Plan 2020, will allocate land use across the City. In this instance

the draft Allocations and Designation Plan does allocate the application site as suitable for housing development.

The planning policy and land use implications of the proposal are fully explored in the report below.

COMMENTS:

CONSIDERATION OF APPLICATION

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

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

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);

- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14); and
- Conserve and enhance the natural environment (section 15).

The Council has recently adopted its Core Strategy and Development Plan (CSDP), which sets out the Council's long-term plan for development across the City until 2033. The CSDP is considered to represent an 'up-to-date' Plan for the purposes of paragraph 12 of the NPPF. The policies within the CSDP serve to replace the majority of policies within the Council's Unitary Development Plan (1998), although some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan. All CSDP and UDP policies referred to within this report are considered to be consistent with the NPPF.

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

1. The Council's position in respect of housing land supply and delivery;
2. Land use and housing policy considerations;
3. The implications of the development in respect of residential amenity;
4. The implications of the development in respect of design and visual amenity;
5. The impact of the development in respect of highway and pedestrian safety;
6. The impact of the development in respect of ecology and biodiversity;
7. The impact of the development in respect of flooding and drainage;
8. The impact of the development in respect of ground conditions;
9. The implications of the development in respect of archaeology;
10. The implications of the development in respect of education provision;
11. The implications of the development in respect of affordable housing;
12. Off site play;
13. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

1. Housing land supply and delivery position

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

In accordance with the requirements of paragraph 67 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory.

In order to provide some certainty on the matter, in October 2020 the Council requested that the Planning Inspectorate review its housing land supply position and subsequent to this request, the Planning Inspectorate provided a Report on the Council's Annual Position Statement (APS). The Inspector's report recommends that the Council can confirm that it has a 5-year housing land supply for the period up to 31st October 2021. This is based on an annual housing requirement of 819.5 dwellings per annum and results in a housing land supply of 5.3 years. On this basis, the Council considers that it is able to demonstrate a 5-year supply of housing land and this forms the context for the consideration of this and other planning applications for housing development.

Given the position set out above, and with regard to the guidance of paragraph 11 of the NPPF, would contend that the relevant policies within the CSDP and UDP can be given appropriate weight.

2.Land use and housing policy considerations

As highlighted by the Council's Planning Policy team, the eastern aspect of the proposed development site is subject to a longstanding UDP allocation for a new outdoor sports facility with the remainder of the proposed development site identified as amenity greenspace in the Council's Greenspace Audit (2018).

However, the Council's Draft Allocations and Designations Plan (December 2020) which is at it's first stage, with consultation having been undertaken between 18 December 2020 and 12 February 2021, changes the long standing allocation of the eastern portion of the site by allocating the entire proposed development site for housing under draft Policy H8.50, identifying the site as having capacity for 122 dwellings. Although the Allocations and Designations Plan is not yet an adopted Council document and can therefore only be afforded limited weight, it is clear from the draft land use allocation for the site that the Council's aspirations for it no longer include an outdoor sports facility.

Furthermore, although it is acknowledged that the site is identified as amenity greenspace in the Council's Greenspace Audit, it is identified as such in an area (Hetton) with a very high quantity of greenspace but which is below average in terms of quality. It is therefore considered that the Hetton ward could tolerate some loss of greenspace in terms of quantity providing that improvements could be made to the quality of remaining greenspace elsewhere in the locality. With this in mind, Policy NE4 is relevant to the determination of this application.

Criterion 3 of policy NE4 requires all major residential development to provide:

- I. A minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- II. A financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

and

Criterion 4 of policy NE4, further states that development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. The proposal is accompanied by an assessment which identifies it as being surplus to requirements; or
- II. A replacement facility which is equivalent in terms of usefulness is provided; or
- III. A contribution is made to the Council for new offsite provision.

The applicant has met the requirements of both criterion 3 II and criterion 4 III by agreeing to make a financial contribution of £42 705.72 towards the maintenance and/or upgrading of greenspace in the locality.

In terms of housing supply and delivery policies, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 59 stressing that the needs of groups with specific housing requirements must be addressed.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs and provide a variety of property types, tenures and sizes.

Policy H2 of the CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable in perpetuity. It is considered that significant weight should be given to the proposed development being designed to deliver 100% affordable housing and the contribution this will make to the supply of affordable housing in the City. Furthermore, significant weight should be given to the mix of housing to be provided by the development, with a variety of house types – bungalows, houses and apartments – and sizes: 2, 3 and 4 bedroomed homes being built to cater for a wide socio-economic range and demographic.

Given that the applicant has met the requirements of criteria 3 and 4 of CSDP Policy NE4 by mitigating the loss of the area of amenity greenspace by providing a financial contribution to upgrade and improve nearby amenity greenspace; and given that the Council's draft Allocations and Designations Plan (2020) clearly illustrates the Council's changing aspirations for the proposed development site by identifying the site for housing development; it is considered that the development of the site for residential purposes is acceptable in principle.

3.Implications of development in respect of residential amenity

Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users. Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development broadly comprises good-sized dwellings which will generally occupy fairly spacious plots with substantial front and/or rear gardens. The spacing between the new dwellings largely accords with the recommendations set out in the Council's Residential Design Guide Supplementary Planning Document (SPD) (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and

blank elevations); there are some situations where spacing between dwellings is a little below these recommended distances, but overall it is considered that the proposed layout provides an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with a middle- to long-distance outlook.

With regard to noise, policy HS2 of the CSDP and paragraph 180 of the NPPF both require consideration to be given to the potential for noise to affect the amenity of new noise-sensitive property, such as dwellinghouses. The application site is within a predominantly residential environment and the Council's Environmental Health Team has confirmed that no additional noise surveys or mitigation measures are required in respect of the dwellings proposed.

In terms of the impact of the development on the amenity of existing dwellings, the proposed development faces existing residential dwellings along its northern and western boundaries. Where there is direct interfacing between existing and proposed dwellings, spacing of at least 21 metres is achieved.

Overall, it is considered that the relationships between the dwellings to Greendale Gardens, Airedale Gardens, Ennerdale Street and Coalbank Square and the proposed dwellings is such that the living conditions of the existing dwellings will not be unduly harmed and that the proposals will not result in these properties experiencing any significant loss of outlook, privacy or being subjected to overshadowing/loss of light.

With regard to the above comments, it is considered that the development will not give rise to any substantive harm to the amenity of existing dwellings in the vicinity of the application site and that, the development will also afford future occupiers of the dwellings with an acceptable standard of amenity. The proposals are therefore considered to be compliant with the requirements of the CSDP and NPPF in respect of these matters.

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

Of particular relevance in considering matters relating to design and visual amenity are sections 11 and 12 of the NPPF. Section 11 places an emphasis on making effective use of land, with paragraph 122 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

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

Paragraph 123, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 124 stating that the creation of well-designed places is fundamental to what the planning and

development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

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

Paragraph 130 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 150, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

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

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

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

Policy NE3 seeks to retain valuable trees and hedges within development proposals and in this regard the existing tree line/vegetation to the southern and eastern boundary line is to be retained and enhanced wherever possible.

It is recognised that the development will see the loss of an area of greenspace which is of some benefit to the visual amenity of the locality in that it provides a visually pleasing grassed area of some amenity and recreational value (e.g. informal sports, dog walking etc.).

However, in terms of the form of the development proposed an approximately 10 metre wide landscaped strip is retained between the existing houses to the western and northern boundaries which will retain some degree of open aspect for existing residents and an open space has been created to the north eastern section of the site. A central boulevard runs north to south across the site to act as a landscaped spine to the development. In this location minimal parking is proposed with properties set back from the road side in order to increase the soft landscaping areas. The boulevard also retains the existing informal footpath to the south of the development towards Airedale Gardens.

It is considered that, the proposed development will deliver a high-quality housing scheme which relates well to its surroundings and will provide residents with attractive surroundings and living conditions. The development will provide an interesting variety of house types and styles, with the architectural detailing, treatment of external elevations and use of materials taking appropriate cues from the existing housing found in the locality. Additionally, it is considered that the proposed areas of landscaping and green space will provide the new dwellings with a pleasing landscaped setting and will go some way to mitigating the loss of the larger area of greenspace from the site.

With regard to sustainability, the applicant's Sustainability Statement makes it clear that the proposed development has been designed and planned in a manner which gives proper regard to sustainable development principles. The applicant is committed to delivering sites in sustainable locations and incorporating low-carbon technology into the design of its developments, whilst glazing and building materials are designed to maximise thermal efficiency and insulation.

With the NPPF's objectives regarding design quality in mind, it is concluded that the proposed development will deliver a scheme which affords a good standard of design and that it will relate well to its context and surroundings. The development will also retain an appropriate amount of greenspace for the use of residents and includes a landscaping scheme which will provide the housing with an attractive setting. The scheme will also make a substantial financial contribution towards the upgrading and/or maintenance of greenspace in the locality. The implications of the development in relation to trees is also acceptable. It is also evident that the scheme has been designed with proper regard to sustainable development principles. The proposed development therefore satisfies the requirements of paragraphs 122, 124, 127, 130 and 150 of the NPPF, policies BH1, BH2, NE3 and NE4 of the Council's CSDP and the Council's 'Residential Design Guide' SPD.

5. Impact of the development on highway and pedestrian safety

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

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

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

- appropriate opportunities to promote sustainable transport modes can be taken up;

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

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

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

Paragraph 106 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

As set out in the 'Representations' section of this report, the Council's Highways team have raised no objections to the proposed development.

Overall, it is considered that the proposed development is sustainable in terms of transport considerations. The local road network is capable of safely accommodating traffic from the development, whilst the proposed access, parking and layout arrangements are acceptable. The site occupies a sustainable location in terms of the availability of public transport with a number of bus services running from the area towards Low Moorsley, Boldon, Sunderland, Seaham and Heworth. The development also offers numerous pedestrian access and links into the wider area and nearby services. As such, the proposals are considered to satisfy the objectives of paragraphs 108, 109 and 110 of the NPPF, whilst the proposals also comply with the aims and objectives of policy ST2 of the CSDP.

6.Implications of development in respect of ecology and biodiversity

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 175 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI).

On a local level, policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Policy NE2 of the CSDP encourages new development to deliver biodiversity net gain, i.e. clear, measurable ecological gains secured through the planning process. The applicant has, however, noted that policy NE2 confirms that biodiversity net gain will only be required 'where appropriate'

and that the supporting text advises that a forthcoming SPD will provide greater detail on the policy requirements, with the A&D Plan identifying land where net gain can be delivered. On this basis, it is suggested that the policy cannot yet be fully engaged and that it is premature to insist that the proposed development delivers tangible net gain, whilst it is also suggested that the proposed on-site landscaping and other mitigation and enhancement measures will deliver gains given the poor ecological value of the site in its current condition.

It is accepted that, at this stage, the Council's policy framework to secure biodiversity net gain is incomplete and it is also acknowledged that the progress of the primary legislation (i.e. the Environment Bill) which will make the delivery of biodiversity net gain a requirement on a national level has stalled. On this basis and at this juncture, it is considered that it would not be reasonable to insist that the development delivers demonstrable biodiversity net gain and that, subject to assessment of all other relevant material planning considerations, the scheme can still be looked upon favourably in its absence.

The application is accompanied by various ecological assessments and supporting documents and both the Council's Natural Heritage Team and Natural England have been consulted regarding the development. At present both the Council's Natural Heritage Team and Natural England Consider that additional information is required to adequately support the application. It is anticipated that this information will be received and assessed prior to the scheduled Committee meeting on the 19th January and Members will be updated accordingly with regard to Ecology and Biodiversity at the meeting.

7.Implications of development in respect of flooding/drainage

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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

The submitted Flood Risk Assessment (FRA) and Drainage Strategy submitted to support the application states that there are no main rivers, ordinary watercourses, or other relevant surface water features near the development site. Therefore, the proposed development is at no risk of coastal, fluvial or infrastructure failure flooding. Furthermore the FRA identifies that the application site is located in Flood Zone 1 (lowest risk of flooding) and so its development for residential purposes is appropriate in the context of national and local flood-risk policies.

The sustainable drainage strategy for the site is considered to be acceptable. The drainage measures proposed are designed to ensure that surface water run-off draining from the development into the public sewer network does not exceed the existing greenfield run-off rate for the site and that run-off from the development is also of an appropriate quality.

As set out in the 'Representations' section of this report, Northumbrian Water have raised no objections to the development, although it is requested that a condition be imposed requiring that the development is carried out in accordance with the submitted sustainable drainage scheme.

However, the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, initially advised that whilst the general approach to drainage design is appropriate, some further detail is required before an approval of the drainage strategy could be given.

Subsequent to receipt of these comments, discussions between the applicant's consultant and the LLFA have been taking place and an agreement has been reached on the final details of the sustainable drainage scheme. There are consequently no objections to the development from a flood risk and drainage perspective, although the LLFA has requested that a condition be imposed which requires confirmation that the agreed measures have been implemented on site.

Subject to a condition to this effect, it is considered that the implications of the development relative to flood risk and drainage are acceptable and the development therefore complies with the objectives of the NPPF and policies WWE2 and WWE3 of the CSDP.

8.Implications of development in respect of land contamination

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Phase I and II Land Contamination report submitted with this application. The Council's Environmental Health team note that the submitted land contamination reports are accompanied by a National Quality Mark Scheme (NQMS) certificate, which visibly identifies that the reports have been peer reviewed by a suitably qualified person. On this basis, there is not considered to be any requirement to review the reports further and their content and conclusions are accepted. No conditions requiring further site investigation or analysis are required, with the only conditions recommended require the submission of a verification report and also cover a scenario where unexpected contamination is encountered.

Given the above, the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of policy HS3 of the CSDP and paragraph 178 of the NPPF.

9.Implications of development in relation to archaeology

With regard to archaeology, paragraph 199 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the CSDP, policy BH9 states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

As set out in the 'Representations' section of this report, the County Archaeologist considered

that the application site could be of archaeological interest but has accepted the conclusions of the submitted desk-based assessment and archaeological evaluation trench report that further investigations at the site are not warranted.

Given the above, it is considered that the requirements of the NPPF and policy BH9 of the CSDP have been addressed and the proposals are acceptable in respect of archaeological considerations.

10.Implications of development in relation to education provision

With regard to education provision, paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

On a local level, policy ID2 of the CSDP states that planning obligations will be sought to facilitate the delivery of local improvements to mitigate the direct or cumulative impacts of development, where evidenced. Education provision and facilities is listed as area where obligations may be sought.

As set out earlier in this report, the Council's Education officer is of the view that the development should contribute a total of £292 462 towards primary and secondary education provision in the Hetton area and special educational needs (SEN) provision more widely.

The applicant has agreed to make the requested contribution in full and the payment will be secured via an agreement under s106 of the Town and Country Planning Act 1990. Subject to the completion of the agreement, it is considered that the impact of the development on education provision in the area can be appropriately managed, in accordance with the objectives of paragraph 94 of the NPPF and policy ID2 of the Council's CSDP.

11.Affordable housing

Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 64 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified housing needs of specific groups.

Annex 2 (Glossary) of the NPPF then provides a detailed definition of affordable housing, with four distinct types being identified:

- a) Affordable housing for rent;
- b) Starter homes;
- c) Discounted market sales housing
- d) Other affordable routes to home ownership

Policy H2 of the Council's CSDP sets the trigger for an affordable housing contribution at developments of 10 or more units and requires 15% of dwellings to be affordable.

The applicant is proposing that the housing is 100% affordable and its delivery is subject to grant funding from Homes England. Clearly, this level of affordable housing is welcomed given the significant contribution it will make to the overall provision, availability and choice of affordable housing in the City.

The applicant has entered into a s106 agreement with the Council which confirms that the housing proposed at the site is being delivered on the basis that it is 100% affordable.

It is therefore considered that the amount of affordable housing being delivered at the site is a significant positive benefit of the scheme and that the 100% affordable housing being provided exceeds the policy recommendations at paragraph 64 of the NPPF and policy H2 of the Council's CSDP.

12. Off site play provision

The NPPF highlights the importance of promoting healthy communities and the role that the planning system can take in their provision. Paragraph 92 identifies that to deliver the social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Furthermore, CSDP Policy NE4: Greenspace identifies the requirement for development to contribute towards the provision for children and young people.

The Council's adopted Supplementary Planning Document: Planning Obligations (June 2020) states that where planning obligations are required towards the improvement, enhancement, refurbishment and/or maintenance of existing play facilities (off site) in connection with new residential development, contributions will be payable at rate of £704 per dwelling. The applicant has agreed to provide an off site play contribution in connection with the proposed development with £60 544.00 being secured via a Section 106 agreement.

13. Summary of position in respect of s106 Contributions

Paragraph 54 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 56 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

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

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

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

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

As set out in the 'Representations' section of this report, the following financial contributions have been requested from the respective consultees and would be secured via a s106 agreement:

- o £292 462.00 towards primary, secondary and SEN education provision;
- o £42 705.72 to mitigate the loss of existing open space and improvement alternative open space;
- o £60 544.00 towards off site play provision;

The s106 agreement also sets out that the housing being delivered is 100% affordable.

The requested financial contributions towards education provision and loss and upgrade of open space; together with the contribution towards the maintenance and upgrade of offsite play provision are considered to be necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause of the agreement sets out the applicant's commitment to delivering a 100% affordable housing scheme. As such, it is considered that these contributions satisfy the tests set out at paragraph 56 of the NPPF and Regulation 122(2) of the CIL Regulations.

As noted earlier, the applicant has agreed to the financial and affordable housing contributions detailed above and these will be secured via an agreement under s106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application the S106 agreement will be completed upon approval of the application under consideration.

Summary

It is acknowledged that the proposed development will result in the loss of an area of greenspace. However, as set out earlier in this report it is considered that the applicant has been able to meet the requirements of Policies NE3 and NE4 of the adopted CSP by both providing greenspace on site and by providing a financial contribution towards the upgrade and/or maintenance of other greenspace in the locality. Furthermore, it is considered that the proposed development gives rise to clear benefits in terms of housing delivery and the amount of affordable housing it will provide. In line with the guidance of the NPPF, it is considered that these benefits of the scheme should be given significant weight.

Additionally, and for the reasons set out above, the proposed development is considered to offer a high quality of design, layout and landscaping and is also considered to be acceptable in terms of its impact on the amenity of existing residential dwellings. It will also provide future occupiers of the development a good standard of amenity in terms of outlook, privacy and amenity space. Furthermore, the scheme has been found to be acceptable in relation to trees, flood risk and drainage, archaeology, ground conditions, highway access and car parking and education. In respect of these matters, the proposals are considered to be compliant with the aims, objectives and detailed policies of the NPPF, the relevant saved policy NA7.3 of the UDP, the up-to-date policies of the Council's Core Strategy and Development Plan and the Council's adopted 'Residential Design Guide' SPD, as referenced within this report.

However, additional information in respect of ecology is awaited. It is anticipated that this information will be received and assessed very shortly and Members will be updated regarding the implications of this aspect of the scheme at the Committee meeting.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Executive Director of City Development to report.

Reference No.: 20/01722/LP3 Local Authority (Reg 3)

Proposal: **External highways works to provide over-flow (parent drop-off) car-parks and set down lay-by to Houghton Road, Hawthorn Street and Fairbairn Drive, to provide additional car-parking capacity to Newbottle Primary Academy.**

Location: Land Adjacent To Newbottle Primary Academy, Houghton Road, Newbottle Houghton-le-Spring

Ward: Houghton
Applicant: Sunderland City Council
Date Valid: 23 September 2020
Target Date: 18 November 2020

Proposal

Access and car parking improvements are proposed at Newbottle Primary Academy.

Application site

This application relate to some areas of Council owned land outside Newbottle Primary Academy, Houghton Road, Newbottle. Two areas of land comprise the application site:

A triangular area of land adjacent to the school site entrance and access road adjacent to Houghton Road and an area of land adjacent to Hawthorn Street/Fairbairn Drive to the southwest of the academy.

The proposed development involves the construction of additional car parking facilities to reduce the problems associated with school pick up and drop off parking congestion. The additional capacity is considered to be necessary to allow for any future expansion within the academy.

The proposals include several additional parking areas to alleviate the school's current issues with vehicular congestion, especially around pupil drop off and pick up times:

- Create a pupil drop off area and parking area in the triangular parcel of land adjacent to Houghton Road, a one way system with separate in and out access arrangement from the existing academy access road has been developed to avoid congestion. In addition it is proposed to install an electronically controlled security barrier on the academy access road to control access into the academy along this route, which was historically problematic for traffic congestion. There-by containing parent parking in a more formal and organised setting.
- Improve forward visibility at the existing school entrance by lowering part of the existing stone boundary wall to the Houghton Road junction of the site.
- Introduce a secondary pupil drop off area to the academy's southern boundary along Hawthorn Street, to provide improved traffic management, particularly at busy times.
- Construct a secondary car park adjacent to Fairbairn Drive, opposite the football pitches/playing fields bordered by Hawthorn Street and Fairbairn Drive. This car park will have dual purpose serving both the school and the football facilities.
- Creation of an additional pedestrian access from the southern boundary of the site leading from the proposed car parking facilities. This access will only be open at drop off and pick up times to maintain the security of the school premises.

As part of the redevelopment works to Hawthorn Street, it is proposed to incorporate 3m wide shared pedestrian/cycle routes within the scheme. Improvements to drainage and streetlighting will also be carried out as part of the proposals.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Network Management – additional information requested in connection with Construction Environmental Management Plan.
Environmental Health – additional information request in connection with ground contamination.
Northumbrian Water – no objection.
Tyne And Wear Archaeology Officer – no objection subject to watching brief conditions.

Final Date for Receipt of Representations: **24.12.2020**

REPRESENTATIONS:

2 objections received in response to consultation:.

1 from the occupier of 2 The Villets on grounds that the rear access to the property would be obstructed by the development. This objection was subsequently withdrawn following an amendment to the scheme

1 from the occupier of 18 Fairbairn Drive on grounds that the proposals will exacerbate traffic and parking issues on the Fairbairn Drive side of the school and will discourage sustainable (non-car) modes of transport. Concerns are also raised regarding road safety, lack of weight restrictions and safety barriers.

CONSIDERATION

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

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

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

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

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

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

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

- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);

The adopted CSDP policies have replaced the majority of policies within the Council's Unitary Development Plan (1998), but some, mainly non-strategic, policies have not been superseded and can continue to be given weight where appropriate.

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

- Principle of development.
- Highway access and car parking arrangements.
- Impact upon residential amenity.
- Ground contamination.

Principle of Development

The proposed access and car parking improvement works around Newbottle Academy comprise development on areas of previously developed land. Policy EN10 of the Unitary Development Plan is relevant and requires that development should be compatible with the predominant surrounding land uses. In this instance works to improve parking and drop off facilities near to Newbottle Primary School are considered to be acceptable in principle.

Highway access and car parking arrangements

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

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

Policy ST3 of the CSDP states that development should:

- Provide a safe and convenient access for all road users, in a way which would not:
 - Compromise the free flow of traffic;
 - Exacerbate traffic congestion;
- Incorporate pedestrian and cycle routes within and through sites;
- Include appropriate levels of vehicle and cycle parking;

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

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

Also relevant is paragraph 109, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 goes on to advise that within the context of paragraph 109, applications for development should:

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

Paragraph 106 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

The Councils Transportation Development Team has been consulted regarding the proposed development and considers the proposals to be generally acceptable with no unacceptable impact upon highway safety. Some additional information is awaited in connection with a Construction Environmental Management Plan for the site. It is anticipated that this information will be received shortly and Members will be updated at the Committee meeting accordingly.

Archaeology

Policy BH9 of the adopted CSDP is concerned with archaeology and the recording of archaeological heritage assets.

The Tyne and Wear Archaeology Officer has been consulted regarding the proposed development and has provided the following comments.

An evaluation trench was excavated by Pre-constructed archaeology in 2020 at Newbottle Primary Academy off Fairbairn Drive where it is proposed a car park will be constructed. Two phases of activity were identified, these includes the construction of a post-medieval structural remains and modern masonry, foundation walls and levelling and consolidation deposits associated with a row of stone-built miner's cottages, the remains of South Row. The excavated trench measured 10m x 1.8m and archaeological remains were encountered between 0.38m and 0.56m below present ground level. Four masonry wall foundations and a brick surface were recorded constructed in a narrow construction cut. The north-eastern most wall recorded in Trench 1 was identified this formed the external wall of the end terraced house. It contained brick-built and sandstone-built elements measuring 0.56m wide by c.0.10m high. The remains are of local significance.

The construction methodology that will be employed to construct the car park is not envisioned to exceed a depth of 0.35m below ground level except in localised areas. The majority of the miner's cottage will therefore be avoided by the groundworks. Groundworks that exceed a depth of 0.35m below ground level should however be monitored as part of an archaeological watching brief. This work can be secured by the inclusion of conditions requiring an archaeological watching brief and a watching brief report.

On this basis it is considered that the proposed development will be in accordance with the requirements of Policy BH9 of the CSDP.

Impact upon residential amenity

The proposed development is designed to improve conditions at school drop off and pick up times and provide off street parking and clear systems for managing traffic.

The proposed works on the Fairbairn and Hawthorn Street side of the school are remote from the nearest residential properties in Harle Close and Fairbairn Drive and whilst the concerns of the occupier of number 18 Fairbairn Drive are acknowledged, it is not considered that the proposed development would result in detrimental impact upon residential amenity to warrant a refusal of planning permission.

Ground Contamination

Paragraph 178 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A geotechnical and environmental preliminary report has been submitted in connection with this application. The Council's PPRS Team has assessed the submitted information and has asked for some clarification and additional information relating to the submitted reports. It is anticipated that this information will be received shortly and members will be updated accordingly at the Committee meeting.

Summary

The proposed improvements to the school drop off and pick up facilities are considered to be acceptable in principle. However, some additional information relating to ground contamination and the CEMP in association with the development is awaited. It is anticipated that this will be received in advance of the meeting and an update provided to Members accordingly.

Recommendation: Executive Director of City Development to report.