

## **DEVELOPMENT PLAN**

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

### **Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Peter McIntyre  
Executive Director City Development

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**Reference No.:** 20/02027/HE4 ES and (Reg)4

**Proposal:** Full planning permission for 116 residential dwellings (use class C3) with associated infrastructure and landscaping and outline planning permission (all matters reserved except access) for up to 324 residential dwellings (use class C3), associated infrastructure and landscaping (additional highways information received 21/07/21, amended plans, updated drainage and ecology information and supplement to Environmental Statement received 23/07/21).

**Location:** Land South West Of Herrington Country Park Chester Road Penshaw Sunderland

**Ward:** Shiney Row  
**Applicant:** Taylor Wimpey North East  
**Date Valid:** 17 November 2020  
**Target Date:** 9 March 2021

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## UPDATE TO MEMBERS

### Public consultation and additional representations

As Members may recall, this planning application was presented at the Council's Planning and Highways (West) Committee meeting held on 5<sup>th</sup> October 2021. At the meeting, officers recommended that Members be Mindful to Grant Consent for the proposed development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the expiry of the additional public consultation period, which had not ended at the time of the Committee meeting. Officers advised Members that in the event any further representations were received from members of the public which raised considerations not already addressed by the main agenda report and the late report circulated at the meeting, the application would be returned to Committee to enable Members to consider the content of the representations and an updated recommended decision would be provided.

Copies of the original main agenda report and late report to Members of the Committee is provided below as an addendum to this update report.

At the Committee meeting, Members voted to agree with the officer's recommendation and were therefore Mindful to Grant Consent for the proposed development, subject to the completion of the s106 agreement and the expiry of the public consultation period. Discussions between the applicant and Council officers are ongoing in relation to the s106 agreement, the details of which are provided in the main agenda report. The period of public consultation has, however, now ended.

To summarise the number of representations submitted in respect of the application, at the time of writing the main agenda report 251 no. representations had been received and the content of these, together with officer comment and analysis of the issues raised, is provided within the main agenda report. A further 26 no. representations were then received between the

publication of the main agenda report and the Committee meeting and since the Committee meeting took place, a further 4 no. representations have been received.

As set out in the late report circulated at the Committee meeting, the additional representations received since the publication of the main agenda report primarily raised issues concerning:

- pressure on amenities and infrastructure in the area;
- the need for the development;
- traffic generation and road safety;
- noise and air quality;
- the affordability of housing;
- loss of greenspace;
- harm to ecology and Herrington Country Park;
- harm to views to and from Penshaw Monument;
- disruption during construction works; and
- the development being unwanted amongst the local community.

It is considered that these issues have already been addressed within the original main agenda report and late report. To reiterate, however, subject to the imposition of conditions and the completion of an agreement under s106 of the Town and Country Planning Act 1990, the development has been found to be acceptable in relation to amenity, local infrastructure, traffic generation, affordable housing, ecology and the setting of Penshaw Monument. The construction process can also be managed through the agreement of a Construction Environmental Management Plan. Further analysis of these considerations can be found in the copy of the original main agenda report provided below.

Some objectors to the application have also expressed concern in respect of the procedure of the application being referred to the Committee whilst the public consultation exercise was ongoing. Whilst this concern is noted, as set out in the recommendation provided to Members at the meeting held on 5<sup>th</sup> October 2021, officers advised that the application would be returned before the Committee if representations not already addressed by the main agenda report were received. This procedure is designed to ensure that Members are informed of all the concerns raised by objectors to the application before the application is finally determined.

To this end, it is considered that the content of one of the representations received since the publication of the main agenda report and circulation of the late report has not been fully addressed by either report. The representation in question makes the following comments:

- As the Council has declared a 'Climate Emergency', the planning application should be accompanied by an estimate of the amount of greenhouse gases and other pollution released into the environment from the development's construction;
- An estimate of the annual amount of greenhouse gases and pollution generated by the occupation of the houses should also be provided;
- What additional expenditure is planned for additional sewage and rainwater outflow to prevent risk to water quality and what upgrading of gas, electric and water mains is planned?

In relation to these points, Members should note that there is currently no requirement in national or local planning policy for planning applications for housing development to be accompanied by an analysis or estimate of the amount of greenhouse gases to be generated by construction works or the future occupation of the development. This planning policy position is not altered by the Council's declaration of a 'Climate Emergency'.

The planning application has, however, been accompanied by a Sustainability Statement, which sets out the sustainable design measures integral to the proposed development. The Statement highlights the applicant's commitment to utilising sustainable construction techniques through, for example, the selection of materials and minimising pollution during construction works. The Statement also highlights that Part L1A of the Building Regulations sets standards for the energy performance of new dwellings – recent amendments are designed to deliver homes with an emission rate some 44% lower than comparable 2002 standards. The Statement indicates that the applicant intends to exceed the Building Regulations requirements and that the energy efficiency measures proposed by the applicant would reduce CO2 emissions of dwellings by 7.02% when compared to a Part L1A-compliant emissions rate. Homes would also have a weighted average Fabric Energy Efficiency saving of 10.61% over Part L1A requirements.

In addition to the above, it is noted that the applicant's website highlights Taylor Wimpey's commitment to sustainability. The company's Sustainability Report 2020 sets out that the company has strategic objectives of reducing operational carbon emissions by 36% by 2025 (from the 2019 baseline) and reducing carbon emissions intensity from the supply chain and customer homes by 24% by 2030 (from a 2019 baseline). These objectives are supported by targets relating to the reduction of operational energy intensity, purchasing of green electricity, reducing emissions from customer homes, reducing embodied carbon in homes and reducing car and grey fleet emissions.

It is considered that the detailed measures set out in the applicant's Sustainability Statement, together with the applicant's wider strategic objectives in relation to sustainability and reducing emissions, demonstrate a commitment to delivering a development which addresses the sustainability objectives of the National Planning Policy Framework and policy BH2 of the Council's Core Strategy and Development Plan.

In relation to the objector's comments regarding local utilities infrastructure, it should be noted that this is managed by the relevant utilities companies. It is the responsibility of the utilities companies and developers to work together to ensure new development is properly served by the utilities in question, whilst the utilities companies are responsible for ensuring existing infrastructure remains fit for purpose in respect of serving existing properties. In terms of the management of foul and surface water, it should be noted that the application has been accompanied by a comprehensive sustainable drainage strategy, which has been endorsed by the Lead Local Flood Authority. Additionally, there have been no objections to the development from the Environment Agency in relation to water quality, or from Northumbrian Water, who are responsible for the local drainage and sewerage network.

### **National Highways (previously Highways England) comments**

Further consultation comments have been received from National Highways in respect of the Travel Plan submitted with the planning application. It is confirmed that the submitted Travel Plan is acceptable and consequently, it is no longer requested that a condition be imposed requiring the submission of a Travel Plan for National Highways' approval.

Consequently, it is recommended that the wording of draft condition no. 25 as presented in the copy of the main agenda report provided below is amended to the following:

*25. All car use reduction, monitoring and action plan measures and initiatives set out in sections 5 and 6 of the submitted Addendum Interim Framework Travel Plan (SAJ Transport Consultants, July 2021) must be adopted in full and in accordance with the timescales set out in the action plan (table 7.1 of the AIFTP).*

*Reason: in order to promote sustainable modes of transport and comply with the objectives of*

*policies ST2 and ST3 of the CSDP.*

## **Conclusion**

The purpose of this update report has been to provide Members with a summary of the representations received since the publication of the main agenda report in respect of planning application ref. 20/02027/FU4 and to also consider matters raised by a representation which had not been fully addressed by the main agenda report.

Consideration has been given to the matters raised by the objection in relation to sustainability and local utilities infrastructure; for the reasons set out above, it is considered that the application is acceptable in respect of these issues.

For the reasons set out the original agenda report duplicated below, it remains the case that the proposed development is acceptable in respect of all other relevant material planning considerations.

As the public consultation on the application has ended, the recommendation to Members is now that they be Mindful to Grant Consent for the proposed development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions provided in the copy of the original main agenda report below, including the revised condition no. 25 as set out above and the amended condition no. 4 as worded on the copy of the late report.

**RECOMMENDATION: MINDFUL TO GRANT CONSENT** under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions set out in the copies of the original main agenda report and late report provided below and the re-worded condition no. 25 provided above.

**ADDENDUM TO UPDATE REPORT FOR PLANNING APPLICATION REF. 20/02027/HE4 –  
COPY OF ORIGINAL MAIN AGENDA REPORT, PROVIDED FOR PLANNING AND  
HIGHWAYS (WEST) COMMITTEE MEETING HELD ON 5<sup>TH</sup> OCTOBER 2021**

**PROPOSAL:**

Full planning permission is sought for the erection of 116 dwellings (use class C3) with associated infrastructure and landscaping and outline planning permission (all matters reserved except access) for up to 324 dwellings (use class C3), associated infrastructure and landscaping at land south-west of Herrington Country Park, Chester Road, Penshaw, Houghton-le-Spring.

The proposed housing development affects approximately 23.2ha of land, primarily comprising arable fields, grassland, sporadic hedgerows and trees, located to the south-west of Herrington Country Park. The application site is bordered by the A183 Chester Road to the north-west, on the opposite side of which are residential dwellings interspersed with occasional commercial properties. One such property, The Prospect public house, has a car park on the west side of Chester Road which borders the north-east corner of the application site.

To the south-west is Chislehurst Road, which runs from a roundabout junction with Chester Road to serve the relatively modern residential housing estates of Cricklewood Drive and Barnwell View. To the north-east and south-east are the grounds of the country park. The site slopes gently downhill in a south-easterly direction towards the shallow valley of Herrington Burn, which runs through the country park alongside the south-eastern boundary of the application site. The course of the burn within the country park is punctuated by ponds and other water features.

Boundaries of the site are primarily defined by broken hedgerows, occasional trees and fencing. A 66kv overhead high-voltage electricity pylon enters the development site at Chislehurst Road and runs through the site in a north-south direction towards the country park.

Land within the country park immediately to the north-east and south-east is designated as part of the Tyne and Wear Green Belt. Beyond the country park, and within the designated Green Belt, is open countryside separating Penshaw and from the urban edge of Sunderland. Within the tract of countryside to the north of the application site, is the Grade I Listed Penshaw Monument (properly known as the Earl of Durham's Monument), which occupies an elevated location at the top of Penshaw Hill and is a prominent landmark in the local and regional landscape.

The application proposes the erection of a total of 440 no. dwellinghouses across the site, to be delivered in a phased approach. The application is in 'hybrid' form, with full planning permission being sought for 116 no. dwellings and outline planning permission, with all matters reserved except access, being sought for the remaining 324 no. dwellings. Phase 1 of the development is the area subject to full planning permission, phase 2 is the area subject to outline planning permission. 15% of dwellings within the development (i.e. 66 dwellings) would be affordable, with 75% of these available for affordable rent and 25% available as intermediate products.

In terms of the development of the site as a whole, the submission documents set out a masterplan for delivering the proposed housing, underpinned by a series of underlying principles and rationale, including:

- Developable areas influenced by the site's landscape setting, the presence of the high voltage pylon and creation of east-west and north-south corridors;

- Open space along the site's north-eastern edge to help integrate the development with Herrington Country Park and soften views from Penshaw Hill;
- Street alignments dictated by opportunities for direct and glimpsed views of Penshaw Monument;
- New vehicle gateway from Chislehurst Road;
- Attractive primary residential loop through the development, which will be landscaped and traffic calmed and serve secondary streets and private drives;
- New footpath networks connecting through and across the site to create connections between surrounding settlements and the country park;
- Perimeter residential blocks to create distinction between public and private space and create a legible and permeable neighbourhood;
- Feature buildings to create an attractive residential environment;
- All streets, spaces and paths overlooked by new development;
- Less formal frontages overlooking areas of semi-natural open space

Parameter plans have also been produced to provide a framework which future applications for approval of reserved matters will have to follow:

- Approximately 15.9ha of land covered by residential development;
- A well-connected and integrated area of approximately 7.3ha of open space, comprising retained and enhanced landscape features, new planting, drainage features and pedestrian and cycle routes;
- Primary vehicular access provided from two points off Chislehurst Road, with the primary street alignment providing opportunities for view corridors towards Penshaw Monument;
- Additional pedestrian accesses provided via an existing footpath at the eastern end of Chislehurst Road and from the existing bus stops on Chester Road;

In terms of open and greenspace within the development, this will involve the provision of Green Infrastructure (GI) corridors connecting through the site, planting, ecological recreation (including children's play facilities) and sustainable drainage systems (SuDS). The SuDS for the development will be integrated into an accessible wetland habitat to assimilate with the existing wetlands within the country park and act as a buffer to Herrington Burn.

A 10-15 metres wide strip of planting within the GI corridor on the north-eastern boundary and a 20-60 metres wide strip of planting to the south-eastern boundary are designed to provide suitable buffers to the adjacent Green Belt and a softening of built form in views towards Penshaw Monument. The central north-south corridor through the development will accommodate the aforementioned overhead pylons. GI corridors are also designed to create opportunities for biodiversity enhancements and restoration of habitats. Provision is also made for the planting of an avenue of trees along key internal road edges and existing healthy trees and hedgerows are to be retained and enhanced, including within the main east-west green corridor through the development.

Routes through the site are also designed to provide new connections between the community of Penshaw and Herrington Country Park, which are currently not afforded by the existing site.

In terms of scale, new housing will predominantly be two-storeys, with occasional 2.5 storey properties to support legibility and placemaking objectives. The layout of the development would effectively see the site divided into four quadrants, a form resulting from the location of the line of overhead pylons, the need to locate SuDS infrastructure at the lowest (south-eastern) part of the site, the need to create green buffers to Green Belt boundaries and an offset to Chester Road to maintain views towards Penshaw Monument and the country park. Building frontages

are to be outwards-facing on key edges of the site, such as onto Chester Road and Chislehurst Road, to create a positive outlook for existing properties facing the site.

The landscaping strategy for the development proposes the creation of six 'character zones':

- Zone 1 - Central Green Spine, an attractive, focal point open space maintaining views towards Penshaw Monument and incorporating native hedgerows, species rich meadows, earth bunding features, formal and informal play areas, footpaths and cycle routes and opportunities for the creation of focal points through use of land art;
- Zone 2 - Chester Road edge, creating a set-back for the built development and incorporating low earth bunding with hedgerows and shrub planting, low-density tree planting, species rich meadow and footpaths;
- Zone 3 - East-West Green Link, following the line of an existing hedgerow and former field boundary, incorporating retained healthy and enhanced parts of the hedgerow, species rich meadow and informal paths;
- Zone 4 - Residential Development, the strategy for residential areas of the site, with principle avenues lined with canopy trees, a high-quality palette of hard materials, ornamental native planting and play areas within pockets of open space;
- Zone 5 - Northern buffer, of native woodland planting and linear open space to provide a defensible boundary for the Green Belt, soften the built form and provide an attractive setting for the development in views from Penshaw Hill and the country park. It will incorporate a strong, linear woodland belt, enhanced hedgerow planting and management, access to and from the country park, species rich meadow and informal footpath linkages;
- Zone 6 - Wetland Park, an accessible wetland area comprising SuDS, meadow planting and pathways to integrate the development with the country park. It will form a functional flood attenuation area incorporating wetland habitats of ponds, accessible by raised walkways, with reed bed planting, marsh meadow grassland, species rich dry grassland, footpath linkages, raised boardwalks and natural play.

The submission document also set out principles and strategies for ecology, access and movement (i.e. street hierarchies) and the appearance of the development, including character areas (gateways and primary streets, view corridors and green edges) and materiality. The materials proposed to be used in the development are informed by the local area and would predominantly include red bricks, terracotta, slate grey and brown roof tiles and cream and green doors, fenestration and other detailing.

The abovementioned design principles and parameters are designed to inform the development of the site in its entirety, which, as mentioned earlier, would be delivered via a full planning permission for part of the development and outline permission for the remainder. Phase 1 of the development, for which full planning permission is being sought and detailed plans have been submitted, affects the south-western 'quadrant' of the site and would comprise 116 no. 2-, 3- and 4-bedroom dwellings, 99 no. of which are private homes and the remaining 17 no. being affordable homes. Dwellings within this phase are proposed to be two-storeys only and will involve a mix of detached and semi-detached homes along with a number of short, terraced blocks. All properties benefit from substantial plots with front and rear gardens and many will feature integral or detached garages, with in-curtilage parking spaces to all dwellings.

Phase 1 of the development would be accessed via Chislehurst Road and would include a primary street connecting through to the north-western quadrant of the development site, allowing for it to loop through the remainder of the development back to Chislehurst Road. In line with the development principles and parameters, properties within Phase 1 would face across Chester Road and Chislehurst Road and be set back from Chester Road behind a landscaped buffer featuring trees, native and ornamental shrub and hedge planting and



meadow and amenity grassland. The south-eastern edge of Phase 1 would form part of the substantial landscaped corridor running north-south through the wider development site.

As noted above, all matters except access are reserved in respect of the outline areas of the proposal, and this would be taken from Chislehurst Road to create the primary loop road into the Phase 1 area of the development and back to Chislehurst Road.

In terms of build-out, a rate of approximately 40 dwellings per year is anticipated, with construction of Phase 1 expected to start in early 2022, for completion in early 2025. The construction of the second phase would commence in the second quarter of 2025 and the development would be expected to be complete in early 2033.

Some minor amendments have been made to the originally submitted scheme during consideration of the application. These amendments can be summarised as follows:

- Amendments to the masterplan and site plans to give clarification on pedestrian and cycle links into the development cells and clarification on the woodland buffer with Herrington Country Park;
- Minor amendments to the Phase 1 layout to include changes to boundary treatments, replacement of some house types to ensure Nationally Described Space Standards are met, amendments to the location of car parking and landscaping in specific areas and updates to plot boundaries following a review of separation distances;
- Provision of additional drainage information, including revised SuDS proposals;
- Provision of additional ecology information;

Furthermore, additional information has been provided in relation to highways and sustainable drainage, in response to comments/concerns raised by consultees (see next section of this report).

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

- Planning Statement;
- Design and Access Statement;
- Transport Assessment;
- Interim Residential Travel Plan;
- Sustainability Statement;
- Health Impact Assessment;
- Topographical Survey;
- Statement of Community Involvement;
- Geophysical Survey;
- Phase I Desk Top Study and Phase II Site Investigation;
- Noise Assessment;
- Air Quality Assessment;
- Agricultural Land Report;
- Ecological Appraisals (from December 2019, July 2020 and March 2021);
- Great Crested Newt Survey (March 2020);
- Breeding Bird Survey (March 2020);
- Bat Survey (March 2020) and Dusk Emergence Survey of a single tree (September 2021);
- Biodiversity Net Gain Assessment and calculations;
- Flood Risk Assessment;
- Archaeological Evaluation;
- Arboricultural Impact Assessment and Method Statement;

Members should also note that the planning application has been accompanied by an Environmental Statement (ES). This is because the development proposal falls within section 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) ('the Regulations'), which relates to urban development projects, including where the development includes more than 150 dwellings. For such developments, an Environmental Impact Assessment (EIA) is required where the development is likely to give rise to significant environmental effects.

The EIA undertaken by the developer's planning agent considers likely effects which may arise during the construction and operational phases of the development. It also considers the potential for cumulative effects in combination with other emerging schemes in the area. The scope of the EIA was agreed with the Council as Local Planning Authority prior to the submission of the planning application, with the following topic areas identified as being necessary to address:

- Landscape and Visual Impact; and
- Cultural Heritage

It was agreed with the Council that other topics could be 'scoped out' of the EIA on the basis that the environmental effects of the development in relation to those issues would not be significant.

As is required by the Regulations, the Government's National Planning Casework Unit (NPCU) and relevant statutory consultees were notified of the submission of the ES upon its receipt by the City Council.

As noted earlier, the development proposals were subject to some minor amendments and additional supporting information was submitted during consideration of the application. These amendments to the scheme necessitated the preparation and submission of a Supplementary Environmental Statement (SES), the purpose of which is to identify, where relevant, the extent of any additional or amended environmental effects not previously identified by the initial ES. The receipt of the SES was also made known to the NPCU and statutory consultees.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Environmental Health  
Land Contamination  
The Highways England  
Environmental Health  
Land Contamination  
Flood And Coastal Group Engineer  
Network Management  
Public Rights Of Way Officer  
Northumbrian Water  
Northern Electric  
North Gas Networks  
Nexus

Fire Prevention Officer  
Environment Agency  
The Coal Authority  
Planning Policy  
Director Of Childrens Services  
Land Contamination  
Northumbria Police  
Fire Prevention Officer  
Planning Policy  
Fire Prevention Officer  
Shiney Row - Ward Councillors Consultation  
Shiney Row - Ward Councillors Consultation  
Historic England

Final Date for Receipt of Representations: **26.08.2021**

## **REPRESENTATIONS:**

### ***Coal Authority***

Site does not fall within a Development High Risk Area and so no comments are offered. The Coal Authority's Standing Advice on developing in Low Risk Areas should be provided to the applicant as an informative note on the planning decision notice.

### ***Environment Agency***

No objections to the development. Advice to the applicant and Local Planning Authority is provided in relation to flood risk at the site and any works to the riverbank (of Herrington Burn).

Additional consultation was undertaken on receipt of the Supplementary Environmental Statement and amended plans; the EA confirmed they have no further comments to make.

### ***Highways England***

Initially recommended that permission not be granted for a period of 6 months, up to 22nd June 2021, on the basis that further information was required from the applicant. Trip generation modelling is considered to be robust, however Highways England requested that the following be provided before the application is approved:

- Information on impacts on the A1(M)/A195 junction in Washington;
- Appropriate assessment years for an opening and future years to be determined, with background traffic growth factors to be revised once agreed;
- Whether other committed development proposals should be included in consideration of impacts on the A19/A183 junction;
- Recommended that the analysis model is amended to ensure that queuing on circulatory lanes does not extend beyond available storage;
- Confirmation of the rationale for directly entering geometric values for lane saturation and give way parameters;
- Advice also provided on the content of the proposed Interim Travel Plan

The applicant's transport consultant subsequently submitted Technical Note: Strategic Road Network Comments in order to address the concerns raised by Highways England. This has been reviewed and Highways England confirm they now have no material concerns, with the traffic growth analysis undertaken by the consultant considered to acceptably demonstrate that the development will not significantly affect the volume of traffic on the network.

Highways England have consequently confirmed they have no objection to the development, subject to a condition requiring approval of an updated travel plan for the scheme.

### ***Historic England***

No objections to the development on heritage grounds. It is highlighted that Penshaw Monument is an enduring feature of the landscape and is one which could be said to be symbolic or representative of this part of north-east England. Its ownership and management by the National Trust illustrates its irreplaceable value to the region and nation. That the Monument can be seen for miles around is intentional and its setting makes a major contribution to its significance. It is therefore important to consider that views and experiences of it will vary considerably in their character and that some degree of quality assessment is needed when considering applications that may affect views towards it, or indeed create new experiences of it.

Historic England's comments consider that the experience of the Monument's setting at the application site is noticeable and positive, but not of the highest quality in comparison to other locations. When viewed from the Monument, the proposed development will erode its rural context but would equally be seen as part of the suburban context. With such wide panoramic views, this produces a neutral impact.

Considering the significance of the Monument as a whole, the wide number and range of views towards it and the mixed quality of the experience of its setting from and adjoining the site, the conclusion is that some harm would be caused to the significance of the Monument, but this would be minor in degree. Regarding the degree to which this would be offset by new views created within the development, Historic England defers to the Council's more detailed knowledge and involvement.

In conclusion, it is noted that the National Planning Policy Framework requires harm to the significance of heritage assets to be proportionately justified in terms of public benefits and it is anticipated that such benefits could be found with a development of this scale and type (e.g. delivery of new housing). Consequently, Historic England do not object to the proposal but recommend that mitigation in the form of creating new views towards the monument are explored and realised.

### ***Natural England***

No objections, as it is considered that the development would not have significant adverse effects on designated sites, including Herrington Hill Site of Special Scientific Interest (SSSI).

Additional consultation was undertaken on receipt of the Supplementary Environmental Statement and amended plans; the Natural England confirmed they have no further comments to make.

### ***Tyne and Wear County Archaeologist***

The County Archaeology officer notes that the proposed development area has previously been subject to archaeological evaluation in the form of an archaeological desk-based assessment, geophysical and topographical survey and trial trenching. During the evaluative investigations significant archaeological remains were identified in the geophysical survey and then subsequently confirmed through trial trenching. The features comprised a series of prehistoric gullies, pits and a cremation in addition to the remains of an 18th century farmhouse on the site of West Barnwell Farm.

The County Archaeologist advises that if the proposed development is approved, archaeological excavation is required prior to the commencement of development in Area 1 and in the western

extent of Area 3. These areas are defined in the submitted 2020 evaluation report (ASDU report 5365). Additional analysis is also required for samples and materials obtained during the evaluation trial trenching. This work should include attempts to obtain radiocarbon dates, to undertake organic residue analysis and further palaeoenvironment assessment of samples. The results of this additional analysis should be incorporated into the final report.

The County Archaeologist advises that the excavation works required can be secured via an appropriately worded condition. Further conditions covering the necessary preparation and publication of a report into the excavation works are also recommended.

### ***The National Trust***

Commented in their capacity as owners of Penshaw Monument, which is highlighted as being a building of exceptional heritage significance given its Grade I Listed status. The comments received express some concern in respect of the potential effect of the proposed development on views towards and from the Monument, although it is recognised that the proposed landscaping and layout could provide suitable mitigation, in terms of creating new views and pedestrian linkages, if delivered in accordance with the submitted details.

The comments received encourage the Council to ensure key features of the layout designed to minimise impacts on the setting of the Monument are properly secured through planning conditions, any future reserved matters application(s) and, if necessary, legal agreements.

### ***Nexus***

Advises that the application site is served tolerably by bus. There are several bus routes running at a satisfactory frequency along the A183 Chester Road to key destinations such as Sunderland City Centre, Washington and Chester-le-Street. Bus stops along Chester Road are within 400m of most of the development site, with good access being provided from the proposed layout. Services on the B1286 through Herrington are well in excess of 400m of the site.

Nexus advises that consideration could be given to including a bus stop within the development, for services running along Chester Road, although this is not considered a necessity. It is also recommended that the developer funds the provision of two 'Pop' Pay As You Go travel cards per dwelling, each with £50 of preloaded credit. The cards would be available to residents on application and their availability is designed to encourage new residents to make use of the public transport options available.

### ***Northern Gas Networks***

No objections to the development, advises that the developer contacts Northern Gas Networks to discuss risks arising from construction works.

### ***Northumbrian Water***

No objections, provided that the development is undertaken in accordance with the submitted Flood Risk Assessment and Drainage Strategy. A condition requiring compliance with the FRA and Drainage Strategy and the handling of foul discharges is requested to be imposed in the event the planning application is approved.

Additional consultation was undertaken on receipt of the amended plans and no additional comments were offered.

### ***Northumbria Police 'Designing Out Crime' officer***

No objections to the development, some minor observations are provided in relation to improving natural surveillance and access in respect of Phase 1 of the development,

## ***Tyne and Wear Fire and Rescue Service***

No objections to the development.

### ***Council's Planning Policy team***

Note that the majority of the application site is allocated for approximately 400 residential dwellings by policy HGA6 of the Council's Core Strategy and Development Plan (CSDP). This figure is 'approximate' and greater number of dwellings may be considered acceptable if it can be demonstrated that such development meets other relevant policy considerations and, having regard to the guidance of policy H1 of the CSDP, is of an appropriate density for the site in terms of its context and the prevailing character of the area.

The development will provide an acceptable number of affordable dwellings (the proposed 15% provision accords with the objectives of CSDP policy H2) and the proposed mix of 75% affordable rent and 25% intermediate affordable housing also aligns with the recommendations Council's latest Strategic Housing Market Assessment (SHMA, July 2020).

In addition to the above, the Policy team have advised that the development should create new landscaped buffers around the edges of the site, to accord with policy HGA6's requirements, whilst consideration should also be given to the objectives of policies SS7, NE9 and NE11 in relation to impact on the prevailing landscape, creating and protecting views and the setting of Penshaw Monument.

In considering the detail of the proposed development, regard should also be given to CSDP policies NE1 (green and blue infrastructure), NE2 (impact on ecology and delivery of biodiversity net gain), NE3 (impact on trees and hedgerows), NE4 (open space provision), BH1 (design quality), BH2 (sustainable development), BH7 and BH8 (impact on heritage assets), ST3 (development and transport), HS1 (quality of life and amenity), WWE2 and WWE3 (flood risk and water management) and ID2 (planning obligations).

Overall, whilst it is recognised that the proposal for 440 no. dwellings exceeds the approximate site capacity of 400 no. dwellings set out by policy HGA6, provided that the other site requirements are satisfactorily addressed, and the development is acceptable in relation to other material considerations as identified above, there would be no objection to the scheme in principle.

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

Initially raised an objection to the development, recommending that additional modelling of the Herrington Burn be undertaken to confirm flood risks in relation to this watercourse. More detailed consideration of source control, water quality provision and hydraulic modelling was also requested, along with clarification on the adoption of SuDS features and arrangements during construction works.

Further information has been submitted to address the issues raised by the LLFA and it has now been confirmed that the proposed development is acceptable from a flood risk and sustainable drainage perspective, subject to a condition requiring the submission of a verification report to demonstrate that the approved sustainable drainage measures have been implemented as agreed.

### ***Council's Highways team***

The Council's Highways team have made the following comments and observations:

## *Transport Assessment*

- The TA details existing transport networks around the site and concludes that the development offers opportunities to integrate with existing pedestrian and cycle networks and that public transport options are available within reasonable walking distance. It also concludes that the site is well-connected to local services, amenities and employment opportunities by sustainable modes of transport. These conclusions are accepted.
  - The proposed vehicular access points from Chislehurst Road are considered acceptable in principle. Proposed pedestrian and cycling access to/from Chester Road, Chislehurst Road and into Herrington Country Park are also considered to be acceptable and will serve to integrate the development into the existing network.
  - Clarification on the parking to be provided for Phase 1 of the development is required. The internal road layout for Phase 1 of the development is acceptable and demonstrates that it can accommodate service vehicles, such as refuse collection, emergency services and delivery vehicles.
  - In terms of trip generation, the methodology used by the applicant is considered to be appropriate and demonstrates that the numbers of trips generated by the development will be acceptable. Trip distribution modelling is also considered to be acceptable, as are the choices of committed developments taken into account and the assessment years chosen for considering operational assessments.
  - Impacts have been assessed at a series of key road junctions in the area and in the majority of cases, the development would have no discernible impact on their operation. The submitted TA does, however, demonstrate a significant increase in queuing traffic on the A183 Chester Road north-east arm of the Shiny Row roundabout as a result of the development and to mitigate this, it is proposed to increase the two-lane approach capacity of this arm to enable more balanced lane usage on the approach. The Council's Highways team advise that this proposed improvement would satisfactorily mitigate impacts.
  - The Council's Highways team also consider that the impact of the development on the A183 south arm of the Biddick Hall roundabout will be significant and has requested that the applicant consider mitigation improvement measures for this arm of the junction. Mitigation is also recommended in relation to the Chester Road east and west arms of the A19/A183 junction, in order to mitigate impacts occurring at peak hours.
  - The submitted TA has also tested the Philadelphia Link Road, should it be operational prior to the occupation of the proposed development. It concludes that its junction with the B1286 and Chislehurst Road would operate within practical capacity in the year 2030 and that the impact of the proposed development traffic is not significant.
  - It is advised that a condition be imposed requiring the submission and approval of a Construction Method Statement prior to the commencement of development.
  - The submitted TA demonstrates that there is no specific issue in the area in terms of accidents and that the proposed development would have no severe impacts on the surrounding road network.
- 
- Interim Travel Plan
  - A travel plan co-ordinator should be appointed 6 months prior to first occupation of the development.
  - Proposed targets should be more ambitious and aim for a 10% reduction in single-occupancy car journeys in year 4 to 5.
  - The proposed online travel survey for residents should be agreed with the Council's Sustainable Travel officer prior to being issued;
  - Travel tickets should be made available to residents, in line with Nexus' Planning Liaison policy;
  - The proposed 'welcome pack' for residents should also be agreed with the Council's Sustainable travel officer prior to issue;

### *Bus shelters*

Discussions should be undertaken with Nexus to establish if any improvements to existing bus stops are required.

### *s38 and s278 works*

Agreements under s38 and s278 of the Highways Act will be required in respect of the adoption of new highways and works to existing highways respectively.

### *s106 contribution*

Recommended that a financial contribution is made to the delivery of the Penshaw - Herrington link road, particularly the section between Chislehurst Road and the B1286 junction.

### *Further consultation*

Additional information has been supplied by the applicant to address issues raised by the Council's Highways team, namely an Addendum to the Interim Travel Plan, Technical Notes for the Local and Strategic Road Network and a parking schedule for Phase 1 of the development. The following updated comments can be offered:

- A parking schedule has now been submitted as part of the additional information and it is confirmed that each dwelling in the detailed part of the application has at least 1 in-curtilage parking space and the proposed visitor parking provision is in accordance with the Council's parking standards. The proposed arrangements are acceptable;
- Operational assessment of junctions has been undertaken for actual peak hours, which is acceptable;
- The applicant has now proposed improvement measures at this junction which is considered to mitigate the impact of the proposed development below the predicted operation of the A183 Basswood Road arm in the 2030 Base scenario and would therefore not result in a significant impact. This conclusion is accepted;
- Within the additional information submitted, the applicant has undertaken a detailed review of the impact of the development traffic at the A19/A183 junction which included discussions with Highways England. This additional work has concluded that the additional vehicle movements on the A183 Chester Road East arm associated with the proposed development are immaterial, less than 2% of the base flows, and therefore would not result in a severe impact on the operation of this arm of the junction. It is accepted that the development traffic would not have a significant impact at this junction;
- An Addendum Interim Travel Plan has been submitted which satisfactorily addresses the observations made as set out above and is considered to be acceptable;
- Applicant has advised that Nexus has not made any requests in relation to upgrading bus stops and it is confirmed that travel tickets will be provided to residents as part of a welcome pack;
- The additional information submitted states that it has demonstrated that the proposed development does not result in a severe impact on the local road network without the Penshaw - Herrington Link in place. It is therefore considered that the proposed development does not require the delivery of the link road to ensure a non-severe impact on the surrounding road network. This conclusion is accepted and therefore it is not appropriate to request the Section 106 contribution towards the provision of the Penshaw - Herrington Link.

To summarise, there are no objections to the development from the Council's Highways team, subject to the delivery of improvements to the Biddick Woods and Shiney Row roundabouts and the A183 on its east-bound approach to the A19 junction roundabout. The cost of the works



involved is estimated to be £15,000 and it is suggested that this is funded via a financial contribution made under s106 of the Town and Country Planning Act 1990 (as amended).

### ***Council's Ecology team and Ecology consultant***

The Council's Ecology team made the following initial comments in respect of the development proposals:

- The proposed development will impact on the local and strategic Wildlife Corridor network, which should be referenced and addressed specifically in the ecological impact assessment. 2. Details should be provided of the area surveyed for otter and water vole; otter holts have been recorded near the site. Updating surveys for otter and water vole are recommended, and proposed mitigation measures should be detailed.
- Great crested newt surveys should be updated.
- Loss of habitat for hedgehog and brown hare and increased disturbance during the operational phase of the development should be addressed and mitigated.
- Disturbance and predation by domestic animals should be addressed and mitigated.
- Loss of habitat for wintering birds should be addressed.
- Confirmation should be provided of the reasons for a buffer of 8-10m to be maintained between the development and the watercourse on site. Impacts from the construction and operational phases of the development on the watercourse and buffer zone must also be addressed.
- Drainage attenuation/SuDS features have uniform profiles, which could be varied, and will potentially only hold water in part; with a primary use of water/flood attenuation and recreation, therefore limiting the ecological value. The reason for SuDS platforms and paths around the perimeter of SuDS should be clear.
- Proposals to limit access to certain locations, in particular riparian areas of Herrington Burn, are welcome but should ensure these are not compromised by the wider development and, for example, proposed paths.
- Hedge, scrub and trees mixes should reflect the local Natural Character Area and prevailing or proposed conditions, particularly in boundary and corridor areas; for example, reduce or replace *Cornus sanguinea*.
- The use of some reed species in marginal planting will benefit biodiversity, however, may require frequent maintenance

Additional ecology work was undertaken by the applicant's ecology consultant, which was in turn reviewed by the Council's Ecology consultant. The response received advised that further information was required in terms of:

- providing updated baseline surveys for bats, breeding birds, great crested newt, badger, otter and water vole;
- An over-arching site wide CEMP and LBMP to address how potential impacts on biodiversity are to be avoided or mitigated for during construction and operational phases of the proposed development, including a suitable monitoring programme;
- Details of how the conclusion of 'minor' implications was arrived at regarding the loss of Wildlife Corridor Network, and how such losses are to be mitigated/compensated for through a Biodiversity Strategy; and
- A BNG assessment demonstrating quantifiable net gains for biodiversity, using Natural England Metric 3.0.

Subsequent to receipt of these comments, the applicant's ecology consultant has submitted a dusk emergence survey of a tree categorised as presenting a moderate risk of accommodating a bat roost and has also provided a Biodiversity Net Gain report and BNG Metric Calculations. These documents have been reviewed by the Council's consultant and it is confirmed that

sufficient information is considered to have been provided to allow a robust assessment of the potential ecological impacts of the proposals to be undertaken. A series of conditions will be required, should planning consent be granted, in order to ensure that features of ecological value are retained, protected and/or enhanced through the works, in line with the measures proposed in the submitted documents.

### ***Council's Landscape team***

- Generally encouraged by the amount of trees and shrubs proposed throughout the scheme, however there are some concerns with regards to some of the proposed species and locations and the way they are shown.
- There are areas where relatively large trees are proposed, including *Tilia cordata* and *Carpinus betulus* 'Streetwise', within 5m (approx.) of proposed houses. We believe that these species are too large in the locations shown and may create problems in the future as the trees mature. If relatively large trees are required and have been included in the Landscape and Visual Impact Assessment (LVIA), then these will need to be relocated further away from proposed houses. Alternatively, if the LVIA allows, smaller species should be proposed in these locations.
- The ornamental plant mixes proposed include lots of species of different sizes. For example, PM1 includes both Thyme and Aucuba. These plants require very different conditions and are very different in habit. In addition, it is not clear how the different plant mixes are to be planted. There is no indication of quantities of plants or the general arrangement of the planting beds. This information is required. Further to this we note that some of the ornamental planting beds are very large in size, for example the area in front of plot 36. We also believe that generally 2L pots are too small, making it difficult for the plants to become established and that some of the proposed densities, particularly with the smaller species such as *Pachysandra* are too low. We also question the use of *Pyranantha* as a specimen shrub.
- The proposed native hedge mix includes a wide variety of species, including a large proportion of yew and hornbeam. We would suggest that the species mix is simplified and changed to a mix more appropriate to the local area. We would also recommend that as well as whips and transplants, larger trees are planted with rabbit guards.
- There also seems to be a discrepancy between the drawings and the specification notes with regards to the amenity seed mix and the key suggests that the acoustic fencing will be timber whereas the enclosure drawing states that these will be brick walls. This needs to be clarified.
- It is unclear how the proposed grass mounds work with the existing and proposed topography elsewhere and also how high these will be. In addition, the alignment of hedge on sheet 2 of 4 in the south east corner of the site looks odd and leaves a awkward area of grass to maintain.
- Further detail is also required on the type and colour of block paving to be used on driveways and the type and colour of brick used for external walls

As noted earlier, the landscaping proposals were amended in response to the Council's Landscaping team's comments and an update was also made to the submitted ES in the form of a Supplementary Environmental Statement. The Council's Landscape team has confirmed that the revisions satisfactorily address the matters highlighted in the comments above.

### ***Council's Environmental Health team***

In relation to noise, the Council's Environmental Health team advise that the noise report submitted with the application is comprehensive. Its methodology and conclusions are accepted and show that with the identified mitigation measures, dwellings in Phase 1 will meet guidelines for noise exposure set out in BS8233:2014 and WHO Community Noise Guidelines. Measures will include enhanced glazing to plots adjacent to existing highways and the use of infill 2m high

noise barriers. In relation to the outline scheme, it is recommended that a condition is imposed requiring the developer to undertake a similar assessment and to specify a suitable mitigation scheme to achieve the same acoustic standards.

In relation to air quality, the submitted assessment is accepted in terms of its methodology and conclusions. It is considered that the development will not result in significant adverse impacts in terms of operational aspects.

The Council's Environmental Health team also recommend that a condition be imposed requiring the submission and agreement of a Construction Environmental Management Plan (CEMP) for the development. The CEMP should consider Herrington Burn as a sensitive receptor.

### ***Council's Land Contamination consultant***

The Phase I and Phase II site investigation reports and Environmental Statement have all been considered. The Phase I report identifies that the site has largely been undeveloped since the earliest available mapping and the Preliminary Conceptual Site Model for the site concludes that all risks are Low, with risks from off-site sources being Very Low. The Phase II report builds upon the Phase I report's initial analysis and provides details of intrusive ground investigations undertaken at the site. Again, the report concludes that there are no potentially significant sources of contamination at the site or any other issues which would preclude a residential development of the site.

The Council's Land Contamination consultant broadly agrees with the conclusions and findings of the submitted reports, subject to the reports being modified to include some additional information on the handling of unexpected contamination and risks to construction workers. It is advised that planning conditions can be imposed to obtain the additional information and address all other requirements in relation to land contamination and ground conditions.

### ***Council's Urban Design officer***

Advises that in general, there are no major Urban Design concerns and the layout and greenspace is appropriate for the development. The initial comments provided raised the following points:

- In relation to Phase 1, the gateway to the site will be provided by a substation and two properties with very limited side elevation detailing, It is advised that the units in this location are gateway properties with both elevations facing onto the public realm including appropriate amounts of ground floor activation and detailing. The substation will require screening and planting if the location cannot be amended.
- Gateway Units 1-6 turn their back on the central greenspace - when viewed from Chislehurst Road and the south the first impression of the space will be created through a substation and rear boundary treatment. This is not considered an appropriate response.
- Built Form - the development includes a variety of house types and materials. Properties located on corner positions should include ground floor activation and detailing on side elevations.
- Streetscene - the necessity in providing appropriate levels of parking for the development is understood, however this should be balanced with the creation of attractive streets. There are areas within the development where concerns are raised over the dominance of front of plot parking on the streetscene. These include: units 2-4; 11-14; 19-22; 75-70. Options should be explored to increase levels of landscaping within this location and whether any parking could be provided to the side of properties.

- Shared surface is proposed to access units which front onto Chester Road and Chislehurst Road. Drawing 1N/PENSHAW/02-02 Rev C indicates a tarmac surface within this location; further details should be provided as to how the material will differ to the primary and secondary routes.
- Boundary treatment - the boundary treatment plan proposed a solid brick 1.8m wall to units which side onto the public realm, it is advised that a level of detailing is introduced e.g. change in pattern, inclusion of alternative material, elements of permeability. It is questioned whether planting is included against the 2m acoustic brick wall to unit 7.
- The rear boundary treatment to plot 7 is on a prominent location and a 2m acoustic brick wall is proposed, The use of planting in this location should be incorporated to soften the visual impact of the boundary treatment. Boundary treatment for some corner units cuts sharply across plots creating small triangular areas of open space where it is not clear whether they are in private or public ownership. Can further clarity be provided over these areas and the need for their creation. e.g. plots 112, 102 and 23.
- The highway and parking bays on the northern edge appear in close proximity to existing hedge row.
- The rear access route to units 82 and 83 should be gated earlier than shown on the plan. It is currently accessible by the public.
- Form Principles: is the basis for the build form to be brought forward in future phases of development and as such should be included as a parameter plan
- Scale Parameters Plan: The buffer to the country park is identified in the key not included within the plan
- Access and Movement parameter plan - Include pedestrian access arrows from the four development parcels to the central and eastern greenspace, these could be symbolised in alternative way to indicate that they are not fixed locations but pedestrian access to these areas is required.
- Parameter Plan Quantum & Scale - Frontage should also be provided over the central greenspace, this is not included within the plan.
- Due to the sloping nature of the site, there are level changes throughout the site of approximately 2m between properties which back onto each other, in the main the proposal has increased spacing to around 23m between properties, this is below what is set out within SCC spacing standards (for every 1m in difference of ground levels add 2m to the horizontal difference) but is an increase on the standard 21m. There are however 3 areas where spacing standards are under provided:
  - Between P45- P53; 2m level change and approx. 20m separation
  - P46 - P52; 3m level change and approx. 21m separation
  - P37 - P41; 2.5m level change and approx. 19m separation.

As highlighted earlier, amendments to the scheme have been made in response to the urban design comments set out above. The changes involve:

- Amendments to the masterplan and overall site plan to clarify presentation of information, particularly pedestrian and cycle links into development cells and clarification on the Woodland Country Park buffer;
- Changes to boundary and shared surface treatment;
- Relocation of substation and introduction of outward-facing houses at entrance to Phase 1;
- Replacement of some house types to ensure compliance with Nationally Described Space Standards;
- Amendments to the location of car parking and landscaping in specific areas of Phase 1 to enhance streetscenes;
- Separation distances reviewed.

The proposed amendments to the scheme are considered to broadly address the comments raised by the Council's Urban Design officer.

***Council's Built Heritage officer***

Notes that the development site is located within the settings of several designated heritage assets, most notably the Grade I Listed Penshaw Monument. The Monument is of exceptional historic and architectural significance and is one of the region's most famous and prominent landmarks. Views to and from the Monument are considered to be integral to the contribution of its setting to its significance, drawing both its historic and architectural interest together. The development site currently affords fine views to and from the Monument, particularly from Chislehurst Road, but such views need to be considered in the context of similar and arguably more impressive views of the Monument available in the vicinity, particularly from within Herrington Country Park.

There is also some inter-visibility with Newbottle Conservation Area, given the village's elevated position, in particular distant views to and from the Grade II Listed St. Matthew's Church.

The Council's Built Heritage officer considers that the 'Cultural Heritage' section of the submitted ES uses a thorough and appropriate methodology to consider cultural heritage impacts, however its conclusion that the application site does not make any material contribution to the setting and significance of Penshaw Monument is disagreed with. Views to and from the Monument will clearly be impacted by the development. That said, it is evident that the proposed layout clearly considers the need to retain views towards the Monument, particularly via the central green corridor, whilst the setting back of housing from Chester Road will mitigate the impact on views towards the Monument from this key route. It is also accepted that better views of the Monument from within the vicinity of the application site will not be affected by the development.

Taking into account the wide range of views that will still be available, together with the mitigation measures to retain and frame views through the development, it is considered that the impact on how the significance of Penshaw Monument is appreciated from the site and its surrounding environs will be negligible and will not result in any harm to its significance.

The application also considers the potential impact on Newbottle Conservation Area. It explains why the development site makes no contribution to the setting and significance of the Conservation Area and this is agreed with. Likewise, it is agreed that the site makes no contribution to the setting and significance of the former NCB Power Station on Philadelphia Lane, and Hasting Hill Scheduled Ancient Monuments. It is accepted therefore that there will be no impacts on the significance of these heritage assets.

Additional consultation was carried out in respect of the amended proposals, but the Built Heritage officer advises that no further comments are required.

***Council's Education officer***

Requests a contribution of £245,479.45 in relation to Phase 1 of the development and, indicatively, £685,357.34 in relation to the outline stage of the development (based on applying the same housing mix ratio to the remainder of the site). The contribution would support secondary education places - primary schools in the area feeding into Biddick Academy and Kepier Academy.

### **Public consultation**

Consultation with the public has taken the form of letters to neighbouring properties, site notices and a notice in the Sunderland Echo newspaper. Additional consultation was undertaken on receipt of the amended proposals and Supplementary Environmental Statement. Further public consultation, undertaken to advise interested parties of the receipt of additional ecology information, is ongoing and will expire after the Committee meeting.

A total of 251 no. representations have been submitted in response to the two public consultation exercises, all of which set out objections to the proposed development. The following issues/comments have been made:

#### Land use concerns

- Proposals are 'devastating' for the area, development of a 'listed greenfield' site is a disgrace;
- More development needed in the inner-city area of Sunderland, not areas which are already 'overwhelmed' by housing, traffic, pressure on services etc.
- Already lots of new housing built in Penshaw area, it cannot cope with more;
- Lots of development in the area - 600 homes at Pennywell, 500 at Philadelphia, more at Elba Park and Lambton Estate;
- New housing at some nearby estates is not being sold so no need for more;
- More new housing in the city is not required;
- There is enough brownfield and under-used land available before building on Green Belt and this should be prioritised;
- More brownfield land is becoming available in Sunderland and this should be developed first to avoid building on Green Belt;
- Number of dwellings is 10% more than the site is allocated for - the increase is unacceptable and will lead to a development that is too dense;
- Development is 'oversized';
- Land should be used to extend the country park, not build houses;
- Government has recently announced new measures to protect Green Belt land so why is the site being built on when it is protected?
- Removing more Green Belt land in the city is not appropriate;
- The City is gradually losing its greenspaces, which is one of its most attractive features, and those that remain should be protected and not built upon;
- Washington and Penshaw areas already have very little Green Belt, especially given development around Nissan;
- This is a beautiful area created from an old slag heap and that shouldn't be lost to produce more mass-produced 'boring' housing.

Officer response - the merits of the development against the relevant land use and housing allocation policies within the Council's adopted Core Strategy and Development Plan (CSDP) will be considered further in the next section of this report. It should be made clear at this stage, however, that the application site was removed from the Green Belt and allocated for housing through the examination and adoption of the CSDP and its availability is required to meet the Council's obligations in relation to providing an adequate supply of housing land in the city. In these circumstances, it is not necessary or appropriate to direct the development towards a brownfield site.

Additionally, whilst it is recognised that a significant number of housing developments are being built or are due to come forward in the area, there remains a need for sites such as this to be available for new housing so that the Council can continue to deliver the housing the City requires.

### Housing types

- Not enough affordable housing - 85% will not be affordable to local people;
- Most proposed houses are 'executive', which is not needed in the area;
- Proposed development is no different to anything else being built in the area;
- Housing is expensive so benefits those who can afford it and not those already living in the area;
- Should the development not include provision for self-build plots?
- Council should be building social housing and not selling-off land for privately-owned housing;
- New housing is notoriously bad quality;

Officer response - consideration of the proposed housing types and mix, quality of the development and proposed affordable housing provision is set out in the next section of this report.

### Infrastructure

- Development will have a negative impact on community infrastructure, in particular schools, roads, health facilities, shops and services;
- Possible effect on local employment, i.e. more competition for local jobs;
- Sunderland Council highlighted potential effects of Lambton Park housing development (at Bournmoor in County Durham) on local infrastructure when commenting on the planning application, surely the same applies here;

Officer response - the impact of the development on local infrastructure and the need for planning obligations (i.e. s106 contributions) is considered in the next section of this report.

### Local amenity, heritage and leisure;

- Development would not be in-keeping with rural character of the area and would affect local amenity;
- Development would ruin the local landscape;
- The site is integral to the character and 'atmosphere' of the Penshaw/Herrington Country Park area and this will be lost to the development;
- Development will erode borders between villages;
- Little appetite for the development amongst the local community;
- Development would ruin whole 'scenery' and rural feel of the area;
- Herrington Country Park will become like any other city park if its surrounded by houses;
- Development will not be able to integrate into existing landscape;
- People moved into area to get away from urban sprawl;
- Greenspaces within the development will not be of much benefit to local community;
- Would live concerts at the country park have to cease as a result of the development?
- Local children have great pleasure in seeing livestock in the fields, this will be lost;
- There will be a loss of views across open land and towards the country park;
- Current condition of land is good for the health and well-being of the local community;
- The existing landscape, country park and Penshaw Monument attracts visitors from far and wide and development will affect its appeal;
- Area is a popular leisure destination for those wanting to enjoy fresh air and countryside, the development will impact this experience;
- The fields being lost are beneficial to local peoples' mental health and well-being and a 'lovely' green space will be lost forever;
- Proposal would 'cut-off' access to Herrington Country Park;
- The site 'complements' the country park and many in local community consider it to form part of the park;

- Not acceptable to build right up to the boundary of the country park as it will spoil its tranquillity and attractiveness as a leisure destination and no effort has been made to review this impact;
- Development is not in keeping with the 'iconic', historic and pastoral nature of the village;
- Heritage of the village would be lost;
- Development would spoil views from Penshaw Monument and the country park;
- Development would spoil views towards the Monument, which is a Grade I Listed building and owned by the National Trust;
- Ironical that the development involves landscaping of an area which is already beautiful;
- There will be a loss of ancient hedgerows and furrowed fields;
- A great job was done creating Herrington Country Park from the old colliery waste tip, this development will be of detriment to it;
- Development would be contrary to Core Strategy policy NE1 as it will be detrimental to local landscape character;
- Also contrary to policy NE4 as development causes a loss of greenspace;
- Contrary to policy NE9 as Penshaw will lose its special rural character;
- Contrary to policy NE11 as development will be harmful to views of Penshaw Monument;

Officer response - the application has been supported by the necessary heritage statement and archaeological reports and these have been reviewed by Historic England, the Tyne and Wear County Archaeology officer and the Council's Built Heritage officer. The implications of the development in relation to heritage and archaeology are considered further in the next section of this report, although it should be noted at this point that none of the consultees listed above have raised any concerns relative to the proposed development.

The next section of the report will also assess wider amenity issues, the impact of the proposed development on the prevailing landscape and character and appearance of the area, and give consideration to the relationship between the proposed housing and the attractiveness and value of Herrington Country Park as a recreational destination.

It should be noted at this point, however, that the appropriateness of the allocated site for residential development was considered through the examination and adoption of the CSDP and as part of this process, it was determined that a housing development would not have an unacceptable detrimental impact on the existing landscape around Penshaw and the country park. Consideration of the quality of the detailed proposals is, however, undertaken in the next section of this report.

It should also be noted at this point that the planning system is unable to protect individual views, although the effect of the development on the amenity of existing dwellings is considered further below.

#### Ecology/wildlife/trees

- Loss of habitat for wildlife and species such as bats, lapwing and otter, which is suffering from greenspace being built upon;
- Loss of land for livestock;
- Harmful to wildlife using country park and Herrington Burn;
- Other developments in area have led to a loss of trees;
- The Government is driving the preservation of natural habitats and environmental preservation;
- Proposed 'green corridors' within development will not help ecology compared to current site and are just a token gesture;
- We have the worst biodiversity record in Europe and developments like this should not be allowed;



- Concerned that this 'wildlife reserve' will be destroyed;
- Where will displaced wildlife go?
- Profit is being prioritised over nature;
- Hedgerows will be lost;
- The ecology reports submitted with the planning application confirm that birds and bats will be harmed by the development;
- Increased use of country park could also be detrimental to wildlife;
- Construction works will be detrimental to wildlife;
- Development would be contrary to Core Strategy policy NE2 as it will have a 'profoundly negative' effect on local biodiversity and geodiversity;
- Development is contrary to policy NE3 as it will result in the loss of hedgerows;

Officer response - the application has been supported by ecological and arboricultural assessments and surveys and the implications of the development in relation to biodiversity, ecology and trees is considered in detail in the next section of this report.

#### Flood risk/drainage

- Development could increase the risk of flooding of properties in New Herrington - who would take responsibility if this happened?
- Will drainage be able to cope with new housing?
- Fields are already liable to flooding after heavy rainfall;
- Removal of trees at the site will increase the risk of flooding;

Officer response - the application has been supported by a flood risk assessment and sustainable drainage strategy, which have been assessed by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, and Northumbrian Water. Further consideration of the implications of the development in respect of flood risk and sustainable drainage are provided in the next section of this report.

#### Highways

- Concerns over amount of additional traffic on A183 and its junctions with A182 (Shiney Row) and A19, particularly in late afternoon/early evening;
- Up to 800 additional cars on the roads if residents own two vehicles;
- Local roundabouts already congested, including that in Penshaw, and road system is inadequate;
- Other development in the area will be contributing to additional traffic as well;
- Local roads will become busier and more dangerous;

Officer response - the application has been supported by a Transport Assessment and a range of other supporting information to analyse potential impacts on the local road network. These documents, together with the details of the proposed development, have been considered in detail by Highways England the Council's Highways team and the following section of this report provides an appraisal of considerations relating to vehicular access, parking, footpath and cycle connections, access to public transport and impact on the existing local road network.

#### Effect on environment

- Council should not be promoting development of greenspace given how it can assist with tackling climate change;
- Development will cause car and domestic home pollution;
- Development does not consider the long-term environmental impact of changing Green Belt land;
- Development will cause noise, littering and light contamination;
- Increased traffic noise generated by development;

- 'Brown water' from the development will drain into local ponds, polluting and destroying wildlife habitats';
- Council has declared a 'Climate Change Emergency', the CO2 emissions produced by the development should be taken into account;
- No assessment of impact of development on air quality has been done;

Officer response - the implications of the development in relation to the environment and sustainability are considered further in the next section of this report, although site has been considered appropriate for development through the adoption of the CSDP and the availability of the site is necessary to allow the Council to meet its objectives in relation to housing land supply. Concerns regarding effect on amenity during construction work cannot sustain a reason for the refusal of planning permission, although conditions to manage working practices can be imposed if reasonable and justified in order to minimise potential impacts.

#### Other concerns

- Construction works would disrupt people needing to work from home due to Covid-19 pandemic;
- Residents in the area will have to put up with disruption for a long time;
- The pandemic has prevented a proper meeting taking place (representation does not make clear which type of meeting is meant);
- Proposals will devalue existing homes in the area;
- Council's only interest is increasing tax receipts and financial gain;
- Council should listen to its voters and not allow development of Green Belt land;
- Development is of 'no benefit' to the local area and is only to benefit the developer;
- Increased footfall from the development will give rise to an increase in anti-social behaviour, e.g. alcohol use, off-road features, damage to country park, dog fouling etc.
- Are predictions for housing need robust given unknown effects of Covid-19 pandemic and the lack of a trade deal with the European Union?
- Consultation carried out by the developer and the Council has been inadequate and objections to allocating the site for housing have been ignored;
- An 'independent' review should be put in place for the reasons behind the build;
- The electricity pylons running through the site are not very attractive for future residents and could they cause health problems?;

Officer response - concerns regarding effect on amenity during construction work cannot sustain a reason for the refusal of planning permission, although conditions to manage working practices can be imposed if reasonable and justified in order to minimise potential impacts.

Similarly, the effect of development on the value of property is a private concern and not material to the determination of a planning application.

In relation to housing need, there have been no directions from the Government for Local Planning Authorities to reappraise allocations for housing in their Development Plans in light of the Covid-19 pandemic or other issues which may have an effect on demand for new housing. In line with Government requirements, housing need in the City will next be appraised upon formal review of the CSDP.

With regard to the comments made relating to the applicant's pre-application public consultation, it must be noted that this is an exercise which is encouraged rather than being a statutory requirement subject to set procedures. Any such exercise essentially serves to supplement the statutory consultation on then planning application undertaken by the Council as Local Planning Authority. Consultation on the planning application by the Council as Local

Planning Authority has been undertaken in line with statutory requirements and officers have been as accommodating as possible in light of issues surrounding Covid-19 restrictions.

Objectors have also questioned the motives for allocating the land for housing, suggesting financial gains are the sole reason the land has been made available. To reiterate, the removal of the land from the Green Belt and its allocation for housing was endorsed by an independent Planning Inspectorate, following an objective assessment of the need for housing land within the City's boundaries during the CSDP period. Any potential financial gains from the development for either the applicant or the Council are not material to the planning decision.

### **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: HGA6, SS7, SP1, SP7, SP8, HS1, HS2, HS3, H1, H2, BH1, BH2, BH3, BH7, BH8, BH9, NE1, NE2, NE3, NE4, NE4, NE6, NE9, NE11, NE12, WWE2, WWE3, WWE4, WWE5, ST2, ID1, ID2.

### **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.

In establishing the weight to be given to a development plan in the decision-making process, regard must also be given to the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute 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.

The Council's Core Strategy and Development Plan (CSDP) was adopted in January 2020 and is considered to represent an up-to-date development for the purposes of the NPPF. Members should note that the CSDP is therefore the 'starting point' for the consideration of the current planning application.

The CSDP sets out the Council's long-term plan for development across the City until 2033 and the policies therein serve to replace the majority of policies within the Council's Unitary Development Plan (1998). Some UDP policies have been saved pending the future adoption of an Allocations and Designations (A&D) Plan (a draft A&D Plan has recently been subject to a public consultation exercise, ended 12th February 2021). All CSDP, UDP and draft A&D Plan policies referred to within this report are considered to be consistent with the NPPF, although limited weight can be given to any A&D Plan policies given that this document is in draft form and at an early stage in the adoption process.

A wide range of CSDP policies are relevant to the consideration of the proposed development, as set out below.

The site of the housing subject to this application was one of a number of sites removed from the existing Green Belt on the adoption of the CSDP, in order to provide the supply of housing land required to meet the City's agreed housing need. These sites have been referred to as 'Housing Growth Areas' (HGAs). The main policy relevant to the development of the site is policy HGA6, which guides the development of the 'Penshaw' HGA. It states that:

HGA6 - Penshaw should:

- i. Deliver approximately 400 new homes;
- ii. Create a new defensible Green Belt boundary to the north and east;
- iii. Provide a sensitive design to minimise the impact on the wildlife and GI corridors to the north and east, providing an appropriate buffer to Herrington Burn and protected species in particular;
- iv. Minimise any impact on the area's landscape character, including sensitive boundary design that respects views and the setting of Penshaw Monument Grade I Listed building;
- v. Ensure that dwellings are designed to reflect the positive elements of the local vernacular and materials;
- vi. Retain healthy trees and hedgerows where possible and incorporate greenspace through the site for amenity purposes/minimise impact on priority species and protected habitat in the locality;
- vii. Mitigate any surface water flooding impacts and incorporate appropriate water attenuation in relation to flood zones associated with Herrington Burn and avoid development in Flood Zones 2 and 3;
- viii. Provide pedestrian/cycleway connections through the site and link to the routes in the Country Park and the wider area; and
- ix. Provide vehicular access via Chislehurst Road and provide junction improvements in the locality where justified and necessary.

Also relevant to the Green Belt release sites in the Coalfields area is policy SS7, which states that:

SS7 - The Coalfield Housing Growth Areas should:

1. Provide a mix of housing types with a focus on larger detached dwellings;

2. Address impacts and make provision or contributions towards education provision and healthcare where justified and necessary;
3. Enhance access to local facilities and services, where appropriate.

In addition to the above, the following CSDP policies are also relevant to the consideration of the application:

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures. Planning applications for large-scale development (i.e. more than 100 dwellings) should be accompanied by a Health Impact Assessment (HIA); where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality.

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture;

providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.

BH2 - sustainable design and construction should be integral to major development proposals.

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

BH7 - the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

BH8 - development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

BH9 - development should not adversely affect the archaeological interest and setting of a Scheduled Ancient Monument and the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

NE6 - development affecting the Green Belt will be considered against national policy and development which is classed as inappropriate in the Green Belt will not be approved except in very special circumstances.

NE9 - new development should respect the prevailing landscape character, taking into account elements identified in the Council's Landscape Character Assessment. Development which clearly has a significant adverse impact on distinctive landscape characteristics is unlikely to be supported unless the impact is outweighed by the benefits of the development.

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

NE12 - development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land's contribution in terms of economic and other benefits.

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate

mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

WWE4 - requires new development to maintain water quality.

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

With regard to the draft Allocations and Designations (A&D) Plan, the proposed policies map shows the south-eastern part of the site forming part of a wider wildlife network as designated by policy NE14. The supporting text to the policy advises that sites affected by this designation must have regard to the objectives of aforementioned policy NE2 of the CSDP in respect of development affecting wildlife corridors.

The Proposals Map of the UDP also identifies a multi-user route running along the south-east boundary of the site, to join with another route crossing the site's north-east corner. Saved UDP policy HA25.2 identifies these as part of the 'Lambton Way' route, from Herrington Country Park via the reclaimed Lambton Cokeworks to the Penshaw/Pallion Way. The route shown on the UDP Proposals Map does, however, pre-date the establishment of Herrington Country Park and it is evident that the routes have actually been created slightly to the east of the application site, within the grounds of Herrington Country Park, and are not directly affected by the proposed development.

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

- Deliver a sufficient supply of homes (section 5);
- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Protecting Green Belt land (section 13);
- Meet the challenge of climate change, flooding and coastal change (section 14);

- Conserve and enhance the natural environment (section 15); and
- Conserve and enhance the historic environment (section 16).

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. Consideration of proposals in respect of Green Belt policy;
4. Loss of agricultural land;
5. The implications of the development in respect of residential amenity;
6. The implications of the development in respect of health;
7. The impact of the development on local landscape;
8. The implications of the development in respect of design and visual amenity;
9. The implications of the development relative to built heritage and archaeology;
10. The impact of the development in respect of highway and pedestrian safety;
11. The impact of the development in respect of ecology and biodiversity;
12. The impact of the development in respect of flooding and drainage;
13. The impact of the development in respect of ground conditions;
14. The implications of the development in respect of education provision;
15. The implications of the development in respect of affordable housing;
16. Contributions required under Section 106 of the Town and Country Planning Act 1990 (as amended);

### ***1. Housing land supply and delivery position***

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 60 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 61, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 68 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 74, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

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

In accordance with the requirements of paragraph 68 of the NPPF and in order to assess the supply of housing land available in the City, the Council regularly appraises housing land availability via Strategic Housing Land Availability Assessments (SHLAA). SHLAAs identify sites



and broad locations with potential for housing, assesses their development potential, assesses their suitability for development and the likelihood of development coming forward and provides a five-year land supply trajectory. Sites for housing have also been allocated through the adoption of the CSDP, including the Housing Growth Areas, and further sites are to be allocated for new housing as part of the draft A&D Plan.

In 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, the Council would contend that the relevant policies within the CSDP, the draft A&D Plan and the UDP can be given appropriate weight.

Members must note, however, that the Council being able to demonstrate a 5-year housing land supply does not entitle it to automatically refuse planning applications for housing on sites which are not allocated for housing through the CSDP or the draft A&D Plan and which have not been identified by the SHLAA. Nor should planning permission automatically be refused where a planning application proposes a greater number of dwellings than is identified as a potential site capacity by the relevant CSDP or draft A&D Plan policy. Both the NPPF, at paragraph 60, and policies SP1 and SP8 of the CSDP make it clear that housing land supply and delivery targets are minimum figures (with policy SP8 setting out an aspiration to exceed the minimum target of 745 dwellings per year) and the Council as Local Planning Authority is obliged to consider the merits of any such application in respect of all relevant material planning considerations, including the benefits that may be derived in terms of housing availability from developing an unallocated site or delivering a greater number of dwellings than a site allocation policy recommends.

Objectors to the application have also suggested that the need for the proposed housing at the site should be re-assessed in light of issues such as the Covid-19 pandemic and Brexit. It must be noted, however, that there has been no instruction from Government for Councils to re-assess their housing requirement in light of the Covid-19 pandemic or any other issues which may have a bearing on housing needs and planning applications must continue to be determined in accordance with a Council's adopted Plan. A re-assessment of housing need in the City will be done when the Council undertakes a formal review of the Core Strategy and Development Plan.

## ***2. Land use and housing policy considerations***

The plot of land subject to the housing development itself is allocated for housing by policy HGA6 of the Council's adopted Core Strategy and Development Plan. The land was previously part of the Tyne and Wear Green Belt but was deleted from the Green Belt on adoption of the CSDP and is referred to as the Penshaw Housing Growth Area (HGA). The land is one of a number of HGA sites which were removed from the Green Belt through the adoption of the CSDP, in order to provide the City with enough land to meet its agreed housing need over the Plan period (up to 2033).

The full text of policy HGA6 has been provided in the previous section of this report, but to clarify, it identifies the site as being able to accommodate approximately 400 dwellings and sets out any development of the site should:

- Create a new defensible Green Belt boundary to the north and east;
- Provide a sensitive design to minimise impacts on wildlife and green infrastructure corridors and provide an appropriate buffer to Herrington Burn;
- Minimise impacts on the prevailing landscape and respect the views and setting of Penshaw Monument;
- Ensure dwellings reflect the local vernacular and materials;
- Retain healthy trees and hedgerows and incorporate amenity greenspace for recreational and ecology purposes;
- Mitigate surface water flooding impacts;
- Provide pedestrian/cycle connections to surrounding infrastructure;
- Provide vehicular access from Chislehurst Road and provide local junction improvements where necessary;

The site capacity and key requirements of any forthcoming development proposal set out by policy HGA6 are based upon work undertaken for the Sunderland Development Framework (June 2018), which formed a submission document for the Examination in Public of the CSDP. The Framework for the 'Penshaw' site provides an analysis of matters such as site constraints, local character, heritage, ecology, the prevailing landscape, highway capacity, pedestrian accessibility and local infrastructure and sets out a series of development principles and parameters which culminate in a recommended site capacity of approximately 400 dwellings.

Through the Framework, it was established that the development of the site would have moderate impact on Green Belt purposes, that site constraints can be minimised and suitably mitigated for and that the site is sustainable and deliverable and provides an urban extension along the A183, with the creation of a new durable Green Belt boundary to the north and east.

The Framework does not form part of the statutory Development Plan, although it is a material consideration in determining any planning application for the site.

Some objectors to the planning application have observed that the proposed development of 440 no. dwellings exceeds the recommended site capacity of approximately 400 no. dwellings identified by policy HGA6 of the CSDP and as recommended by the Framework.

It is evident, however, that the inclusion of the word 'approximately' in the policy means that a degree of flexibility is envisaged in applying the policy to any formal planning application. Policy HGA6 does not, though, provide an exact or precise meaning of the term 'approximately' for the purposes of applying the policy and in the absence of this, to assist with interpretation it is considered reasonable to refer to the dictionary definition of the word. To this end, the Collins online dictionary defines 'approximately' as meaning 'close to' or 'around'.

The current application proposes 10% more dwellings than the policy sets out and it is arguable that a development of 440 dwellings could be considered as being 'close to', 'around' or 'approximately' 400 dwellings. Nevertheless, it is recognised that this is a matter of subjective judgment and it must be recognised that the proposed development of 440 dwellings is still more than the site allocation of 400 dwellings set out by policy HGA6.

As stated earlier in this report section 38(6) of the 2004 Act states that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. In undertaking this exercise, the development plan

must be considered as a whole, a point reinforced by the recent *Cornwall Council v Corbett* Court of Appeal judgment. In considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In light of this, whilst the conflict with the recommended site capacity set out within policy HGA6 is acknowledged, the determination of the planning application must be informed by an appraisal of all relevant material considerations and all relevant plan policies. It follows that conflict with this element of policy HGA6 would not, in isolation, represent a sound reason to resist the proposed development of 440 dwellings. Rather, it would have to be established, following an appraisal of all relevant material considerations and plan policies, that tangible harm will be caused by the number of dwellings proposed by the development which would justify the refusal of planning permission.

One such material consideration is the role the site is able to play in terms of housing supply and delivery - as noted earlier in this report, section 5 of the NPPF is concerned with significantly boosting the supply of homes in England, with paragraph 60 stressing that the needs of groups with specific housing requirements must be addressed. Also relevant are paragraphs 119 and 120 of the NPPF, which, respectively, promote the effective use of land in meeting the need for homes and require substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Meanwhile, policy H1 of the CSDP supports the creation of mixed, sustainable communities which contribute to affordable housing needs (15% of dwellings should be affordable as per the requirements of policy H2 of the CSDP) and provide a variety of property types, tenures and sizes. Policy SS7 does, however, set out an aspiration for the Housing Growth Area sites in the Coalfields to provide a mix of house types, with a focus on larger detached dwellings.

Also relevant is aforementioned policy SP8 of the CSDP which sets out that the Council's housing delivery objective for the Plan period is to exceed its target of 745 dwellings per annum. The site's allocation as a Housing Growth Area means that it is envisaged as contributing to the delivery of housing within the City over the Plan period.

It is evident that the proposed development will make a significant contribution to the delivery of new housing in the City and will utilise a site which is identified as being appropriate and available for new housing through the adoption of the CSDP. The applicant has also committed to making 15% of the dwellings affordable, in line with policy H2's broad objectives, although further consideration of the specific nature of the affordable housing offer is undertaken later in this report.

Furthermore, weight should be given to the type of housing to be provided by the development, with a predominance of detached 3- and 4-bedroom dwellings, in accordance with policy SS7's objectives, but also a number of smaller 2- and 3-bedroom house types within the development too, in order to provide housing choice for a broader demographic. It is considered that the proposed mix addresses the objectives of policy SS7 in relation to this specific site and the Council's Planning Policy team have raised no objections to this aspect of the proposed scheme.

With regard to the above comments, it is considered that the development of the housing on the site identified by policy HGA6 of the CSDP is acceptable in principle given its deletion from the Green Belt and allocation for housing through the adoption of the plan. The approval of planning

permission for the development of housing will enable the Council to meet its objectives in terms of housing delivery and the proposed development will provide a mix of housing which addresses the aspirations of policy SS7 of the CSDP.

It is recognised, however, that the number of dwellings being proposed on the site exceeds the site capacity of approximately 400 dwellings identified by policy HGA6 of the CSDP, as informed by the Site Development Framework prepared in respect of the plan adoption process. Nevertheless, for the reasons stated earlier in this section of the report, it is considered that conflict with this element of policy HGA6 alone does not render the proposed development unacceptable, particularly in light of local and national planning policies which set out an aspiration to actually exceed stated housing delivery needs. The determination of the planning application must be made in accordance with the plan as a whole; consequently, the proposals must be assessed in light of all relevant material planning considerations and policies of the plan to establish whether the number of dwellings proposed by the application gives rise to harm which means the proposed development should not be approved.

### ***3. Green Belt policy considerations***

Many objectors to the planning application have expressed concerns in relation to the perceived loss of Green Belt resulting from the proposed development, suggesting that the Council should not consider looking favourably on a planning application for housing development at this location. As Members may be aware, planning policies governing development in the Green Belt (policy NE6 of the Council's CSDP and section 13 of the NPPF) are very strict and the erection of new buildings in the Green Belt, including new dwellinghouses, is generally inappropriate unless certain circumstances are applicable.

Members must note, however, that the application site was deleted from the Green Belt upon adoption of the Council's Core Strategy and Development Plan. The site no longer forms part of the Green Belt and it is now allocated for housing development via policy HGA6 of the CSDP. Additionally, the proposed development does not intrude into the retained areas of Green Belt to the north-east and south-east of the site.

Consequently, the proposed development is not considered to give rise to any conflicts with Green Belt policies.

### ***4. Loss of agricultural land***

Both the NPPF (at paragraph 174) and policy NE12 of the CSDP seek to protect the best and most versatile agricultural land from development. Such land is graded as 1 - 3A on the Agricultural Land Classification System.

Clearly, the site has already been allocated for residential development upon adoption of the CSDP but nevertheless, the applicant has submitted an Agricultural Land Classification Report to inform the planning application. Following site analysis, this has concluded that the site should be classified as no better than Grade 3B (moderate quality agricultural land), which tallies with the existing general agricultural land classification mapping for the North East Region.

Given this classification, it is evident that the development would not result in the loss of the best and most versatile agricultural land, in accordance with the objectives of policy NE12 of the CSDP.

## **5. Implications of development in respect of residential amenity and local environment**

Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users. Development should also create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Meanwhile, policy BH1 of the CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. This policy also requires new development to include initiatives which serve to 'design out' crime.

In terms of the amenity afforded to prospective occupiers of the new development, it is only possible to comment in detail on the proposals for Phase 1 of the development. To this end, it is observed that the development at Phase 1 broadly comprises large dwellings which will generally occupy spacious plots with substantial front and/or rear gardens. Following amendments to the layout recommended by the Council's Urban Design officer, the spacing between the new dwellings largely accords with the recommendations set out in the Council's Development Management 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. Dwellings around the perimeter of the site will benefit from wider views, whilst the sloping nature of the site should also mean that dwellings are able to take advantage of longer-distance views across the country park and wider countryside to the east and south.

The applicant has also confirmed that following amendments to Phase 1 of the development, all house types within the scheme will be compliant with Nationally Described Spacing Standards, in accordance with CSDP policy BH1. Additionally, the applicant has confirmed that all house types proposed within Phase 1 of the development comply meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings, exceeding the requirement of 10% of dwellings meeting the standard as set out by policy H1 of the CSDP.

With regard to noise, policy HS2 of the CSDP and paragraph 185 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 noise assessment submitted with the planning application has considered noise from road traffic, with measurements taken alongside the A183 Chester Road and modelling used to establish noise for Chislehurst Road, which is likely to see a significant increase in traffic once it forms part of the Herrington to Penshaw link road. The assessment report advises that guidance noise levels (set out in BS8233) in external garden areas can be achieved, subject to the inclusion of 2 metres high barriers for gable end plots facing Chislehurst Road (shown on submitted plans), whilst calculations have demonstrated that appropriate schemes of glazing and ventilation can be adopted to ensure internal guidance standards are achieved. Overall, it is concluded that subject to the recommended mitigation measures being adopted, noise should not be a prohibitive factor to the determination of this planning application.

The Council's Environmental Health team advise that the noise report submitted with the application is comprehensive. Its methodology and conclusions are accepted and show that

with the identified mitigation measures, dwellings in Phase 1 will meet guidelines for noise exposure set out in BS8233:2014 and WHO Community Noise Guidelines. In relation to the outline scheme, it is recommended that a condition is imposed requiring the developer to undertake a similar assessment and to specify a suitable mitigation scheme to achieve the same acoustic standards.

In terms of the impact of the development on the amenity of existing dwellings, it is evident that the application site is faced by terraced dwellings on the west side of Chester Road and, further to the south, by the rear elevations of dwellings to Bleasdale Crescent, which back on to a deep verge flanking Chester Road. The site is also faced by dwellings on the south side of Chislehurst Road, within the streets of Chingford Close, Chigwell Close, Cricklewood Drive and Barnwell View. The submitted plans show a distance of 62 - 73 metres between the Bleasdale Road dwellings and those within Phase 1 of the development and 51 metres between dwellings of Chingford Close, Chigwell Close and Cricklewood Drive and Phase 1 dwellings. These distances are well in excess of the spacing recommendations set out in the Development Management SPD. At present, there are no detailed plans available to show spacing between existing dwellings and those within the outline phase of the development, nevertheless it is considered evident that acceptable separation distances can be achieved, particularly given the site strategy for the new housing to be set back from both Chester Road and Chislehurst Road, as exhibited by the Phase 1 proposals. This matter would also be given further consideration on receipt of an application for reserved matters in respect of the outline areas of the development.

Given the separation between existing and proposed dwellings, it is considered that the proposed development would not result in existing dwellings experiencing any unacceptable loss of outlook or privacy or that they would be subjected to any significant overshadowing. It is recognised that the views from properties facing the site, including those towards Penshaw Monument, will be changed by the proposed development and this is considered in detail by the Environmental Statement submitted with the planning application. In considering amenity, it must be recognised that views from a residential property are distinct from its outlook - a view is a longer-distance aspect which relies on private land, whilst outlook relates to the immediate surrounds of a property or its windows. Ensuring a dwelling retains acceptable outlook (i.e. it is not unacceptably surrounded or enclosed by new development) is a key aspect of considering the amenity of a property, but the planning system is not able to protect views which are reliant on neighbouring land and are a privately-enjoyed concern. The consideration must be whether the living conditions of any existing dwellings will be detrimentally affected by a development proposal and for the reasons set out above, it is considered that the proposals will not cause any unacceptable harm to the living conditions of the existing properties facing the development site.

Objectors to the application have also raised concerns in relation to air quality and pollution generated by the development and policy HS1 of the CSDP seeks to ensure that new development does not give rise to unacceptable issues in relation to this matter. The application has been accompanied by an Air Quality Assessment, which concludes that in relation to the construction phase of the development, with site-specific mitigation in place, the significance of dust and fine particulate effects from earthworks, construction and trackout will not be significant. In relation to the operational phase of the development, an assessment has been undertaken in accordance with DEFRA guidance and a sensitivity analysis in accordance with Institute of Air Quality Management (IAQM) guidance. It concludes that at the year 2030, pollutant concentrations with the development in place are below annual mean objectives and limit values and the receptors considered. The assessment suggests that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national pollution objectives as required by national policy and consequently, there are no material reasons in relation to air quality as to why the scheme should not proceed.

The Council's Environmental Health team has advised that the submitted assessment is acceptable in terms of its methodology and conclusions. It is considered that the development will not result in significant adverse impacts in terms of operational aspects and so the development complies with the objectives of policy HS1 of the CSDP.

Objectors have also cited concerns regarding noise and disturbance during construction works and to this end, it is fully acknowledged that a development of this scale will result in construction activity taking place for a number of years. Members should note that planning permission cannot reasonably be refused on ground relating to disturbance from construction and this is an inevitable by-product of a built development. The Council as Local Planning Authority can, however, impose conditions requiring the development to be carried out in line with certain working practices in order to try and limit amenity impacts during construction to acceptable levels. A condition to this effect has been recommended by the Council's Highways and Environmental Health teams and Members are advised to impose such a condition in the event they are minded to approve the application.

Objectors have also raised concerns regarding the potential for the development to give rise to additional crime and anti-social behaviour; whilst concerns around this matter are noted, there is not considered to be anything inherent to the proposed residential development to suggest issues will arise and it is noted that there are no objections to the development from Northumbria Police.

It has also been suggested that the presence of the power lines across the site is not conducive to providing future residents with a good standard of amenity. The presence of the power lines was, of course, considered in allocating the site for housing and was not viewed as being an impediment to its allocation for residential development and the proposed layout would set the lines in a wide landscaped corridor. The applicant has also advised that discussions have taken place with Northern Powergrid in relation to ensuring that an appropriate wayleave is maintained along the route of the power lines and that their technical requirements are met.

With regard to the above comments, it is considered that the Phase 1 element of 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. It is also considered that by following the masterplanning principles and parameters for the development of the outline area of the site, the remainder of the development will be able to provide an acceptable standard of amenity for future occupiers and maintain acceptable living conditions for existing dwellings.

Consideration has also been given to air quality, noise and disturbance during construction works, however for the reasons set out above, the scheme is considered acceptable in relation to these matters.

It is therefore considered that the proposals are compliant with the requirements of policies BH1, HS1 and HS2 of the CSDP and paragraphs 130 and 185 of the NPPF in relation to residential amenity.

## ***6. Implications of development in respect of health***

Policy SP7 of the CSDP states that the Council will seek to improve health and wellbeing in Sunderland by, amongst other measures, ensuring that new developments are:

- i. are age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
- ii. have a strong sense of place which encourages social interaction;

- iii. are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space;
- iv. promote improvements and enhance accessibility to the city's natural, built and historic environments;
- v. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
- vi. appropriately address any contaminated land to an acceptable level (Policy HS3); and
- vii. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

Consideration is given to matters such as accessibility, design quality, layout, amenity and contaminated land in other sections of this report. This section focuses on the requirement at subsection vii of policy SP7 for large-scale development proposals to be accompanied by a Health Impact Assessment (HIA). As the proposed development is for more than 100 dwellings, it has been accompanied by an HIA, which serves to assess the potential impacts of the proposed development upon the health of the local population by looking at the changes to the determinants of health and the pathways that could have temporary and permanent impacts upon the population of the baseline area. It uses World Health Organisation's definition of health, which encompasses physical and mental health and well-being, and focuses on the assessment criteria set out in the Council's HIA Developer Guidance.

The assessment anticipates that the proposed development will have a number of temporary and permanent positive impacts on residents of the baseline area with respect of:

- Access to open space and nature - both within the site (through landscaping including green corridors and SUDs) and in new access points between the development and Herrington Country Park;
- Accessibility and active travel - through the network of path and cycleways through the development (including traffic calming design) and beyond into Herrington Country Park and integration of pedestrian access points from existing bus stops on Chester Road;
- Social cohesion and lifetime neighbourhoods - through creation of a development that is located within walking distance of existing facilities, is permeable to those accessing the site, has linkages to Herrington Country Park, and creates spaces for community interaction;
- Crime reduction and community safety - by creating a neighbourhood where natural surveillance and appropriate lighting create a safe and welcoming environment;
- Access to work and training - by providing local employment and training opportunities during the construction phase of the development; and
- Minimising the use of resources - by making effective use of land to make a significant contribution to meeting Sunderland's identified local housing need.

Objectors to the proposed development have raised concerns regarding health and well-being, suggesting that the loss of the fields to development will have a negative impact, particularly given the increased appreciation of open spaces and countryside during the Covid-19 pandemic. It must be recognised, however, that the site has been allocated for housing through the adoption of the Core Strategy and that the development of the site does not conflict with the Council's adopted Development Plan. It is also necessary for the Council to enable the development of such sites to ensure it continues to deliver the new housing required in the City.

In addition, as is demonstrated by the submitted HIA, it must be recognised that there are a range of temporary and permanent positive impacts to be derived from the development,



include improved accessibility to open space (particularly as there is currently no public access to the land), employment opportunities and creating new housing in the area.

Ultimately, and taking into account the assessment criteria set out in the Council's HIA Developer Guidance, it is considered that the submitted HIA satisfactorily demonstrates that the proposed development will not give rise to unacceptable impacts on the health of the local population, in accordance with the objectives of policy SP7 of the CSDP.

## ***7. Impact of the development on the local landscape***

Section 12 of the NPPF is concerned with achieving well-designed places and at paragraph 130 goes on to advise that planning decisions should ensure that developments should, amongst other objectives, be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174, meanwhile, is also relevant in relation to landscape as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Policy NE9 of the CSDP, meanwhile, states that to protect, conserve and enhance the varied landscape character, proposals should demonstrate a high quality of landscape design and demonstrate how the key characteristics, assets, sensitivities and vulnerabilities and measures to protect and/or enhance the landscape relevant to the locality as identified by the Council's Landscape Character Assessment are taken into account. Development causing significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless clearly outweighed by the benefits of the development.

Policy NE11 seeks to protect key views and requires new development to have an acceptable appearance within views. The draft A&D Plan identifies the nearest key local views and vistas as being at Penshaw Hill and from elevated ground within Herrington Country Park.

Site-specific policy HGA6 also requires the development to minimise impact on landscape character.

In terms of the development's effect on the wider landscape, it must firstly be recognised that as part of the adoption of the CSDP, it was considered appropriate to remove the site from the Green Belt in order to provide a housing growth area. In analysing the site via the Framework and then allocating it for housing, it was clearly considered that the site could be developed for housing without having an unacceptable adverse effect on the prevailing landscape which, is identified as being an area of landscape enhancement by the Council's most recent Landscape Character Appraisal. As set out in the Framework, it is considered that the development would represent a natural urban extension to the built development along the A183 corridor, given the presence of established built-up areas to the opposite side of Chester Road to the west and to the south of Chislehurst Road.

The Environmental Statement (ES) submitted with the planning application has, through a Landscape and Visual Impact Assessment (LVIA), considered the likely significant effects from the proposed development on landscape as a resource and on people's views, taking into account the proposed mitigation measures that are included as an integral part of the proposed development or proposed as additional mitigation. Consideration is given to effects from the construction of Phases 1 and 2 of the development and for the operational phase at Year 1 and Year 15.

The ES firstly considers the baseline landscape character of the area and the site's contribution to this character. From within the site, the open nature of views allows the surrounding urban

form and wider landscape of the magnesian limestone escarpment and views to Penshaw Monument to have an influence on the site's character. The immediate urban influences, both within and to the west of the site are set against the wider views to the landscape to the north and east. The site is typical of landscapes within the National Character Area 15 (Durham Magnesian Limestone Plateau) and Landscape Area 2b (Coalfield Lowland Terraces: Penshaw to Houghton Open Spaces) of the Council's most recent Landscape Character Assessment in that it forms a corridor of open space between settlements and exhibits an 'urban fringe' character due to surrounding urban development and urbanising features such as power cables.

The ES notes that the site is visible from adjacent roads, residences, public rights of way, from Herrington Country Park (as part of a view which contains the existing urban edge of Penshaw) and from elevated locations such as Penshaw Hill, where it features within panoramic views. Detailed analysis of potential effects of the development from these locations has been undertaken and the main effects identified by the ES can be summarised as follows:

#### DURING CONSTRUCTION - PHASES 1 AND 2

- Permanent moderate adverse significance of effect on landscape features, e.g. agricultural land and grassland within the site,
- Temporary moderate adverse significance of effect on Penshaw to Houghton Open Space (Landscape Area 2b) from Phase 2 construction works
- Temporary major adverse significance of effect on residences to the north-western half of Chislehurst Road from Phase 1 construction works
- Temporary moderate adverse significance of effect on residences to Baulkham Hills and Bleasdale Crescent from Phase 1 construction works
- Temporary moderate adverse significance of effect on residences to Victoria Terrace (Chester Road) and the south-eastern end of Chislehurst Road from Phase 2 construction works
- Temporary major adverse significance of effect on users of the public right of way to Chislehurst Road from Phase 1 construction works
- Temporary moderate adverse significance of effect on users of public right of way network on Penshaw Hill from Phase 2 construction works
- Temporary moderate adverse significance of effect experienced by visitors to Penshaw Monument during Phase 2 construction works
- Temporary major and moderate adverse significance of effect on visitors to Herrington Country Park (effects considered from a variety of points within the park)
- Temporary moderate adverse significance of effect on users of Chester Road and Chislehurst Road

Consideration has also been given to potential effects at other locations, however no further moderate or major adverse effects have been identified.

#### DURING OPERATION - YEAR 1, PHASES 1 AND 2

- Permanent moderate adverse significance of effect on landscape features, e.g. agricultural fields (including site openness and topography) and grassland, as this will be replaced by built development and associated infrastructure

#### DURING OPERATION - YEAR 1, PHASE 2 ONLY

- Permanent moderate adverse significance of effect on residences to Victoria Terrace
- Temporary major adverse significance of effect on residences to north-western end of Chislehurst Road
- Temporary moderate adverse significance of effect on residences to south-eastern end of Chislehurst Road

- Temporary moderate adverse significance of effect on users of public rights of way to Penshaw Hill and temporary major adverse significance of effect to users of public right of way to Chislehurst Road
- Temporary moderate adverse significance of effect to visitors to Penshaw Monument
- Temporary moderate adverse significance of effect on visitors to Herrington Country Park
- Temporary moderate adverse significance of effect on users of Chester Road and Chislehurst Road

Consideration has also been given to potential effects at other locations, however no further moderate or major adverse effects have been identified.

#### DURING OPERATION - YEAR 15, PHASES 1 AND 2

- Permanent moderate beneficial significance of effect on landscape features, due to creation of new tree and hedge planting, green infrastructure and SuDS ponds

#### DURING OPERATION - YEAR 15, PHASE 2 ONLY

- Permanent moderate adverse significance of effect in relation to views from properties fronting Chester Road and Chislehurst Road and users of the public right of way to Chislehurst Road

The ES concludes that other major and moderate adverse effects identified during the construction phase and year 1 of the operational phase of the development will become 'minor adverse' by year 15, primarily due to the ongoing establishment of the planting proposals, which will soften the appearance of the built forms and further assimilate the development into the wider landscape. The ES also concludes that the residual effects of the implementation of the landscape management strategy would increase the successful establishment of landscape features and result in a change to the likely effects at year 15 as follows:

- Landscape Character Area 2b - minor beneficial
- Grassland - moderate beneficial
- Hedgerows - moderate beneficial
- Trees and woodland - major beneficial
- Watercourses - moderate beneficial

In summary, the ES concludes that the only significant residual adverse effects at year 15 of the operational phase of the development will be to the residential receptors at Victoria Terrace and Chislehurst Road. Overall landscape and visual effects are therefore considered to be not significant in EIA terms.

Through the submitted ES and LVIA, careful consideration has been given to the development's landscape and visual effects, including its effects on key views from Penshaw Hill and within Herrington Country Park. Whilst some moderate and major adverse effects will occur during construction works and in the early operational phases of the development, these effects will largely be mitigated by the establishment of the landscaping and planting which is embedded in the proposed plans for Phase 1 of the development and the outline phase, to the extent that the only permanent residual adverse effect will be a moderate adverse effect on the view from properties to Chester Road and Chislehurst Road and users of the public right of way to Chislehurst Road.

Overall, the ES concludes that the development's landscape and visual effects will not be significant in EIA terms. It is also noted that there are no objections to the development from the Council's Landscape team in terms of the development's impact on the prevailing landscape. It is therefore considered that the proposed development will accord with policies HGA6, NE9 and

NE11 of the CSDP, as the development will not cause significant harm to the prevailing landscape, given the site's relationship with its surroundings and the incorporation a high-quality landscaping scheme and the landscaped buffers around its perimeters which serve to soften its appearance and assimilate acceptably into the existing landscape.

### ***8. 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 124 stating that planning decisions should support development that makes efficient use of land, taking into account matters including:

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

Paragraph 125, meanwhile, states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Applications which do not make efficient use of land should be refused planning permission, with local planning authorities instructed to take a flexible approach to applying amenity policies where they would otherwise inhibit this objective.

Section 12 of the NPPF is concerned with achieving well-designed places, with paragraph 126 stating that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 goes on to advise that planning decisions should ensure that developments will, amongst other objectives:

- function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be 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 131 highlights the important contribution new trees can make to the character and quality of urban environments, and also the role they can play in helping to mitigate and adapt to climate change. New development should incorporate new tree planting throughout, with the provision of tree-lined streets strongly encouraged.

Paragraph 134 then states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, especially where there is clear conflict with local and national design guidance and policies.

Paragraph 154, meanwhile, states that new development should be planned for in ways which avoid increased vulnerability to the range of impacts arising from climate change and which can help reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 174 of the NPPF is also relevant in considering visual amenity as it requires planning decisions to respect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

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

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

The Council's adopted Development Management Supplementary Planning Document (SPD) also provides more detailed guidance for developers in relation to the design and layout of new housing development.

Also applicable in terms of the layout of the development is policy H2 of the CSDP, which requires affordable housing to be grouped in clusters around the site and to be indistinguishable in terms of appearance from the market housing.

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

Policy NE3 seeks to retain valuable trees and hedges within development proposals whilst with regard to greenspace provision, policy NE4 of the CSDP states that the Council will seek to enhance the quality of available greenspace by, amongst other measures, requiring all major residential development to provide a minimum of 0.9ha per 1000 bed spaces of usable amenity greenspace on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

Site-specific design and layout advice and guidance is also provided by policy HGA6, which places a particular emphasis on creating defensible Green Belt boundaries, minimising impact on landscape character, ensuring dwelling design references local vernacular and the retention of healthy trees and hedgerows.

In terms of the design and layout of the proposed development, it is observed that the Council's Urban Design officer has no objections to the proposals for Phase 1 of the development as amended, whilst the approach to the remainder of the site is also considered to be acceptable, subject to final details being agreed through an application for approval of reserved matters. The initial comments received did not identify any significant concerns regarding the proposed layout, built form and quality and quantity of landscaping within the development and where minor issues were identified, these have been addressed by the amendments to the scheme. In particular, the 'gateway' into Phase 1 from Chislehurst Road has been improved by relocating the substation and having dwellings front the site entrance, whilst spacing between dwellings has been increased where a shortfall had been identified. Improvements have also been made to boundary treatments, shared surfaces and parking arrangements to reduce the dominance of car parking at certain locations.

The revisions to the proposals have largely addressed the Council's Urban Design officer's initial observations and it is considered that, as amended, 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 and treatment of external elevations acceptable for this location. The materials proposed to be used (namely red brick facades mix of slate grey, 'Breckland' brown and terracotta roof tiles) are also considered to be appropriate and are clearly informed by the materials found to existing residential areas in the locality.

With regard to the affordable housing offer to Phase 1 of the development, it is noted that this is located in a number of small groups within the development, as per the proposed site layout plan; this arrangement is considered achieve the 'clustering' sought by policy H2 of the CSDP. The affordable housing comprises three house types ('Ashenford', 'Benford' and 'Kingdale') and whilst these are smaller dwellings, they are subject to the same elevational treatments and use of materials as all other properties within the development and are therefore considered to be indistinguishable in terms of appearance and build quality.

In terms of landscaping within the development, it is considered that as required by policy HGA6 of the CSDP, the proposed development will provide an appropriate built form and boundary to the Green Belt. The south-eastern edge will feature a particularly deep (20 - 60 metres) landscaped buffer, which will also contain SuDS features, which has the effect of setting the development back from the Green Belt (and therefore Herrington Country Park) and creating a defensible buffer between the housing and the Green Belt. A shallower landscaped buffer (10 - 15 metres) is to be provided along the north-eastern boundary with the Green Belt and the country park, but again it is considered that this will provide an appropriate edge to the development and an acceptable buffer between the new housing and the Green Belt and the country park.

Furthermore, given the comments provided by the Council's Landscape and Urban Design officers, it is considered that the amended proposals will provide the new dwellings with a pleasing and varied landscaped setting and a number of areas of open space which will be usable to residents and the wider local community alike. The amount of open space being delivered on site (approximately 7.3ha) substantially exceeds the amount recommended by policy NE4 of the CSDP and it is considered to be appropriate in terms of both its quantity and quality. Planting within landscaped areas is proposed to be varied, to the benefit of both ecology and amenity, with various tree, grass and plant mixes proposed in different areas of the site. The SuDS ponds along the south-eastern edge of the site will create a wetland habitat and local attraction, with public access encouraged.

In terms of existing landscape features, the Tree and Hedgerow Survey submitted with the application has assessed existing individual and groups of trees and the hedgerows at the site and an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) have also been prepared. Whilst four trees of low retention value are to be removed to facilitate Phase 1 of the development, the trees and groups of trees of highest value are to be retained. A defunct species-poor hedgerow, a small section of defunct species-poor hedgerow and two sections within an intact species-poor hedgerow will also require removal to enable site preparation and construction works. The AIA recognises that new tree planting will provide the opportunity to improve the overall quality of the tree and hedgerow cover at the site by planting appropriate tree species, whilst the AMS sets out the means by which retained trees and hedges can be protected during construction works.

The submitted Landscape Strategy plan also demonstrates that the development will be able to incorporate the 'tree lined streets' sought by paragraph 131 of the NPPF,

Members should note at this point that, as set out in its adopted Planning Obligations SPD, the Council will often seek to secure a financial contribution to support and maintain outdoor play facilities close to a new residential development site. In this case, however, the applicant is proposing for informal play provision to be delivered at a number of locations within the development. Full details and specification of the equipment to be provided and a programme for its installation and maintenance can be agreed via an appropriately-worded condition in the event Members were minded to approve the application, but subject to this, it is considered that the proposed play equipment would provide an attractive recreational opportunity for children living within the development (and further afield) and no further contributions to play facilities are necessary or justified.

With regard to sustainability, the applicant's Sustainability Statement includes details on materials selection, pollution, waste management, water efficiency and energy efficiency, with the key endeavours being:

- o The applicant operates a robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials;
- o The construction specification for application site achieves A+ - C ratings when assessed against the Building Research Establishments Green Guide;
- o Eco sanitary ware and flow restriction devices will be installed in every property. Water consumption levels compliant with Part G will be achieved;
- o A site waste management plan will operate at the development;
- o Recycling facilities will be provided to each home;
- o Pollution during the construction phase will be minimised through the adoption of best practice measures with respect to waste, dust and air pollution; and
- o Best practice policies with respect to site pollution will be implemented as standard.
- o Energy efficiency measures will be included in the design and construction of every home. These measures have the potential to shrink CO2 measures by 7.02% over Part L1A.
- o The constructed homes will have impressive fabric energy efficiency ratings with an average reduction of 10.61% over and above that expected by Part L1A of the Building Regulations.

It is considered that the applicant's statement evidences that the proposed development has been designed and planned in a manner which gives proper regard to sustainable construction and development principles, in accordance with the objectives of policy BH2 of the CSDP.

The proposed development has been carefully considered against the relevant CSDP and NPPF policies which relate to design, character, landscaping, visual amenity and sustainability. For the reasons discussed above, and in accordance with the requirements of policy BH1 of the CSDP, the amended development is considered to be acceptable in terms of its density, design, layout, appearance and visual interest and it will deliver a good-quality built environment which provides good living conditions for residents. Affordable housing is considered to be appropriately located and designed to ensure it assimilates well into the development, in accordance with policy H2's objectives.

In accordance with the objectives of policy NE4, the development will provide residents with an acceptable quantity and quality of open space and landscaping, including on-site play facilities, to create an attractive living environment.

The development will also incorporate the majority of the existing hedgerows and trees at the site and incorporate substantial new tree and hedge planting, as required by policy NE3 of the CSDP, and has been informed by sustainability principles, as required by policy BH2 of the CSDP.

In terms of the site-specific requirements of policy HGA6, it is considered that the proposed development will satisfy the policies objectives insofar as it will:

- o deliver acceptable new defensible Green Belt boundaries to the north and east,
- o minimise any impact on the area's landscape character, including sensitive boundary design that respects views,
- o ensure that dwellings are designed to reflect the positive elements of the local vernacular and materials,
- o retain healthy trees and hedgerows and incorporate greenspace through the site for amenity purposes

It is consequently considered that both Phase 1 of the development, for which detailed plans are available, and the approach to the outline phase, which would be subject to an approval of reserved matters, are acceptable in terms of design, layout, built form and landscaping and that the development will have an acceptable relationship with, and impact on, the prevailing landscape, character and appearance of the locality, in accordance with the aforementioned relevant policies of the CSDP and NPPF.

### ***9. Implications of development relative to built heritage and archaeology***

Paragraph 189 of the NPPF states that heritage assets (such as Listed Buildings and Conservation Areas) are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 194 and 195 require Local Planning Authorities to consider the significance of any heritage asset affected by a development proposal, including any contribution made by their setting, with paragraph 200 stating that any harm to, or loss of, significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification. Paragraph 206 then states that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals that preserve those elements of the setting which make a positive contribution to the asset should be treated favourably.

With regard to archaeology, paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any



heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In the CSDP, policy BH8 states that development affecting the setting of heritage assets should recognise and respond to their significance and demonstrate how they conserve and enhance their significance and character of the asset(s), including any contribution made by its setting where appropriate. 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.

Site specific policy HGA6 also requires the development of the site to respect the setting of Penshaw Monument.

As noted earlier in this report, the application site is within the setting of the Grade I Listed Penshaw Monument and the submitted ES has assessed the effects of the proposed development on the heritage significance of this heritage asset. The ES also considers effects on other heritage assets in the area, namely Newbottle Village Conservation Area, Hastings Hill cursus and causewayed enclosure (a Scheduled Monument) and the Round Barrow on Hastings Hill (also a Scheduled Monument). the Bowes Railway Scheduled Ancient Monument (SAM), to the north-west.

The assessment within the ES considers the effect of the proposed development on the significance of each asset (i.e. what makes them important) during the construction of Phase 1 and Phase 2 and the operational phase at Year 1 and Year 15. The assessment takes into consideration embedded mitigation measures, such as the central open space to allow key views of Penshaw Monument from Chislehurst Road and within the site.

The assessment concludes that construction works will have a temporary negligible adverse effect on the significance of Penshaw Monument (except during winter of Phase 2 construction, where the effect on the Monument's significance would be minor adverse) and a negligible adverse effect on the heritage significance of Newbottle Conservation Area. These effects will arise as a result of construction activity at the site being visible in views to and from these heritage assets. Effects on the Hastings Hill Scheduled Monuments will be neutral due to distance and the limited or non-existent contribution the site makes to their setting.

In terms of permanent effects, the ES recognises that the development will cause changes to the settings of the heritage assets considered, these effects will be neutral. This is because although the development may screen some views to the assets and appear in views from the assets, other views will remain of these assets or be incorporated into the development and the proposed development would appear as a characteristic extension of the existing residential area of Penshaw. As such, views from the assets would still feature a mixed setting of fields, former industrial areas and residential development. Penshaw Monument would remain a landmark feature in views in the area and the proposed development would not affect the features which contribute to the heritage significance of the heritage assets.

The ES therefore concludes that the proposed development would result in no long-term harm or significant environmental effects on heritage assets in the locality.

The methodology and conclusions of the ES have been considered by Historic England and the Council's Built Heritage officer. Historic England has no objections to the development on heritage grounds but, having considered the significance of Penshaw Monument as a whole,

the wide number and range of views towards it and the mixed quality of the experience of its setting from and adjoining the site, the conclusion is that some harm would be caused to the significance of the Monument as a result of the development, but this would be minor in degree. Historic England conclude by noting that the NPPF requires harm to the significance of heritage assets to be proportionately justified in terms of public benefits and it is anticipated that such benefits could be found with a development of this scale and type (e.g. delivery of new housing). Consequently, Historic England do not object to the proposal but recommend that mitigation in the form of creating new views towards the monument are explored and realised.

Meanwhile, the Council's Built Heritage officer considers that the 'Cultural Heritage' section of the submitted ES uses a thorough and appropriate methodology to consider cultural heritage impacts, however its conclusion that the application site does not make any material contribution to the setting and significance of Penshaw Monument is disagreed with. Views to and from the Monument will clearly be impacted by the development. That said, it is evident that the proposed layout clearly considers the need to retain views towards the Monument, particularly via the central green corridor, whilst the setting back of housing from Chester Road will mitigate the impact on views towards the Monument from this key route. It is also accepted that better views of the Monument from within the vicinity of the application site will not be affected by the development.

Taking into account the wide range of views that will still be available, together with the mitigation measures to retain and frame views through the development, it is considered that the impact on how the significance of Penshaw Monument is appreciated from the site and its surrounding environs will be negligible and will not result in any harm to its significance.

The application also considers the potential impact on Newbottle Conservation Area. It explains why the development site makes no contribution to the setting and significance of the Conservation Area and this is agreed with. Likewise, it is agreed that the site makes no contribution to the setting and significance of the former NCB Power Station on Philadelphia Lane, and Hasting Hill Scheduled Ancient Monuments. It is accepted therefore that there will be no impacts on the significance of these heritage assets.

In terms of archaeology, evaluations undertaken at the site (desk-based assessment, geophysical and topographical survey and trial trenching) have identified significant archaeological remains, comprising prehistoric gullies, pits and a cremation, in addition to the remains of an 18th century farmhouse on the site of West Barnwell Farm. The County Archaeology officer has advised that further archaeological excavation is required, in areas defined in the submitted evaluation report. The County Archaeologist has advised that the required work can be secured via conditions and it is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

With regard to the above comments, it is considered that any harm being caused to the heritage significance of Penshaw Monument is, at worst, slight; as suggested by Historic England, it is considered that this slight harm is proportionately justified given the benefits to be derived from the delivery of a housing scheme of this scale at a site allocated through the Council's Development Plan. In the absence of any objections to the development from Historic England, the County Archaeologist and the Council's Built Heritage officer, it is considered that the implications of the development relative to the setting of Penshaw Monument and other nearby heritage assets and below-ground archaeology is acceptable, in compliance with the objectives of the NPPF and policies HGA6, BH8 and BH9 of the Council's CSDP.

## **10. 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.

Policy ST3, meanwhile, states that new development should:

- provide safe and convenient access for all road users in a way which would not compromise the free flow of traffic (including pedestrians, cyclists and public transport) or exacerbate traffic congestion or the risk of accidents;
- incorporate appropriate pedestrian and cycle routes within and through the site, linking to the wider network;
- submit an appropriate Transport Assessment/Statement to demonstrate no detrimental impact on the existing highway;
- include an appropriate level of vehicle and cycle parking;
- make appropriate provision for the electric vehicle charging;
- safeguard existing public rights of way;

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

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

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 112 goes on to advise that 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 108 recommends that Local Planning Authorities guard against the adoption of overly-stringent maximum parking standards.

Many of the objections to the proposed development have focused on concerns over the ability of Chester Road and main road junctions in the area to cope with the traffic generated by the proposed development and have also cited concerns regarding highway safety in the area. As set out in the 'Representations' section of this report, however, there are no objections to the development from Highways England, who have considered potential impacts the A183's junctions with the A19 and A1(M), and no objections from the Council's Highways team, who have also considered more localised transport issues.

The Transport Assessment and supporting traffic information for the application is considered to provide a robust assessment of the potential impacts of the development. Appropriate analysis of likely trip generation has been provided and it is considered to demonstrate that trips generated can be accommodated by the existing local road network and the proposed site access junctions. This is, however, subject to the developer funding improvements to the A183 Biddick Woods and Shiney Row roundabouts and the A183 on its east-bound approach to the A19 junction roundabout, in order to maintain the acceptable flow of traffic. The cost of the works involved is estimated to be £15,000 and it is suggested that this is funded via a financial contribution made under s106 of the Town and Country Planning Act 1990 (as amended).

The application has also analysed accident records and this has demonstrated that there are no inherent issues on the local road network that would be unacceptably exacerbated by the development.

The access into the development site from Chislehurst Road is as required through the site allocation and the design of the road and internal layout is acceptable for the quantum of the development proposed. Parking levels for residents and visitors is also considered to be appropriate in terms of quantity and spread through the development.

It is also observed that the development delivers good pedestrian and cycle links to Chester Road, Chislehurst Road and into Herrington Country Park. as required by policy HGA6, thus providing good links to public transport opportunities and the local footpath and cycle route network. Overall, it is considered that the site is highly sustainable in terms of the availability of public transport (frequent buses along Chester Road), its proximity to shops and services in Penshaw, Shiney Row and Herrington and its ability to link with existing pedestrian and cycle routes. The Addendum Interim Travel Plan, which sets out measures to encourage travel modes other than by driving alone, is also considered to be acceptable and the Council's Highways team have requested a condition requiring its adoption.

The Council's Highways team have also supported the recommendation of Nexus that the developer funds the provision of two introductory travel tickets for new homeowners, in order to encourage occupiers of the development to use public transport and therefore travel sustainably. The applicant has agreed to fund the tickets and this commitment is embedded within the submitted Interim Travel Plan.

With regard to the above comments, it is considered that the proposed development is sustainable in terms of transport considerations. Subject to the delivery of the junction improvements on the A183, which will be funded by the developer, the local road network is capable of safely accommodating traffic from the proposed development and will not result in an unacceptable increase in congestion on roads in the area. Additionally, the proposed access, parking and layout arrangements are acceptable. The development will provide appropriate pedestrian and cycle connections to local facilities, services and public transport options by the delivery of the footpath/cycle links to Chester Road and the country park. The proposals will therefore address the site-specific requirements set out by policy HGA6 of the CSDP and the

proposals are also considered to satisfy the objectives of policies ST2 and ST3 of the CSDP and paragraphs 110, 111 and 112 of the NPPF.

### ***11. Implications of development in respect of ecology and biodiversity***

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment and at paragraph 180 it advises that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraphs 179 and 180 also seek to encourage development which will deliver measurable net gains in biodiversity.

On a local level, policy NE2 of the CSDP sets out that where appropriate, development must demonstrate how it will deliver net gains in biodiversity and it should include measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Proposals which would adversely affect designated Local Wildlife Sites and Local Nature Reserves will only be permitted where the Council is satisfied that there are no reasonable alternatives and that the case for the development outweighs the need to safeguard the site. Development which would have an adverse impact on a wildlife corridor will not be permitted unless appropriate replacement land or mitigation can be provided.

The application has been accompanied by three Ecological Appraisals of the application site, the most recent version of which has sought to address issues raised by the Council's Ecology team. Additionally, a Bat Survey, a Bat Dusk Emergence Survey (in relation to a single tree), Bird Survey and Great Crested Newt Survey have been carried out. In terms of designated sites, the Ecological Appraisal notes that the application site is within the Impact Risk Zone for Herrington Hill Site of Special Scientific Interest (a national designation), but does not fall in any of the identified risk categories. As such, no adverse impacts on this site are predicted. There are potential recreational impacts on Local Wildlife Sites within 2km of the application site. The site is within the buffer zone of a designated wildlife corridor, however it is considered that as it is surrounded to the west and north by development, the loss of this area is unlikely to substantially impact on this feature. In terms of the site's current condition, it is dominated by semi-improved neutral grassland, with species-poor hedgerow, scrub and scattered trees and the Herrington Burn to the south-east. The site habitats are considered to be up to 'parish' ecological value.

In terms of bats, surveys undertaken have recorded low levels of activity of common pipistrelle, soprano pipistrelle and noctule bats. The site appears to be largely of limited value to a small number of foraging bats, with activity recorded generally limited to hedgerow boundaries, rather than being used as a commuting route by a significant roost. A ground-based risk assessment followed by aerial inspection indicated that a single tree on site is of moderate suitability to support roosting bats, with the remainder considered to be of low or negligible suitability. Activity surveys and a dusk emergence survey of the moderate suitability tree recorded no evidence of roosting bats. A stone wall on the site is considered to be of low suitability to roosting bats and an endoscopic check recorded no evidence of use.

With regard to birds, the survey of the site recorded 23 pairs of 11 species breeding birds within the site boundary, with further territories recorded in habitats adjacent to the site. The survey indicates that breeding bird territories were associated with the hedgerow, scrub and tree habitats on site and is considered to be of local value overall.

With regard to great crested newts, there are no ponds within the development boundary, but five are present within 500m of the site, all within Herrington Country Park. The results of an

eDNA survey of these ponds were negative. Great crested newts are therefore considered unlikely to be present on site.

No evidence of other protected species has been found on site. Badger could be present within the country park, but the risk of sett creation on the site is considered to be low. Otter has been recorded in the country park and there is potential that the species will utilise Herrington Burn on occasion, although the site is unlikely to support any holt or resting up locations. No evidence of water vole has been recorded on site and due to the lack of priority habitats, reptiles and priority butterfly species are considered likely to be absent. Hedgehog, common toad and brown hare, all national priority species, may be present on site on occasion.

The following potential impacts to wildlife at the site have been identified by the Ecological Appraisal:

- Loss of habitats of parish ecological value, including mature trees and semi-improved neutral grassland.
- Damage to retained trees through root damage or asphyxiation during work or damage to the crown
- Low risk of harm to roosting bats through felling of trees of moderate and low suitability to support roosting bats and demolition of the stone wall, should they be present at the time of works. This includes hibernating bats if works are undertaken during the winter months.
- Loss of habitats of local value to foraging bats.
- Harm/disturbance to nesting birds, should vegetation clearance and tree felling be undertaken during the nesting season (March to August inclusive).
- Loss of nesting opportunities through loss of trees and hedgerow on site.
- Disturbance to nesting birds within adjacent habitats, in particular the Country Park, during construction works and post development.
- Low risk of harm to amphibians, including common toad, during works.
- Low risk of harm to badger should they be present on or adjacent to the site during works, including potential damage/disturbance to setts should new setts be created.
- Loss of an area of habitat with potential to be used by foraging badger.
- Low risk of harm to otter, should they be present along the watercourse at the time of works.
- Low risk of harm to hedgehog and brown hare, both national priority species, should they be present on site.
- Pollution of the watercourse on site during construction works and post development.
- Changes in site drainage resulting in changes to the water levels within the watercourse.
- Increased disturbance on adjacent habitats, including the adjacent Country Park, through increased light levels during and post development.
- Increased disturbance within the adjacent County Park through increased recreational and increased numbers of pets following occupation of the housing, potentially resulting in increased predation on wildlife, degradation of habitats and pollution of waterbodies.
- Increased recreational use of Local Wildlife Sites within 2km of the site resulting in increased disturbance and impacts on the habitats.
- Limited impacts on the adjacent wildlife corridor through an increase in noise and light.
- The loss of areas of habitat suitable for hedgehog and brown hare, although no evidence of either species has been recorded on site.
- Disturbance caused by domestic animals from within the new housing estate

In order to mitigate the potential impacts identified above, the following measures have been recommended by the Appraisal:

- External lighting that may affect the site's suitability and that of adjacent habitats for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting. There will be no lighting installed along the northern and eastern site boundaries.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012.
- A checking survey for badger and otter will be undertaken no more than two months prior to the start of development to confirm the continued absence of badger setts and resting sites used by otter on site and within 30m.
- Appropriate pollution control measures will be in place throughout the construction period to ensure there is no pollution of the watercourse on site.
- Hedgerows and mature trees will be retained on site, where possible. Where trees are to be removed, they should be replaced on a 2:1 basis within the landscaping scheme.
- Felling of trees with low or moderate suitability to support roosting bats and demolition of the stone wall will be undertaken to a detailed method statement with key elements of work to be undertaken by hand.
- Works on site will be undertaken in line with a working method statement for amphibians, badger, otter and hedgehog.
- A buffer should be maintained along the northern and eastern boundaries of the site. Landscaping within this area should include hedgerow and dense scrub planting to limit access to the Country Park to designated access routes which link into the existing footpath network.
- A buffer of at least 8m should be maintained between the development and the watercourse on site.
- Wildlife corridors should be created through the site, to maintain connectivity for wildlife including bats and amphibians. These should include areas of species rich grassland and should also include hedgehog gaps within fence-lines.
- Retained areas of hedgerow and lines of scrub will be enhanced through gapping up with a species rich hedgerow mix.
- The buffer area along the watercourse will be sown with a species rich grassland mix to enhance its value to wildlife.
- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Bat roosting opportunities will be included within 20% of new properties.
- Bird nest boxes will be included within 20% of new properties and will include boxes suitable for use by swift, starling and house sparrow.
- The design of the eastern buffer area should aim to restrict access for domesticated animals from within the site to the adjacent Country Park.
- A Construction Environment Management Plan should be adopted for the site in order to formalise the requirements during the construction phase of the development.
- The lighting scheme for the development should take account of habitats at the periphery of the development, ensuring that light spill is kept to a minimum in these areas

In terms of biodiversity net gain, the submitted report and metric calculations show that the current proposals for the development of the site would result in a net loss of biodiversity units within the 'Habitats' element of the biodiversity metric and a net gain in units within the hedgerow element of the metric. Although this loss can, to a degree, be offset by habitat

creation within the areas of greenspace to be provided within the development, it is concluded that there will be a loss of habitat which will not be able to be delivered on site. As such, the report concludes that off-site gains will be required.

The proposals have been considered by the Council's Ecology team and Ecology consultant and throughout, there has been no fundamental objection to the development of the site for residential purposes. The most recent Ecological Appraisal of the site has sought to address comments raised by the Council's Ecology team and additionally, as required, a bat dusk emergence survey of the moderate risk tree has been carried out. The Council's Ecologist and consultant also required further information in relation to biodiversity net gain and the necessary report and metric calculations have been provided by the applicant's ecologist and it was also questioned whether surveys of the site needed to be updated.

The Council's Ecology consultant has reviewed all submitted reports, surveys and biodiversity net gain information. It is noted that bat transect surveys were completed at the site in 2019 which involved a higher degree of survey work than would be indicated by current BCT best-practice survey guidelines, with surveys having completed monthly throughout the active season (with April covered in 2020), as opposed to on a seasonal basis recommended for low habitat value sites (typically one visit in spring, summer and autumn). Survey data relating to species such as bats is generally considered to be valid for a 12-24 month period; confirmation has been provided that there have been no significant changes to the habitats or management of the site since the time of the initial work and based on this fact, the higher than required level of fieldwork initially undertaken, and low value of the site for bats, the transect work undertaken is considered to be sufficient to inform the assessment, proposals and any avoidance, mitigation or compensation measures required.

Additional comments made in the letter from the applicant's ecologist dated 6th September 2021 relating to the validity of survey data for other species/groups are considered to be reasonable; confirmation that pre-start checking surveys will be undertaken is welcomed and the requirement can be secured by condition given the potential (should planning consent be granted) for works on site to not commence for another 3 years.

Additional information has been provided in the supporting 'Dusk Emergence Survey' report relating to impacts upon the single tree present on site which is considered to have a moderate risk of supporting roosting bats; the tree is to be retained through the works but has the potential to be subject to indirect impacts, such as increased lighting. The tree in question has been subject to a single activity survey outwith the peak maternity period however, as the existing baseline (transect) data has recorded only low levels of activity on site throughout the year, habitats across the survey area are considered to be of low value for bats, higher quality roosting habitat for bats is present throughout the surrounding residential areas, and the tree will be retained through the works, the level and timing of survey works are considered (with the implementation of an appropriate lighting strategy) to be proportionate to the scale of potential impacts.

The broad biodiversity strategy and habitat creation / enhancement information provided are considered to be appropriate at this stage to ensure connectivity for wildlife is maintained during the initial phase of works and subsequent phases of the development. However, the BNG report and accompanying metric (V3.0) confirm that based on the current habitats present and the proposed redevelopment of both Phase 1 and the wider future development area, it will not be possible to achieve a net gain for biodiversity on site; although hedgerows will be significantly increased/improved, the loss of the grassland areas which dominate the site to housing, gardens and sealed surfaces, mean it is unfeasible to deliver sufficient habitat enhancement or creation works on site to constitute net gain. As such, further measures will be required to



ensure the proposals do not result in a net loss for biodiversity, in line with current adopted policies and the requirements of the NERC Act 2006. Full details of offsetting extents and locations will be determined and secured via an agreement under s106 of the Town and Country Planning Act as the wider development progresses, with the land within the full site boundary being used for the enhancement and habitat creation works for Phase 1.

To this end, as part of the application is in outline form only, it is not possible at this time to fully assess the likelihood of the 'outline' part of the development being able to deliver compensation and Biodiversity Net Gain onsite. Therefore, given the limited information in relation to the 'outline' part of the development it is proposed that conditions (Landscape and Ecological Management Plan) and s106 clauses are applied to ensure that any subsequent Reserved Matters applications deliver a measurable Net Gain (of which the LPA will be encouraging 10%, and it is anticipated that this figure will be nationally mandated by the time any Reserved Matters applications are submitted). In the eventuality that it proves impossible to deliver compensation and 10% Biodiversity Net Gain onsite, then offsite mitigation would be considered. Accordingly, while it has not been demonstrated that measurable net gain has/will be delivered within the outline element of this application, the approach outline above gives the LPA confidence that the proposal will be policy compliant at the Reserved Matters stage.

Overall, it is considered that sufficient information has been provided to allow a robust assessment of the potential ecological impacts of the proposals to be undertaken. A series of conditions will be required, should planning consent be granted, in order to ensure that features of ecological value are retained, protected and/or enhanced through the works, in line with the measures proposed in the submitted documents. It is recommended that Members impose conditions to this effect in the event they are minded to approve the application.

With regard to the above comments, it is considered that subject to the recommended conditions and securement of off-site net gains in biodiversity, the development will be acceptable in respect of its localised impacts on ecology and biodiversity. Consequently, it is considered that the proposals are compliant with the relevant policies of the Core Strategy and Development Plan and NPPF as identified above.

Members should note at this point, however, that the recently-submitted bat dawn emergence survey and biodiversity net gain information are currently subject to additional public consultation. Any further comments received ahead of the Committee meeting will be reported to Members at the meeting.

### ***12. Implications of development in respect of flooding/drainage***

In relation to flooding, paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

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

The application site is within Flood Zone 1, as per the Environment Agency's flood mapping. The land is therefore at the lowest probability of flooding and residential development of such land is acceptable in relation to paragraph 159 of the NPPF. The Flood Risk Assessment and Sustainable Drainage Strategy for the development seeks to replicate and, where possible, provide betterment, of existing drainage patterns and flow rates whilst ensuring the surface water quality is improved by appropriate levels of treatment prior to discharge into Herrington Burn. SuDS proposed within the development are a mixture of filter strips or permeable paving within curtilages, swales and the main detention basin within management company-maintained areas. Flow controls for the development cells will be located on the edges of the detention basins, with the surface water outfall to Herrington Burn located immediately to the east of the control chamber. Foul water would be directed to the existing Northumbrian Water drainage network in Chislehurst Road.

The Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority (LLFA), initially recommended that additional modelling of Herrington Burn be undertaken, to better understand potential impacts on the hydrology of the watercourse. The applicant's drainage consultant has, however, contended that such modelling work is not necessary or justifiable given that the development will result in no additional flow into Herrington Burn (i.e. no additional volume and no run-off at a quicker rate than existing). Consequently, there will be no adverse impact on existing flows in Herrington Burn adjacent to and downstream from the site. The consultant has asserted that the approach to the location of the development and the drainage design complies with the relevant national and local planning policies.

The LLFA have considered the additional details provided by the applicant's consultant and accept that modelling of Herrington Burn is not required. It has been confirmed that the proposed development is acceptable in terms of the existing risk of flooding at the site and that the sustainable drainage measures to be incorporated into the development will ensure the risk of flooding is not increased elsewhere. It is recommended that a condition requiring the submission of a report to verify that the agreed SuDS measures have been implemented is imposed; 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.

### ***13. Implications of development in respect of land contamination***

Paragraph 183 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Phase I and Phase II site investigation reports and Environmental Statement have all been considered by the Council's Land Contamination consultant. The Phase I report identifies that the site has largely been undeveloped since the earliest available mapping and the Preliminary Conceptual Site Model for the site concludes that all risks are Low, with risks from off-site sources being Very Low. The Phase II report builds upon the Phase I report's initial analysis and provides details of intrusive ground investigations undertaken at the site. Again, the report

concludes that there are no potentially significant sources of contamination at the site or any other issues which would preclude a residential development of the site.

The Council's Land Contamination consultant broadly agrees with the conclusions and findings of the submitted reports, subject to the reports being modified to include some additional information on the handling of unexpected contamination and risks to construction workers. It is advised that planning conditions can be imposed to obtain the additional information and address all other requirements in relation to land contamination and ground conditions.

Given the above and subject to the imposition of the recommended conditions, it is considered that 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.

#### ***14. Implications of development in relation to education provision***

With regard to education provision, paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities - Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Paragraph 008:, reference ID: 23b-008-20190315 of the Government's Planning Practice Guidance website states that when considering contributions required towards education, decision-makers should consider existing or planned/committed school capacity and whether its sufficient accommodate proposed development within the relevant school place planning areas.

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

As set out earlier in this report, the Council's Education officer is of the view that Phase 1 of the development should contribute a total of £245,479.45 towards secondary education provision in the area, most likely Biddick and Kepier Academies, which are fed by the primary schools in the area. Based on the same housing mix ratio being applied to the outline phase of the development, a further £685,357.34 would be required for the remainder of the site, although this figure can only be finalised upon confirmation of the housing mix within the later development.

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.

#### ***15. Affordable housing considerations***

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Paragraph 65 goes on to state that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership 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 (with the Council's Planning Obligations SPD advising that the figure will be rounded up when 0.5 or more and anything else rounded down). The types of affordable housing to be delivered should reflect the latest available evidence with regard to tenure split and size of dwellings. The most up-to-date evidence is provided by the Council's Strategic Housing Market Assessment (SHMA), which recommends a split of 75:25 split between affordable rent and intermediate tenure.

As noted previously, the applicant is proposing that 15% of the housing within the development will be affordable and that the 75:25 split between affordable rent and intermediate housing recommended by the SHMA will be met. The applicant has agreed to enter into a s106 agreement with the Council which secures 15% of the dwellings within the development as affordable.

With regard to the above, it is considered that the amount any type of affordable housing being delivered at the site is acceptable and addresses the affordable housing objectives of paragraph 65 of the NPPF and policy H2 of the Council's CSDP.

#### **16. Summary of position in respect of s106 Contributions**

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

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

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

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

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

As set out above, the developer has agreed to make a financial contribution towards secondary education provision and will deliver on-site affordable housing. The developer has also agreed to fund the highways improvements required along Chester Road to maintain the acceptable flow of traffic and facilitate the delivery of off-site net gains in biodiversity.

In addition, and in line with the recommendations of the Council's Planning Obligations SPD, a financial contribution is being sought towards sport and recreation facilities in the area (as opposed to play equipment, which is being delivered on site). It is suggested that such a contribution would be best spent on facilities in Herrington Country Park which, given its proximity to the application site, would be subject to increased usage and pressure from future residents of the development.

These obligations would be secured by a s106 agreement which, at present, would include the following:

- o £245,479.45 towards secondary education provision in the area from Phase 1 of the development, with a further contribution of £685,357.34 from outline phase of the development (figure based on same housing mix being delivered in this area);
- o £15,000 towards improvements to A183's junctions at Biddick Hall, Shiney Row and with the A19;
- o Financial contribution towards the maintenance and improvement of sport and recreation facilities in the area;
- o Mechanisms to ensure the delivery of off-site biodiversity net gains;
- o 15% on-site affordable housing;

The requested financial contributions towards education provision, ecology, road improvements and sport and recreation are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, whilst the affordable housing clause 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 57 of the NPPF and Regulation 122(2) of the CIL Regulations.

It is also noted that objectors to the development have expressed concerns in relation to the potential impact of the development on local healthcare provision in the area. The Council has not, however, received a request for a financial contribution from the NHS Clinical Commissioning Group (CCG) to support local primary care infrastructure. Members should also note at this point that requests for financial contributions from the CCG in relation to other housing applications in the City have not been properly evidenced or justified and that consequently, they have not met the tests for planning obligations set out at regulation 122(2) of the CIL Regulations and paragraph 57 of the NPPF.

Consideration has also been given to whether it would be appropriate to request a financial contribution towards allotment provision in the area. In relation to this matter, the Council's most recent Greenspace Audits actually demonstrate a surplus of allotment land in the Coalfields area. Consequently, there is not considered to be a reasoned justification to request such a contribution in this instance.

The abovementioned contributions will be secured via an agreement under s106 of the Town and Country Planning Act, which is being drafted by the Council's Legal team and will be completed following the determination of the planning application in the event Members are minded to approve the application.

## **CONCLUSION**

As set out above, the proposed housing development affects a site which has been deleted from the Green Belt through the adoption of the Council's Core Strategy and Development Plan and allocated for new housing. The CSDP policy which directs the development of the site (policy HGA6) identifies it as being appropriate for approximately 400 dwellings. The development proposed by this planning application involves a development of 440 dwellings.

Objectors to the planning application contend that given the site's allocation for approximately 400 dwellings, a development of 440 dwellings should not be approved as this causes conflict with the Council's recently adopted plan. It is also contended that the development will give rise to a range of issues relating to design, layout, road safety and highway capacity, flood risk and drainage, landscape and visual impacts, ecological and environmental impacts, built heritage and archaeology impacts and the capacity of local infrastructure, services and facilities.

It is accepted that the proposed development of 440 dwellings exceeds the figure of 400 dwellings set out by policy HGA6 of the CSDP. It is also recognised that this site allocation has only recently been established through the examination and adoption of the CSDP and that the allocation was informed by the Framework for the site, which considered a range of site constraints and other potential impacts arising from a housing development at the site.

Section 38(6) of the 2004 Act makes it clear, however, that decisions on whether to grant planning permission should be made 'in accordance with the development plan, unless material considerations indicate otherwise'. Case law has established that decisions must be made in accordance with the development plan as a whole - in considering whether a planning application accords with a development plan as a whole, it should be borne in mind that policies within a plan can pull in different directions and that the role of the decision maker is to determine whether, in light of the whole plan and the relative importance of conflicting policies, a development proposal does or does not accord with the plan.

In light of the above, whilst the number of dwellings proposed does conflict with one element of policy HGA6 of the Council's CSDP, consideration must be given to all relevant material considerations and all the relevant policies of the Council's development plan before it can be determined whether the proposed development accords with the development plan or not.

To this end, the following policies of the CSDP are relevant to the determination of the application and a view is provided below as to whether or not the development accords with the policy's requirements and objectives:

HGA6 - Penshaw Housing Growth Area should:

- i. Deliver approximately 400 new homes;
- ii. Create a new defensible Green Belt boundary to the north and east;
- iii. Provide a sensitive design to minimise the impact on the wildlife and GI corridors to the north and east, providing an appropriate buffer to Herrington Burn and protected species in particular;
- iv. Minimise any impact on the area's landscape character, including sensitive boundary design that respects views and the setting of Penshaw Monument Grade I Listed building;

- v. Ensure that dwellings are designed to reflect the positive elements of the local vernacular and materials;
- vi. Retain healthy trees and hedgerows where possible and incorporate greenspace through the site for amenity purposes/minimise impact on priority species and protected habitat in the locality;
- vii. Mitigate any surface water flooding impacts and incorporate appropriate water attenuation in relation to flood zones associated with Herrington Burn and avoid development in Flood Zones 2 and 3;
- viii. Provide pedestrian/cycleway connections through the site and link to the routes in the Country Park and the wider area; and
- ix. Provide vehicular access via Chislehurst Road and provide junction improvements in the locality where justified and necessary.

*It is accepted that the development is for more than 400 dwellings, but the proposals are considered to create appropriate buffers to the north and east, will not unacceptably harm the setting of Penshaw Monument (as confirmed by Historic England and the Council's Built Heritage officer) and will have an acceptable impact on drainage, ecology, biodiversity and the existing landscape. The design, layout and landscaping within the development is also considered acceptable, whilst the implications of the development relative to local road capacity, road safety and pedestrian and cycle connections are also acceptable.*

SS7 - The Coalfield Housing Growth Areas should:

- 1. Provide a mix of housing types with a focus on larger detached dwellings;
- 2. Address impacts and make provision or contributions towards education provision and healthcare where justified and necessary;
- 3. Enhance access to local facilities and services, where appropriate.

*The proposed mix of house types, with a high number of 4-bedroom properties, is considered appropriate and contributions are being made to local infrastructure, services and facilities where justified.*

SP1 - sets out the Council's sustainable development strategy for the Plan period, including the delivery of at least 13,410 new homes by delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of the South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas.

*The development would assist with the Council's stated aim of delivering at least 13,410 homes over the CSDP period.*

SP7 - the Council will seek to improve health and wellbeing in Sunderland through a range of measures.

*The development provides good access to recreational opportunities, include acceptable public open space and play provision and does not have an unacceptable adverse impact on the amenity of the area. The Health Impact Assessment submitted with the application demonstrates that the development will not give rise to unacceptable impacts on the health of the local community.*

SP8 - the Council will work with partners and landowners to exceed its minimum target of 745 net additional dwellings per year by delivering, amongst other sites, the Strategic and Housing Growth Areas identified in the Plan.

*The housing proposed by the development will help to meet the objective of exceeding its housing delivery target.*

HS1 - development must demonstrate that it does not result in unacceptable adverse impacts on amenity which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour and land contamination. Where unacceptable impacts arise, planning permission will normally be refused.

*The technical reports and assessments and responses from relevant consultees confirm that the development will not give rise to unacceptable adverse impacts on amenity, including in relation to air quality.*

HS2 - proposals should demonstrate that noise-sensitive development, such as new housing, will not be detrimentally affected by the prevailing noise environment. Effective mitigation must be proposed where this is necessary.

*The submitted noise assessment demonstrates that the development will not be unacceptably affected by noise.*

HS3 - development proposals must demonstrate that risks from land contamination and ground conditions are adequately understood and accounted for via appropriate remediation and mitigation.

*Risks from contamination have been investigated and can be adequately mitigated and remediated.*

H1 - residential development should create mixed and sustainable communities by meeting affordable housing needs, providing a mix of house types and tenures appropriate to its location, achieving an appropriate density for the site's location and, where appropriate and justified, provide larger detached dwellings and dwellings designed for older people and those with special housing needs. From 1st April 2021, major housing development should include 10% of dwellings to meet Building Regulation M4(2) Category 2 - accessible and adaptable dwellings.

*The development provides an acceptable mix of housing (as informed by policy SS7) and is considered to be of an appropriate layout and density, as agreed by the Council's Urban Design officer. All homes will meet Building Regulation M4(2) requirements.*

H2 - proposals of more than 10 dwellings should include 15% on-site affordable housing, with the mix of affordable housing informed by the recommendations of the Council's most up-to-date Strategic Housing Market Assessment (SHMA). Affordable dwellings should be spread around the site and be indistinguishable from market housing in terms of appearance and quality.

*The development will provide 15% affordable housing on-site, split in the manner sought by the Council's latest SHMA and spread throughout the development.*

BH1 - development should achieve high quality design and positive improvement by, amongst other measures: creating places with a clear function, character and identity; ensuring development is of an appropriate scale, massing, layout, appearance and setting; retaining and creating acceptable levels of amenity; delivering attractive environments and architecture; providing high-quality landscaping; and having regard to key views. From 1st April 2021, proposals should meet nationally described spacing standards.



*The Council's Urban Design and Landscape officers are satisfied that, as amended, the proposed layout, build quality, scale, massing, character, appearance and landscaping of the development is acceptable and appropriate for its location.*

BH2 - sustainable design and construction should be integral to major development proposals.

*The applicant has demonstrated that sustainable design and construction principles are to be followed in the construction of the proposed dwellings.*

BH3 - requires new areas of public realm to be of a high quality and be attractive, safe, legible, functional and accessible.

*The Council's Landscape officer is satisfied that the amended proposals provide an appropriate quantity and quality of open space and landscaping.*

BH7 - the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

*The development will not directly affect any heritage assets.*

BH8 - development affecting heritage assets, or their settings, should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset, including any contribution made by its setting where appropriate.

*Historic England and the Council's Built Heritage officer confirm that the development will not unacceptably harm the significance or setting of Penshaw Monument or other heritage assets nearby, as demonstrated by the submitted Environmental Statement.*

BH9 - development should not adversely affect the archaeological interest and setting of a Scheduled Ancient Monument and the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage, by requiring applications to involve appropriate investigation and recording of remains.

*The County Archaeology officer has confirmed that the archaeological interest of the site has been adequately investigated, with further investigations secured via conditions.*

NE1 - development should maintain and improve the Council's green and blue infrastructure by enhancing, creating and managing multifunctional greenspaces and bluespaces.

*The development will provide new greenspaces for public and ecological benefit and will not harm existing provision.*

NE2 - where appropriate, development must deliver biodiversity net gain and avoid or minimise impacts on biodiversity and geodiversity, including in relation to designated sites and wildlife corridors.

*The impacts of the development in respect of ecology and biodiversity and the value of nearby designated sites are acceptable, as confirmed by the Council's Ecology officer. Net gains in biodiversity can be secured via off-site enhancements.*

NE3 - development should seek to retain and protect valuable trees, woodlands and hedgerows, any harm caused should be appropriately justified, mitigated and compensated for.

*The most valuable existing trees and hedges within the development site are being retained and substantial additional planting is proposed.*

NE4 - requires new major development to incorporate an appropriate amount and quality of usable greenspace, unless it is considered more appropriate to make a financial contribution towards off-site delivery.

*The Council's Landscape officer has confirmed that, as amended, the proposed landscaping, open space and on-site play provision provided within the development is acceptable.*

NE6 - development affecting the Green Belt will be considered against national policy and development which is classed as inappropriate in the Green Belt will not be approved except in very special circumstances.

*The development does not directly affect the retained Green Belt and so there is no conflict with Green Belt policy.*

NE9 - new development should respect the prevailing landscape character, taking into account elements identified in the Council's Landscape Character Assessment. Development which clearly has a significant adverse impact on distinctive landscape characteristics is unlikely to be supported unless the impact is outweighed by the benefits of the development.

*The development affects a site allocated for housing through the adoption of the CSDP and it will relate acceptably to the prevailing landscape, as demonstrated by the submitted Environmental Statement.*

NE11 - new development should take account of views into, out of and within the development, with particular consideration given to key local views and views of significant buildings.

*The development will not unacceptably harm key views, as demonstrated by the submitted Environmental Statement.*

NE12 - development which would result in the loss of best and most versatile agricultural land should be considered in the context of the agricultural land's contribution in terms of economic and other benefits.

*The development will not lead to the loss of best and most versatile agricultural land.*

WWE2 - requires development to appropriately consider the risk from flooding and follow the sequential and exception tests set out in national planning policy and incorporate appropriate mitigation where required. Proposals should also not adversely affect the flow or quality of groundwater.

*The development is appropriate within Flood Zone 1 and risks from flooding can be appropriately mitigated and managed.*

WWE3 - requires development to incorporate appropriate sustainable drainage measures to ensure it does not unacceptably increase the risk of flooding within the site and elsewhere.

*The development incorporates an acceptable sustainable drainage solution, as confirmed by the Council's Flood and Coastal team in their capacity as Lead Local Flood Authority (LLFA).*

WWE4 - requires new development to maintain water quality.

*There are no concerns regarding water quality, as confirmed by the Environment Agency, LLFA and Northumbrian Water.*

WWE5 - requires new development to deal with the disposal of foul water via the drainage hierarchy.

*There are no concerns regarding the disposal of foul water, as confirmed by the LLFA and Northumbrian Water.*

ST2 - states that new development must not have an adverse impact on the existing local road network, taking into account the number, design and location of new access points, local capacity, access to sustainable modes of travel and road safety considerations.

*The Council's Highways officers and Highways England have confirmed that impacts on the local road network are acceptable and the development provides appropriate access to sustainable modes of travel.*

ST3 - development should provide safe and convenient access for all road users, should incorporate appropriate pedestrian and cycle links, should be supported by the necessary Transport Assessments and Statements, should provide appropriate levels of parking, including for electric vehicles, and should safeguard existing rights of way.

*The Council's Highways officers are satisfied with the details of the proposals and the application has been supported by the required Transport Assessments and Statements.*

ID1 - development will be expected to contribute to infrastructure improvements where this is necessary to make the development acceptable in planning terms.

*The development will contribute towards education provision, local road improvements and sports and recreation facilities.*

ID2 - the Council will seek planning obligations (via s106 contributions) to secure affordable housing and other local improvements to mitigate the impact of the development as is necessary.

*The s106 agreement will secure contributions towards education provision, ecological mitigation, travel tickets and affordable housing.*

With regard to the policy appraisal set out above, it is considered that whilst there is conflict with the site capacity as identified by policy HGA6 of the CSPD, the proposed development of 440 dwellings does not give rise to any significant conflicts with the other relevant policies of the CSPD. Nor are there any significant conflicts with any of the Council's relevant Supplementary Planning Documents, the draft A&D Plan or the relevant policies of the NPPF, as referenced throughout this report.

As such, when considering the application for 440 dwellings at the site in the context of the development plan as a whole, it is evident that there are no significant conflicts with its policies and no other material planning considerations which mean the planning application should be refused.

It must also be taken into account that the proposed development will deliver significant benefits, in terms of providing housing at a site allocated for such development in the development plan and assisting the Council in meeting, and potentially exceeding, its stated

housing supply and delivery targets. The development will also deliver benefits in terms of expanding housing availability and choice in the area, including new affordable housing, and it will also provide employment and economic benefits in that new residents will be able to support existing shops, services and facilities in the locality. These benefits of the development should also be given weight in the determination of the application.

The amount and content of the objections to the proposed development are acknowledged and it is evident that the local community holds significant concerns in relation to the proposed development of the site. All relevant material planning considerations have, however, been appraised in the context of the policies of the Council's CSDP and the NPPF and although the proposed number of dwellings proposed at the site exceeds the figure set out at policy HGA6, it is considered that this has not given rise to any significant conflict with the other requirements of policy HGA6 or the other relevant policies of the CSDP.

Consequently, the proposed development is not considered to give rise to any significant conflict with the Council's development plan as a whole and there are not considered to be any grounds which would direct the Council to refuse planning permission for the development as proposed. The development is therefore considered to be acceptable.

As noted in the 'Representations' section of this report, however, the additional public consultation undertaken to advise interested parties of the receipt of new ecology information is ongoing and will expire after the Committee meeting has taken place. Any additional representations received prior to the Committee meeting will be reported to Members at the meeting.

Given the above, and in light of the requirements of section 38(6) of the 2004 Act, it is recommended that Members be Minded to Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the expiry of the public consultation period, the completion of the agreement under s106 of the Town and Country Planning Act and subject to the imposition of the draft conditions below.

### **EQUALITY ACT 2010 - 149 Public Sector Equality Duty**

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

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

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

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

it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

**RECOMMENDATION: MINDED TO GRANT CONSENT** under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the expiry of public consultation period, the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions below:

#### **Draft conditions:**

1 The development for which full planning permission is hereby granted must commence not later than three years beginning with the date on which permission is granted.

Reason: To ensure that the development is carried out within a reasonable period of time and to comply with section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 No development except site remediation, archaeological excavations and drainage work in respect of development for which outline planning permission is hereby granted shall commence until the details of appearance, landscaping, layout and scale (hereinafter referred to as the "reserved matters") of the outline phase of development have been submitted to and approved, in writing, by the Local Planning Authority.

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

3 The 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 and the development for which outline planning permission is hereby granted must commence not later than two years of the date of the last reserved matters approval.

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

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

Site Location Plan 31196-00 RevC (Figure MP01)  
Site Boundary Plan with Land Split 31196-00 (Figure MP02) C D  
Overall Site Plan 31196-04 C D  
Site Boundary Plan with Land Split 31196-00 (Figure MP02) - D  
Parameter Plan - Access and Movement 31196-ind03 (Figure MP04) D E  
Parameter Plan - Development Quantum and Scale 31196-ind03 (Figure MP05) C D  
Parameter Plan - Green Infrastructure 31196-LN-LP-10 (Figure D7)  
Existing Site Plan (Aerial) 31196-00 (Figure MP03) 31196-00 (Figure MP03) C D  
Indicative Masterplan 31196-ind02 (Figure MP06) C D  
Landscape Strategy Plan 31196-LN-LP-08, revision B - A  
Parking Schedule (Cell A) - 1N/PENSHAW/28-01, revision A  
Hard and Softworks Plans - Sheet 1 31196 LN-LD-101, revision C  
Hard and Softworks Plans - Sheet 2 31196 LN-LD-102, revision C  
Hard and Softworks Plans - Sheet 3 31196 LN-LD-103, revision C  
Hard and Softworks Plans - Sheet 4 31196 LN-LD-104, revision C  
Hard and Softworks Plans - Sheet 5 31196 LN-LD-105, revision C  
Timber Platform LN-LD-107  
Planting Schedules and Notes - Sheet 6 31196 LN-LD-104 A B  
Proposed Finished Floor Levels Sheet 1 of 6 20045-05 P5 P7  
Proposed Finished Floor Levels Sheet 2 of 6 20045-06 P4 P6  
Proposed Finished Floor Levels Sheet 3 of 6 20045-07 P2 P3  
Proposed Finished Floor Levels Sheet 4 of 6 20045-08 P2 P3  
Proposed Finished Floor Levels Sheet 5 of 6 20045-09 - P1  
Proposed Finished Floor Levels Sheet 6 of 6 20045-10 - P1  
Proposed Catchment Plan 20045-11 P3 P5  
Proposed Drainage Layout - Sheet 1 of 6 20045-31 P4 P5  
Proposed Drainage Layout - Sheet 2 of 6 20045-32 P3 P6  
Proposed Drainage Layout - Sheet 3 of 6 20045-33 P2 P4  
Proposed Drainage Layout - Sheet 4 of 6 20045-34 P2 P5  
Proposed Drainage Layout - Sheet 5 of 6 20045-35 - P1  
Proposed Drainage Layout - Sheet 6 of 6 20045-36 - P1  
Section 104 - Sheet 1 of 2 20045-41 P3 P4  
Section 104 - Sheet 2 of 2 20045-42-P2  
Drainage Exceedance Routes 20045-71-P3  
Bulk Earthworks 2045-101-P3  
SUDs Details 20045-61 P1 P2  
Detailed Cell 1N/PENSHAW/02- 01 C H  
Detailed Cell 1:500 1N/PENSHAW/02- 02 C H  
Enclosures 1N/PENSHAW/10- 01 - A  
Materials Schedule 1N/PENSHAW/19- 01 - A

Ashenford NA20 Planning Elevation 1 NA20/7/PL2 B  
 Ashenford NA20 Planning Elevation 2 NA20/7/PL3 B  
 Benford NA30 Planning Elevation 1 NA30/7/PL2 B  
 Benford NA30 Planning Elevation 2 NA30/7/PL3 B  
 Byford NA32 Planning Elevation 1 NA32/7/PL2 A  
 Byford NA32 Planning Elevation 2 NA32/7/PL3 A  
 Coltham ND40 Planning Elevation 1 ND40/7/PL2 B  
 Coltham ND40 Planning Elevation 2 ND40/7/ PL3 B  
 Dunham ND41 Planning Elevation 1 ND41/7/PL2 A  
 Dunham ND41 Planning Elevation 2 ND41/7/PL3 A  
 Huxford ND42 Planning Elevation 1 ND42/7/PL2 B  
 Huxford ND42 Planning Elevation 2 ND42/7/PL3 B  
 Wortham ND43 Planning Elevation 1 ND43/7/PL2 A  
 Wortham ND43 Planning Elevation 2 ND43/7/PL3 A  
 Kingham NA42 Planning Elevation 1 NA42/7/PL2 A  
 Kingham NA42 Planning Elevation 2 NA42/7/PL3 A  
 Manford NA44 Planning Elevation 1 NA44/7/PL2 A  
 Manford NA44 Planning Elevation 2 NA44/7/PL3 A  
 Garage Elevation Garages/PL2  
 Garage Floorplan Garages/PL1  
 Ashenford NA20 Floor Plans NA20/7/PL1 D  
 Benford NA30 Floor Plans NA30/7/ PL1 D  
 Byford NA32 Floor Plans NA32/7/PL1 D  
 Coltham ND40 Floor Plans ND40/7/PL1 F  
 Dunham ND41 Floor Plans ND41/7/PL1 E  
 Kingham ND42 Floor Plans ND42/7/PL1 G  
 Wortham ND43 Floor Plans ND43/7/PL1 F  
 Huxford NA42 Floor Plans NA42/7/PL1 E  
 Manford NA44 Floor Plans NA44/7/PL1 D  
 Byrneham EMG31 Planning Elevation 1 EMG31/2020/PL3  
 Byrneham EMG31 Planning Elevation 2 EMG31/2020/PL3  
 Byrneham EMG31 Floor Plans EMG31/2020/PL2  
 Kingdale TNT31 Planning Elevation 1 TNT31/7/PL2 C  
 Kingdale TNT31 Planning Elevation 2 TNT31/7/PL3 C  
 Kingdale TNT31 Floor Plans TNT31/7/PL1 F

in order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

5 Each application for reserved matters shall be accompanied by a compliance statement which explains how that reserved matters application meets the design principles and indicative parameters, including in relation to the creation of new views towards Penshaw Monument, set out within the submitted Design and Access Statement (revision L, issue date 07/2021) and the landscaping principles set out in the submitted Landscape Strategy Plan (drawing no. 31196, LN-LP-08 B).

Reason: In order to achieve a comprehensive and cohesive form of development and comply with the objectives of policies BH1 and NE4 of the CSDP.

6 No development shall commence within each phase (i.e. full planning and outline phases) until a Construction Environmental Management Plan (CEMP) for that phase has been

submitted to and approved in writing by the Local Planning Authority. The CEMP shall, for the avoidance of doubt, include the following:

- Executive Summary;
- Project Background
- Outline of Project
- Framework of this CEMP
- Legal Compliance
- Summary of the Requirements of Condition 6
- Site Information and Consented Development
- Site and Surrounding Area
- Scheme Description
- Sensitive Receptors
- Control of the Construction Process
- Roles and Responsibilities
- Training and Raising Awareness
- Reporting
- Monitoring, Continual Improvement and Review
- Environmental Complaints and Incidents
- Public Relations and Community Relations
- Construction Management
- Description of Construction Works
- Phasing of Construction Works
- Construction Equipment
- Hours of Working (Hours of Site Operation)
- Construction Traffic Management Plan (may not always require this)
- Storage of Plant and Materials
- Handling of Plant and Materials
- Health and Safety Management
- Security On-Site
- Considerate Constructors
- Phase-specific Construction Method Statements (CMS)
- Environmental Control Measures
- Public Access and Traffic Management
- Waste and Materials Management and Storage
- Noise and Vibration
- Dust & Air Quality
- Measures to be implemented to minimise the risk of harm to/ensure the protection of protected and notable species, and those habitat features to be retained through the works; this includes, but is not limited to, bats, amphibians, otter, badger, water vole, nesting birds, hedgehog and brown hare, including information on key working methods and timings.
- Contaminated Land Procedures
- Hydrology & Water Quality
- Visual Impacts
- Artificial Lighting
- Emergency Procedures
- Conclusions

## Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information  
(including hedgerow and tree group numbers)



Appendix C - Potential for Archaeological Mitigation Requirement  
Plan  
Appendix D - Site Access Locations  
Appendix E - Proposed Temporary Construction Access

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

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, NE2 and ST3 of the CSDP.

7 The development hereby approved shall be carried out in full accordance with the sustainable design and construction measures set out within the 'Sustainability Statement' (JSP Sustainability Ltd, October 2020) submitted with the application.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

8 No dwelling within each phase of the development (i.e. full planning and outline phases) shall be occupied until details of proposed measures to encourage sustainable transport initiatives, such as electric vehicle charging points and cycle shelters, for each phase have been submitted to and approved in writing by the Council as Local Planning Authority. The agreed measures shall then be implemented in accordance with the approved details.

Reason: in order to promote sustainable transport options and comply with the requirements of policies ST2 and ST3 of the Council's CSDP.

9 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) to Phase 1 and Phase 2 of the development respectively, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in the interests of visual amenity and to comply with policies BH1 and BH3 of the CSDP.

10 The development hereby approved shall be undertaken in complete accordance with the recommendations of the 'Arboricultural Method Statement for Enabling and Construction Phases of Work, Land off Chester Road, Penshaw', (DeltaSimons, October 2020). All recommended tree protection measures shall be installed in accordance with the timings recommended by the Method Statement and remain in situ in accordance with the recommendations of the Method Statement for the duration of construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

11 No trees or hedges within the development shown as being retained by the submitted plans shall be felled without the prior approval of the Council as Local Planning Authority. In the event any of the trees or hedges proposed to be retained within the development are unable to be retained, or are damaged, or need to be removed in full or in part, the affected trees, hedges or sections of hedges must be replaced within the next available planting season following the damage or their removal, in accordance with a methodology which must firstly be agreed in writing with the Council as Local Planning Authority.

Reason: to ensure the continued health, amenity and ecology value of the hedges at the sites and to comply with the objectives of policies NE2, NE3 and NE4 of the CSDP

12 No dwellings shall be occupied within each phase of the development (i.e. the full planning and outline phases) until full details of the proposed play equipment within each phase of the development have been submitted to and agreed in writing with the Council as Local Planning Authority. The submitted details must include proposed measures for the ongoing maintenance of the equipment and a timetable for its installation. The approved equipment must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure the on-site play provision within the development is acceptable and to comply with the objectives of policy NE4 of the CSDP.

13 No development other than site clearance/preparation works shall be commenced in each phase (i.e. full planning and outline phases) until the submitted Phase II Geo-Environmental Site Assessment has been amended/updated/expanded to satisfactorily address the comments provided by the Council's Land Contamination Consultant response (dated 8th March 2021).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

The details are required to be submitted and approved in advance of construction works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

14 No development shall commence in each phase (i.e full planning and outline phases) until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of

the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

15 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy HS3 of the CSDP.

17 No groundworks or development shall commence until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

18 No dwellings shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (17) has been submitted to and approved in writing by the Local Planning Authority.

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

19 No dwellings shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

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

20 Prior to commencement of construction within Phase 1 of the development, a scheme of noise attenuation shall be submitted for the agreement of the LPA. That scheme shall set out the detailed measures to be applied to specified dwellings within Phase 1 as informed by Table 8 and Figures 4 and 5 of the submitted noise assessment (reference NJD20- 0052-001R, dated October 2020) and shall include noise barriers as identified. No dwelling shall be occupied until the agreed noise attenuation measures have been installed at the relevant dwellings.

Reason: in order to ensure residents of the development will experience an acceptable noise environment and to comply with policy HS2 of the CSDP.

21 Prior to the commencement of construction within the outline phase of the development, a noise assessment shall be undertaken to identify the appropriate mitigation measures that will be required to ensure that the exposure of proposed dwellings within the outline phase of the development meet the recommended guidelines set out in BS8233:2014 and WHO community noise guidelines. That assessment shall be submitted to the LPA for agreement and the agreed measures shall be implemented prior to occupation of any dwellings within the outline phase.

Reason: in order to ensure residents of the development will experience an acceptable noise environment and to comply with policy HS2 of the CSDP.

22 Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features covered in the report(s) must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

The verification reports shall include:

As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.

Construction details (component drawings, materials, vegetation).

Health and Safety file.

Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

23 No individual dwelling shall be occupied until its in-curtilage parking space(s) has been constructed and made available for the use of the dwelling's occupiers. Within six months of the final dwelling within each phase (i.e. full planning and outline phases) of the development being occupied, all visitor parking provision for that phase of the development must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off-street parking of vehicles and to comply with policy ST3 of the CSDP.

24 No dwellings within each phase of the development (i.e. the full planning and outline phases) shall be occupied until a programme for the construction and delivery of the pedestrian routes within and pedestrian accesses to/from each phase of the development (as informed by the amended Access and Movement Parameter Plan, drawing no. 31196, ind03, rev. E) has been approved in writing by the Council as Local Planning Authority. The pedestrian routes and accesses shall then be delivered in accordance with the approved programme and made available for the use of the public thereafter.

Reason: in order to ensure that footpath links within and to/from the site are available at the earliest opportunity and to accord with the objectives of policies ST2 and ST3 of the CSDP.

25 Prior to the occupation of the first dwelling, a Travel Plan should be submitted to, and agreed by, Sunderland City Council in consultation with Highways England. All car use reduction, monitoring and action plan measures and initiatives set out in the approved Travel Plan must be adopted in full and in accordance with the timescales set out within the Plan.

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

26 Development must not commence on site unless checking surveys for badger, otter and water vole have been undertaken by a Suitably Qualified Ecologist (SQE) within one month

prior to the start of works. In the event any such species/features are identified at this time which would be affected by the proposals, works will only proceed under the guidance of the SQE, and once a license has been obtained from Natural England, if features such as setts, holts, couch sites or burrows will be affected.

Reason: in order to ensure the aforementioned species will not be detrimentally affected by the development and to comply with the objectives of policy NE2 of the CSDP.

27 In the event works on site do not commence within 24 months of the most recent negative test result, development must not commence unless updating surveys for great crested newts have been completed on all accessible waterbodies within 500m of the works area within the breeding season prior to the commencement of works. In the event a population of the species is identified at this time, works with the potential to affect the species will not commence until a license (EPSML or DLL) has been granted by Natural England.

Reason: in order to ensure great crested newts will not be detrimentally affected by the development and to comply with the objectives of policy NE2 of the CSDP.

28 No works, including ground clearance, will be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a SQE has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE after 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: in order to ensure site works do not detrimentally affect nesting birds and to comply with the objectives of policy NE2 of the CSDP.

29 Prior to the occupation of the 50th dwelling within the development, a landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA. The plan should include details of legal funding mechanisms by which long term implementation of the plan will be secured by the developer. It will also detail contingency measures should the biodiversity aims and objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, in line with the habitat creation and enhancement measures detailed within the BNG assessment. The approved plan will be delivered in accordance with the approved details.

Reason: in order to ensure the landscaping within the development provides the required ecological benefits and to comply with the objectives of policy NE2 of the CSDP.

30 Works in each phase of the approved development (i.e. full planning and outline phases) will not commence on site until a lighting strategy for that phase has been submitted to and approved by the LPA, which includes input from a SQE in line with current best practice guidelines and includes measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats.

Reason: to ensure lighting at the site is appropriate in relation to its ecological impact and to comply with the objectives of policy NE2 of the CSDP.

31 Works in each phase of the approved development (i.e. full planning and outline phases) will not commence until a plan confirming the location and specification of bat and bird boxes (including those suitable for use by Swift, Starling and House Sparrow) to be installed within that phase of the development has been submitted to and approved in writing by the LPA. This will include boxes in at least 20% of houses for bats, and 20% of houses for birds.

Reason: to ensure the development provides appropriate roosting/nesting facilities for bats and birds and to comply with the objectives of policy NE2 of the CSDP.

32 Notwithstanding the submitted boundary details, gaps measuring at least 13 x 13cm must be created and then maintained within all boundary features throughout the development,

Reason: to ensure the site remains permeable to species such as hedgehog and comply with the objectives of policy NE2 of the CSDP.

33 All works within the development must be undertaken in full accordance with the recommended mitigation measures stated within the relevant sections of the Environmental Statement and associated ecological Technical Appendices and Reports including, but not being limited to, those measures in ES Vol. 2 Chapter G: Mitigation and Monitoring and section 6 of the 'Ecological Appraisal, Chester Road, Penshaw' (OS Ecology March 2021).

Reason: to ensure habitats and species are not detrimentally affected by the development and to comply with the objectives of policy NE2 of the CSDP.

**ADDENDUM TO UPDATE REPORT FOR PLANNING APPLICATION REF. 20/02027/HE4 –  
COPY OF LATE REPORT CIRCULATED AT PLANNING AND HIGHWAYS (WEST)  
COMMITTEE MEETING HELD ON 5<sup>TH</sup> OCTOBER 2021**

PLANNING AND HIGHWAYS (WEST) COMMITTEE MEETING  
5<sup>th</sup> October 2021

Additional information for Members

ITEM 1 – APP. REF. 20/02027/HE4

Additional representations

As set out in the main report, additional public consultation has been undertaken to inform interested parties of the additional ecology information submitted by the applicant. Since the preparation of the main report, and at the time of writing this report, a further 26 no. representations have been received from members of the public.

The representations raise concerns in relation to the following matters:

- Pressure on amenities and infrastructure in the area;
- No need for the development;
- Traffic generation and harm to air quality;
- Houses will not be affordable;
- Loss of green space and encroachment on Penshaw village;
- Harm to ecology and Herrington Country Park;
- Harm to views towards Penshaw Monument;
- Disruption during construction works;
- Development is unwanted by local community;

These issues have been raised by earlier representations submitted in respect of the application and have been addressed within the main report. To reiterate, however, subject to the imposition of conditions and the completion of an agreement under s106 of the Town and Country Planning Act 1990, the development has been found to be acceptable in relation to amenity, local infrastructure, traffic generation, affordable housing, ecology and the setting of Penshaw Monument. The construction process can also be managed through the agreement of a Construction Environmental Management Plan.

Consequently, and for the wider range of reasons set out in the main report, officers remain of the view that the proposed development is acceptable, subject to the imposition of conditions and the completion of an agreement under s106 of the Town and Country Planning Act to secure affordable housing, financial contributions towards education provision, highways improvements and sport and recreation and a mechanism to ensure the delivery of biodiversity net gain.

Conditions

Following the publication of the main report, some minor amendments have been made to recommended draft condition no. 4, which sets out the list of approved plans. The amendments simply correct some errors in the drawing numbers listed. It is recommended that Members agree to substitute the wording of condition 4 as provided in the main report with the following wording:

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



Site Location Plan 31196-00 Rev C (Figure MP01)  
 Site Boundary Plan with Land Split 31196-00 (Figure MP02) D  
 Overall Site Plan 31196-04 D  
 Site Boundary Plan with Land Split 31196-00 (Figure MP02) - D  
 Parameter Plan - Access and Movement 31196-ind03 (Figure MP04) E  
 Parameter Plan - Development Quantum and Scale 31196-ind03 (Figure MP05) D  
 Parameter Plan - Green Infrastructure 31196-LN-LP-10 A (Figure D6)  
 Existing Site Plan (Aerial) 31196-00 (Figure MP03) 31196-00 (Figure MP03) D  
 Landscape Strategy Plan 31196-LN-LP-08, revision B  
 Parking Schedule (Cell A) - 1N/PENSHAW/28-01, revision A  
 Hard and Softworks Plans - Sheet 1 31196 LN-LD-101, revision C  
 Hard and Softworks Plans - Sheet 2 31196 LN-LD-102, revision C  
 Hard and Softworks Plans - Sheet 3 31196 LN-LD-103, revision C  
 Hard and Softworks Plans - Sheet 4 31196 LN-LD-104, revision C  
 Hard and Softworks Plans - Sheet 5 31196 LN-LD-105, revision C  
 Timber Platform LN-LD-107  
 Planting Schedules and Notes - Sheet 6 31196 LN-LD-104 A B  
 Proposed Finished Floor Levels Sheet 1 of 6 20045-05 P7  
 Proposed Finished Floor Levels Sheet 2 of 6 20045-06 P6  
 Proposed Finished Floor Levels Sheet 3 of 6 20045-07 P3  
 Proposed Finished Floor Levels Sheet 4 of 6 20045-08 P3  
 Proposed Finished Floor Levels Sheet 5 of 6 20045-09 - P1  
 Proposed Finished Floor Levels Sheet 6 of 6 20045-10 - P1  
 Proposed Catchment Plan 20045-11 P5  
 Proposed Drainage Layout - Sheet 1 of 6 20045-31 P7  
 Proposed Drainage Layout - Sheet 2 of 6 20045-32 P6  
 Proposed Drainage Layout - Sheet 3 of 6 20045-33 P4  
 Proposed Drainage Layout - Sheet 4 of 6 20045-34 P5  
 Proposed Drainage Layout - Sheet 5 of 6 20045-35 - P1  
 Proposed Drainage Layout - Sheet 6 of 6 20045-36 - P1  
 Section 104 - Sheet 1 of 2 20045-41 P4  
 Section 104 - Sheet 2 of 2 20045-42-P2  
 Drainage Exceedance Routes 20045-71-P3  
 Bulk Earthworks 2045-101-P3  
 SUDs Details 20045-61 P1 P2  
 Detailed Cell 1N/PENSHAW/02- 01 H  
 Detailed Cell 1:500 1N/PENSHAW/02- 02 H  
 Enclosures 1N/PENSHAW/10- 01 - A  
 Materials Schedule 1N/PENSHAW/19- 01 - A  
 Ashenford NA20 Planning Elevation 1 NA20/7/PL2 B  
 Ashenford NA20 Planning Elevation 2 NA20/7/PL3 B  
 Ashenford NA20 Floor Plans NA20/7/PL1 D  
 Benford NA30 Planning Elevation 1 NA30/7/PL2 B  
 Benford NA30 Planning Elevation 2 NA30/7/PL3 B  
 Benford NA30 Floor Plans NA30/7/ PL1 D  
 Byford NA32 Planning Elevation 1 NA32/7/PL2 A  
 Byford NA32 Planning Elevation 2 NA32/7/PL3 A  
 Byford NA32 Floor Plans NA32/7/PL1 D  
 Coltham ND40 Planning Elevation 1 ND40/7/PL2 B  
 Coltham ND40 Planning Elevation 2 ND40/7/ PL3 B  
 Coltham ND40 Floor Plans ND40/7/PL1 F  
 Dunham ND41 Planning Elevation 1 ND41/7/PL2 A  
 Dunham ND41 Planning Elevation 2 ND41/7/PL3 A  
 Dunham ND41 Floor Plans ND41/7/PL1 E  
 Huxford ND42 Planning Elevation 1 ND42/7/PL2 B  
 Huxford ND42 Planning Elevation 2 ND42/7/PL3 B  
 Huxford NA42 Floor Plans NA42/7/PL1 E  
 Wortham ND43 Planning Elevation 1 ND43/7/PL2 A

Worham ND43 Planning Elevation 2 ND43/7/PL3 A  
Worham ND43 Floor Plans ND43/7/PL1 F  
Kingham NA42 Planning Elevation 1 NA42/7/PL2 A  
Kingham NA42 Planning Elevation 2 NA42/7/PL3 A  
Kingham ND42 Floor Plans ND42/7/PL1 G  
Manford NA44 Planning Elevation 1 NA44/7/PL2 A  
Manford NA44 Planning Elevation 2 NA44/7/PL3 A  
Manford NA44 Floor Plans NA44/7/PL1 D  
Byrneham EMG31 Planning Elevation 1 EMG31/2020/PL3  
Byrneham EMG31 Planning Elevation 2 EMG31/2020/PL3 A  
Byrneham EMG31 Floor Plans EMG31/2020/PL2  
Kingdale TNT31 Planning Elevation 1 TNT31/7/PL2 C  
Kingdale TNT31 Planning Elevation 2 TNT31/7/PL3 C  
Kingdale TNT31 Floor Plans TNT31/7/PL1 F  
Garage Elevation Garages/PL2  
Garage Floorplan Garages/PL1

*in order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.*

## Conclusion

The aforementioned additional public consultation exercise does not, however, expire until 12<sup>th</sup> October 2021. In the event no further representations are received prior to the expiry of the consultation period, or if representations are received which only raise matters which have already been addressed by the main report, it is recommended that Members be Minded to Grant Consent subject to the completion of an agreement under s106 of the Town and Country Planning Act.

In the event any additional representations are received which raise issues which have not already been addressed by the main report, the application would be returned to the next available Committee meeting to enable Members to consider the content of the representation and an updated recommended decision would be provided by officers.

**RECOMMENDATION: MINDED TO GRANT CONSENT** under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to expiry of public consultation period with no further representations, or representations only raising matters already addressed by the main report, being received, the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the draft conditions provided in the main report (with condition 4 amended as set out above).

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**Reference No.:** 20/02219/FUL Full Application

**Proposal:** **Erection of a new pallet production building with attached pallet store, to include demolition of existing building, erection of new boiler house with attached fuel store and installation of new kilns.**

**Location:** Former Alltrack Waste Recycling Centre And Former Corus Engineering Steels Limited Hetton Lyons Industrial Estate Hetton-le-Hole Houghton-le-Spring

**Ward:** Hetton

**Applicant:** James Jones And Sons Ltd

**Date Valid:** 12 February 2021

**Target Date:** 14 May 2021

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## **PROPOSAL:**

Full planning permission is sought for the erection of a new pallet production building with attached pallet store, the demolition of the existing building, erection of new boiler house with attached fuel store and installation of new kilns at plots 5 to 6, Hetton Lyons Industrial Estate, Hetton-le-Hole, Houghton-le-Spring.

The largely square site which measures some 2,743 sqm in area is currently occupied in part (Plot 5), by the applicant, James Jones and Sons Ltd who are pallet and packaging manufacturers. Plot 6 was previously operated as a waste transfer station but has most recently lain vacant. The southern, western, and eastern boundaries of the site are comprised of further industrial units with a network of roads running through the estate whilst the boundary to the north lies immediately adjacent to a public right of way, beyond which is a football pitch/amenity area which forms part of Hetton Lyons Country Park.

The proposed scope of the onsite works is listed as comprising.

- The construction of a new production unit with an attached dry pallet store.
- The construction of a new biomass boiler house with an attached fuel store
- The construction of new kilns heated by steam produced in the new boiler house

The accompanying Design and Access Statement sets out that the new production unit will be constructed within the confines of Plot 6 (towards the southern curtilage) and then once brought into use, the existing production unit on Plot 5 will be demolished allowing the remainder of the development to take place. The production building will be a steel framed structure with profiled metal clad walls and roof complete with photovoltaic panels.

The new boiler house and fuel store are required to house a new biomass boiler with the boiler house and kilns comprising a steel structure clad with profiled metal sheeting to walls and roof. These structures are to be positioned adjacent to the northern boundary of the site.

HGV access to the site will be via the existing access to the south west which will be improved to accommodate wider vehicular movements with egress from the south east of the site. A central access for cars from the estate road will also be provided.

The submission has been accompanied by the following supporting documentation.

- Design and Access Statement
- A Flood Risk and Drainage Assessment/Strategy
- Land Contamination Assessment (Phase 1 Desk Top Study)
- An Archaeological Desk Based Assessment and Heritage Assessment.
- Technical details of the boiler house
- An Ecology Report
- A Noise Assessment
- An Air Quality Assessment

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Environmental Health  
Land Contamination  
Natural England  
Environment Agency  
Environmental Health  
Tyne And Wear Archaeology Officer  
Flood And Coastal Group Engineer  
Environmental Health  
Hetton - Ward Councillor Consultation  
Hetton Town Council  
Tyne And Wear Archaeology Officer  
Network Management  
Environmental Health  
Flood And Coastal Group Engineer  
Northumbria Police  
Northumbrian Water  
Flood And Coastal Group Engineer  
Tyne And Wear Archaeology Officer  
Land Contamination  
Hetton - Ward Councillor Consultation  
Hetton Town Council  
Tyne And Wear Archaeology Officer  
Network Management  
Environmental Health  
Flood And Coastal Group Engineer  
Northumbria Police  
Northumbrian Water  
Land Contamination

Final Date for Receipt of Representations: **05.10.2021**

## **REPRESENTATIONS:**

The application has been publicised by way of site notice, press notice and neighbour consultation letters. As a result of the publicity carried out, a total of 8no representations have been received. The objections have been raised from a variety of sources including 5no from nearby residents, 1no from the Campaign for the Protection of Rural England (CPRE), 1no from Friends of Hetton Lyons Country Park and a representative of the British Horse Society.

The issues raised include the following;

CPRE - Although noted that the site is on employment land, it is next to Hetton Lyons County Park with its associated leisure facilities including football pitches and cycle tracks. In addition, the park is shown as open space and part of the Wildlife Network in the draft Allocations and Designations Plan. Indeed, there are water features in the park which are known to attract waterfowl and it is understood that water voles and bats are found in the area. There is also a Site of Special Scientific Interest some 500m to the east. Whilst housing does not adjoin this site, there is housing within a relatively short distance from the site to the west and south.

The proposed development of manufacturing pallets requires buildings such as a boiler house and kilns which have the potential to generate noise, odours and affect air quality. With this in mind and whilst noting that the area is allocated for employment, the submission is lacking in detail and no reference is offered to air quality, dust, ecology or transport. It is therefore represented that an application of this type, especially within close proximity to sensitive receptors, needs this information before a decision to grant consent can be reached.

Friends of Hetton Lyons Country Park and local residents - The above concerns have been reiterated by the representations made on behalf of the Friends of Hetton Lyons County Park and a number of local residents who have noted that the submission was lacking in detail and had failed to address key areas relating to noise, air quality, ecological and highway related activities. In addition, the concerns expressed on behalf of the British Horse Society relates to the position of the bridleway to the immediate north of the site. The objections notes that this track forms a narrow corridor and that horse riders using the track may find their horses frightened by the level of noise that could emanate from the site resulting in bolting or the unsettling of a rider to the detriment of the safety of other users such as pedestrians or cyclists.

## **External consultees**

Hetton Town Council - The above application was considered by the Council's Planning & Development Committee on 3 March 2021 and its' recommendations to submit an objection were approved at the meeting of the Town Council meeting held on 15 March 2021. Accordingly, Town Council submits an objection on the grounds of:

- Highway & Pedestrian Safety

Within Hetton Lyons Industrial Estate - the western most road leading to units 5 & 6 is already heavily congested with moving and stationary HGVs. Pedestrians, push chairs, mobility scooters etc often forced to use middle of the road when accessing the Country Park on local road network, particularly Four Lane Ends, which is already over capacity.

- Air Quality

Adverse effect on local residents, employees, wildlife and Country Park users.

Potential adverse cumulative impact with smaller biomass operation in neighbouring Décor Panel.

- Noise & Vibration

Adverse effect on local residents, employees, wildlife and Country Park users.

Potential adverse cumulative impact with smaller biomass operation in neighbouring Décor Panel.

- Contaminated water

Potential discharge of contaminated water into watercourse in Country Park.

Natural England - (No Objection) Based on the plans submitted, Natural England considers that the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

County Archaeologist - An archaeological evaluation report has been submitted with this application. A total of four evaluation trenches were excavated within the proposed development area, archaeological deposits were identified in trench 3. Trench 3 was located close to the south-west corner of the proposed development area. The trench was excavated through modern concrete surfacing which overlay a compacted levelling/demolition deposit. Beneath this was another highly compacted deposit composed of fine, black ashy silt (context 304) which was interpreted as being the upper surface of a railway track bed. The deposit included railway sleepers on a north-east to south-west alignment. A brick-built structure was also identified, the structure was found to consist of a single row of frogged red bricks, one of which was stamped 'Lambton Fence Houses,' which suggest that the structure was constructed sometime between 1910 and 1924. Trenches 1, 2 and 4 contained made ground consisting of demolition material associated with the former colliery site in addition to modern drainage pipes and modern concrete foundations.

The archaeological evaluation demonstrated that the eastern parts of the site have been subject to significant ground reduction works. However, in the south-western portion of the proposed development area there remains some archaeological potential related to colliery railway infrastructure. Given the site's significant connection with locomotive history and the development of Durham's Coal field, it is important that if any archaeological remains are disturbed during groundworks, there is the opportunity for these to be archaeologically investigated.

If this application is approved, archaeological monitoring will be required for groundworks undertaken within the south west portion of the site. The archaeological monitoring required can be secured with watching brief conditions.

## Internal consultees

### Environmental Health Officer

Essentially our initial remarks identified the potential impacts on local air quality (associated with the dust extraction and abatement plant, the biomass boiler and feedstock storage) and a query on emissions from the proposed kilns. The proximity of the SSSI was noted. Significant discussions have taken place with the applicant and their advisors and at this stage the issues that were identified have been addressed.

### Air Quality

Emissions of dust from the pallet production shed to the front of the site are dealt with by extraction and abatement plant located to the eastern façade. Emissions of dust from the biomass plant are collected and abated by similar plant located within the boiler house. The timber processing operation (production of the pallets) is considered to require an environmental permit, being a Part B process falling within the Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016. An application is now with the local authority for consideration, and if permitted this aspect of site production will be appropriately conditioned to meet the requirements of the Secretary of States' guidance on emissions to air.

The combustion process (biomass boiler) will, due to its thermal rating, be regulated by the Environment Agency as a Medium Combustion Plant and be subject to conditions relating to its potential environmental impact. It is understood that the EA are currently considering an application from the applicant.

The boiler provides indirect heating to the kilns, which are vented to the atmosphere via heat recovery plant. It is not anticipated that significant steam emissions will arise from these kilns.

### Noise Assessment

A detailed noise assessment has been provided; ref LAE 1107.1 dated 14 June 2021. The assessment has considered the following elements of site operations:

- Boiler abatement plant located inside the steel-clad boiler house.
- Extraction and abatement plant attached to the production shed.
- Kilns and heat recovery located at the northern boundary.
- Vehicle movements

The report examined the potential exposure to noise of nearby residents located between approx. 160m and 310m from the site. Existing levels of noise were measured, and predicted levels were calculated and modelled using original manufacturers data and the CADNA A computational noise model. The results are mapped in Figure 13 of the report.

Calculated values were then analysed in accordance with BS4142:2014, allowing for the potential for tonal elements within the generated noise. The report concluded that the anticipated noise levels generated by the proposed development would not exceed the existing noise climate and background noise levels in the vicinity of the site and at residential accommodation. The methodology and conclusions of the assessment are accepted.

## Construction Environmental Management Plan

A condition should be attached to any planning consent so as to require submission of a suitable construction environmental management plan to address the potential impacts of site clearance and construction upon neighbouring occupiers and the adjacent country park.

## Council's Transportation Engineer

Initial matters that required further consideration (as per the consultation response of 17th March) included vehicular access and parking arrangements. These matters have been dealt with via the submission of an amended site plan that proposes an alternative site access and confirms details in respect of parking arrangements.

Having reviewed the amended site plan it is evident that the proposal is now to utilise the existing vehicular access to the site, which will be improved to accommodate the use by large HGV's. It is also confirmed that the proposed parking provision shown on the amended site plan are acceptable. Taking the above into account provided the proposed improvements to the existing site access are acceptable Transportation Development has no objections to the application.

## Ground contamination

At this stage, we are satisfied that our comments relating to the Phase 1 desk-based assessment have been addressed and therefore have no objection to the planning application. As the results of the ground gas monitoring are outstanding, it is recommended that Planning Conditions CL01 (Site Investigation), CL02 (Remediation), CL03 (Verification) and CL04 (Unexpected Contamination) are included in the Decision Notice. An updated Geoenvironmental Appraisal, including a ground gas risk assessment based on the results of the ground gas monitoring, should be submitted to facilitate the discharge of Planning Condition CL01. The Remediation Strategy required to discharge CL02 should be prepared in accordance with the relevant YALPAG guidance and include details of any gas protection measures that may be required as part of the development.

## Lead Local Flood Officer

On the basis of the updated information (S2385-C-02-3 Drainage Strategy) and in relation to flood risk and drainage, I would suggest that application 20/02219/FUL can be approved. I would also suggest a verification condition be provided

## Ecology

The initial comments noted that no ecological appraisal of the site and proposed development had been submitted to inform the development or planning decision with regard to likely significant effects directly or indirectly on ecological receptors such as protected and priority species and habitats and designated sites of nature conservation importance. In addition, the comments also qualified that it would be advisable to demonstrate that the emissions associated with the development will not impact negatively on local biodiversity receptors and that a demonstration of net gain in biodiversity should be provided.

Following receipt and consideration of a detailed air quality assessment for the biomass fired medium combustion plant, the specialist consultant acting on behalf of the Council's Natural



Heritage Team advised that they were satisfied with the conclusions of the assessment which indicated there will be no impacts above screening thresholds on statutory designated conservation sites, no significant harm to SSSIs and no likely significant effect on National Habitats Network (European) sites and Local Wildlife sites including Hetton Lyons Country Park.

On receipt of the third revision to the Ecology Report, the consultant acting on behalf of the Council's Natural Heritage Team noted that Hetton Lyons Country Park (which is also being classified as a Wildlife Network area) and associated areas of Priority Habitat (broadleaved woodland) lie immediately to the north of the site.

The ecological reports state that the only likely impacts upon the designated sites in the local area are disturbance during construction works. Given the proximity of the development site to Hetton Lyons, and the direct link between the two areas, there is considered to be the potential for additional impacts beyond disturbance upon the designated area and the associated Priority Habitats which lie immediately north of the site (broadleaved woodland) therein, such as pollution and/or dust deposition, as well as adverse indirect impacts due to noise or light spill both during and following on from the completion of works in the absence of mitigation. These matters can however be suitably addressed by the imposition of appropriately worded conditions.

The updated landscape plan shows broad areas which will be subject to planting / hedgerow creation in line with the recommendations in the ecology report, details and the implementation of which will be secured by condition.

Based on the above, there is no objection to the proposals on ecological grounds subject to the appropriate conditions being applied in the event planning consent is granted.

#### Public Rights of Way Officer

I have a couple of queries and concerns, which may be settled by provision of further information and commitments to be set out as conditions to any approval.

1. The application does not appear to include an environmental impact assessment. Immediate proximity of the site to the public bridleway which abuts its northern aspect is it cause of concern in relation to the proposed kilns and boiler house. Concerns centre on the potential for the release of heat, steam, noise, dust and debris onto or over the bridleway. Any of these factors could have a detrimental effect with safety implications on the equestrian use of the bridleway. Consistent release of heat steam noise dust or debris would make the route less pleasant for all users, and may potentially cause a fear reaction in horses unaccustomed to these outputs. If there is inconsistent release of heat steam noise dust or debris, this would present the same concerns, accentuated by the possibility of surprise release causing a horse to bolt and throw the rider. With the proposed production operation being somewhat specialist, manufacturer comment on normal operational outputs of heat steam dust and noise for both the kilns and the boiler should be provided and compared to prevailing accepted standards, and considered in relation to the immediate proximity of the bridleway. It may well be that the proposed steel clad structure would contain these aspects and discharge vertically, but no information appears to be provided on these factors in the application, and assurance that this would be the case would need to be validated and well founded. The only machinery specification sheet provided appears to be a "blower filter dust extraction system", the details in which are thin manufacturer platitudes.

2. The perimeter structures for the site are in variable conditions. The application appears not to propose replacement of dilapidated palisade fencing on its northern aspect. This fencing currently resides at a lean over the bridleway, is aged rusted and out of condition. Some of the fencing has been overloaded inappropriately by materials storage and should be required to be replaced as a condition to any approval.

3. The application includes a number of storage bays backing onto the bridleway. Historically material storage on this northern aspect of the site has presented danger and actual spillage and discharge of materials onto the bridleway, to great detrimental effect. Some of the materials spilled, and some were blown onto the bridleway and adjacent tree belt. For this reason rigorous containment conditions should be applied to any approval which includes material storage against northern (bridleway) aspect and anywhere else on the site.

## **COMMENTS:**

Issues to consider

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.

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

- Build a strong, competitive economy (section 6).
- Promote sustainable transport (section 9).
- Make effective use of land (section 11).
- Achieve well-designed places (section 12).
- Meet the challenge of climate change, flooding and coastal change (section 14).
- Conserve and enhance the natural environment (section 15).
- Conserve and enhance the historic environment (section 16).

These core principles of the NPPF feed into the local policies contained within the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, BH9, EG2, HS1, HS2, HS3, NE2, WWE2, WWE3, WWE4, WWE5, SP6 and ST3.

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. Land use considerations;
2. The implications of the development in respect of amenity;
3. The ecological implications of the development
4. The impact of the development in respect of highway and pedestrian safety;
5. The impact of the development in respect of flooding and drainage;
6. The impact of the development in respect of ground conditions;
7. The heritage/archaeological impacts.

#### 1. Land use considerations

Section 6 of the NPPF seeks to encourage sustainable economic growth and help create the conditions in which businesses can invest, expand and adapt. Locally, the Council's strategic CSDP Policy SP6 advises that the Coalfield character and settlements will be protected whilst ensuring its future sustainability. In order to achieve this the policy continues that economic development will be focussed on identified Employment Areas (Policies EG1 and EG2).

With regard to the above, CSDP Policy EG2 looks to safeguard Hetton Lyons Industrial Estate which is designated on the Policies Map under KEA17) as a Key Employment area, for B1(Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.

With regard to the above, the creation of a new pallet production building and ancillary works would constitute an acceptable industrial land use and fully accord with the aims and objectives the aforementioned policies by facilitating economic growth and the expansion of an existing business. In this regard from a land use perspective the LPA are satisfied that the principle of the development is considered to be acceptable and in accordance with the CSDP policy EG2. Notwithstanding, in order to judge the overall acceptability of the scheme it is necessary to assess all other material considerations as set out below.

## 2. The implications of the development in respect of amenity

Policy BH1 of the Council's 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.

Policy HS1 meanwhile states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including air quality, noise and dust. Policy HS2 goes on to advise that proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptor.

In terms of impact on residential amenity, the site is located over 130 away from the nearest residential property to the west with the majority of other residential dwellings located between beyond this to the west/south west. In addition, the site lies well within the confines of the estate with further intervening industrial uses present between the host site and these properties. In this regard, it is reasonable to conclude that the proposal would have no adverse visual impact on the amenity of any residential occupiers.

Some concern has been raised by the Council's Public Rights of Way Officer over the existing condition of the perimeter structures which bound the site from the bridleway to the north, commenting that the palisade fencing in part leans over the bridleway, is aged and rusted. Following engagement with the applicant, they have as part of this submission agreed to replace the fencing to provide betterment. This will be conditioned as part of any approval given.

In terms of potential noise, disturbance and air quality related matters, the applicant acknowledged that the initial submission was deficient in certain area and as a result of consultation with the Council's Environmental Health Section, the applicant was advised that further evidence would need to be provided in support of the application to provide comfort that the development would not have an adverse impact on residential amenity. In this respect, a detailed noise assessment and qualifications on air quality impacts have been provided.

With regard to noise the assessment addressed on site operational noise from the boiler abatement plant which would be located inside the steel-clad boiler house, the extraction abatement plant attached to the production shed, the kilns and heat recovery located at the northern boundary and vehicle movements associated with the use. As has been set out within Environmental Health Officers (EHO) response, the report examined the potential exposure to noise of nearby residents located between approx. 160m and 310m from the site. Existing levels of noise were measured, and predicted levels were calculated and modelled using original manufacturers data and the CADNA A computational noise model. The results are mapped in Figure 13 of the noise report.

The calculated values were then analysed in accordance with BS4142:2014, allowing for the potential for tonal elements within the generated noise. The report concluded that the anticipated noise levels generated by the proposed development would not exceed the existing noise climate and background noise levels in the vicinity of the site and at residential accommodation. The EHO has confirmed that the methodology and conclusions of the assessment are accepted and that they are satisfied that noise from on-site operations will not adversely impact on the residential amenity of the area. Given that the proposed development would not exceed the existing noise climate and background noise levels in the vicinity and with

regard to concerns expressed by a representative of the British Horse Society, there are no demonstrable grounds to suggest that noise emanating from the site would result in the bolting of horses or the unsettling of a rider.

In terms of air quality, it has been qualified that emissions of dust from the pallet production shed to the front of the site are dealt with by extraction and abatement plant located to the eastern façade.

Emissions of dust from the biomass plant meanwhile are collected and abated by similar plant located within the boiler house.

The EHO has confirmed that the timber processing operation (production of the pallets) is considered to require an environmental permit, being a Part B process falling within the Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016. An application is now with the local authority for consideration, and if permitted this aspect of site production will be appropriately conditioned by the EA to meet the requirements of the Secretary of States' guidance on emissions to air. It should be noted that this is a separate regulatory regime to planning and as noted, the permit will ensure that the emissions meet the requirements of the Secretary of States' guidance. It is not therefore appropriate for the Council, as Local Planning Authority, to further consider the implications of this element.

Similarly, the combustion process (biomass boiler) will, due to its thermal rating, be regulated by the Environment Agency (EA) as a Medium Combustion Plant and will again be subject to EA conditions relating to its potential environmental impact. The applicant has confirmed that they will be applying to the EA once Air Quality monitoring has been completed.

The EHO has qualified that the boiler provides indirect heating to the kilns, which are vented to the atmosphere via heat recovery plant. In this regard it is not anticipated that significant steam emissions will arise from these kilns.

As detailed above, the proposal will be subject to stringent permitting conditions from both the Local Authority and the Environment Agency to ensure that air quality emissions meet the appropriate levels. As this will be covered through appropriate regulatory regimes, there are no grounds to warrant refusing the application on the basis of air quality. (The perceived impacts on air quality in relation to biodiversity will be considered within the Ecology Section of the report).

Overall, in terms of amenity, the proposed development lies within an established industrial site which is positioned a substantial distance away from the nearest residential property. The application has been accompanied by a noise assessment and air quality assessment which appropriately demonstrate that the impacts arising from these sources are acceptable and would not be of detriment to the amenity of the area. In line with the recommendations of the Council's Public Health Officer, a condition will be attached to any consent given to ensure that a suitable construction environmental management plan is provided to address the potential impacts of site clearance and construction upon neighbouring occupiers and the adjacent country park.

On this basis, the proposal is considered to accord with the requirements of CSDP Policy BH1, HS1 and HS2.

### 3. The ecological implications of the development

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). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted 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.

As touched on in the Ecology comments within the consultee section of this report, it was evident that the initial submission had not sought to engage with the potential impacts of the development on ecological receptors within proximity of the site. In this regard, the developer was requested to carry additional work in the form of an Ecological Impact Assessment and an Air Quality Assessment (specific to the ecological impacts) to allow for a full appraisal of the likely impacts.

With regard to the above, the developer has now provided adequate information to allow for this appraisal to take place. In terms of the air quality impacts, the comprehensive assessment has been considered by the Council and that it ably addresses potential points of concern. This includes the substantive issue of inclusion and treatment of Local Wildlife Sites, whilst the comments state that any remaining issues with identification of appropriate plant communities have erred on the over-precautionary side, and the results do not indicate any likely contravention of planning policies for biodiversity and nature conservation.

In terms of the Ecological Impact Assessment and the area of biodiversity net gain the Ecology comments confirm that a thorough appraisal has now been carried out and that subject to the imposition of a suite of conditions as set out below, no objection is offered to the proposal.

### 4. Impact of the development on highway and pedestrian safety

Policy ST2 of the Council's 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 advises that development should not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other road users and include a level of vehicle parking in accordance with the Council's parking standards.

The proposed development proposes a one-way system through the site with regard to HGV movements with the access point retained as per the existing arrangement at the south-western corner and will be improved to accommodate use by larger HGV's. The egress point will be located at the south-eastern corner of the plot. A swept path tracking plan has been annotated onto the site plan to demonstrate that HGV's can appropriately access and egress the site in a safe manner and this has been accepted by the Council's Highway Engineer. The principal staff/visitor access point will be provided from the estate road which will lead into the on-site car park, providing 20 bays, 2 of which will be disabled. A cycle store is also to position within this area.

The Council's Highway Officer is satisfied that sufficient on-site parking will be provided and that the plans appropriately demonstrate that safe access and egress arrangements are place for visiting vehicles.

In this regard and within the context of the industrial location of the site, it is considered that the proposal will have no adverse impact on highway and pedestrian safety or the operational aspects of the existing businesses within the estate, whilst the level of parking to be provided is acceptable and in accordance with the Council's standards. The proposed development therefore accords with policies ST2 and ST3.

## 5. The impact of the development in respect of flooding and 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.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed;
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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:

- a) take account of advice from the Lead Local Flood Authority (LLFA);

- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) 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. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by Drainage Strategy which has been the subject of consideration by the Lead Local Flood Authority. The summary to the drainage strategy confirms;

- Flows from the rooftops, roads, footpaths and all hard-standing areas and conveyed via gravity.
- All flows will be conveyed by the drainage network and will not infiltrate into the ground.
- Flows will be drained to a new surface water network which in turn will discharge to the private surface water system.
- A flow control device will restrict flows from the site to 5/s to the Surface Water system in accordance with best practice guidelines for development of Brownfield sites.
- No surcharge for the 1 in 1-year
- No flooding for the 1 in 100-year + 40% CC
- No building, third party land or access road flooding for the 1 in 100-year event + 40% CC

With regard to foul water drainage the report confirms intent to provide a gravity foul water drainage system serving foul water from appliances within the proposed buildings. Foul flows will be discharged to the adopted combined sewer within the site main access road to the south.

The LLFA has confirmed that on the basis of the details provided, the drainage strategy is acceptable subject to the imposition of a standard verification condition.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## 6. The impact of the development in respect of ground conditions

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.

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

As discussed above, the application has been accompanied by a Phase 1 Desk Top Study Based on the content of the report, the consultation response confirms that they are satisfied that the existing ground conditions should not be an impediment to the safe development of the site. It will however be necessary to condition that a site investigation and where necessary a



suitable remediation strategy and verification report, are submitted for approval in writing by the LPA.

In light of the above, the proposal is considered to accord with the principles of CSDP Policy HS3 and Para 178 of the NPPF.

## 7. The impact of the development on 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.

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 that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ. However, where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

The County Archaeologist has confirmed that historic maps show that series of coke ovens were located within the redline boundary of the site and were likely associated with Hetton Colliery. The Colliery was located just within the southern boundary of the proposed development area and is particularly significant within the Durham coalfield as Hetton Pit was the first mine from which coal beneath magnesium limestone plateau of North East Durham was extracted after geologists had previously said that good quality coal did not exist below the limestone. The colliery's success led to the opening out of the whole of the north east Durham coalfield and shaped the history and growth of the area for the next 150 years. The site is associated with events and developments of significance, not just in terms of the colliery itself but the wider development of the Durham Coalfield.

As has been set out within the consultations section of this report, an archaeological evaluation report has been submitted with this application with archaeological deposits identified in trench 3 of the 4 trenches that were dug. Trench 3 was located close to the south-west corner of the proposed development area with works interpreted as being the upper surface of a railway track bed and deposits which included railway sleepers on a north-east to south-west alignment identified. A brick-built structure was also acknowledged, the structure was found to consist of a single row of frogged red bricks, one of which was stamped 'Lambton Fence Houses,' which suggest that the structure was constructed sometime between 1910 and 1924.

In summary, the archaeological evaluation demonstrated that whilst the eastern parts of the site have been subject to significant ground reduction works, the south-western portion of the proposed development was still held some archaeological potential in relation to the colliery railway infrastructure. As such, given the site's significant connection with locomotive history and the development of Durham's Coal field, it is important that if any archaeological remains

are disturbed during groundworks, there is the opportunity for these to be archaeologically investigated.

Consequently, should a positive recommendation be reached, archaeological monitoring will be required for groundworks undertaken within the south west portion of the site which will need to be secured with watching brief conditions.

Subject to the imposition of the recommended conditions, the proposal is considered to be acceptable with regard to the archaeological interest of the site and CSDP Policy BH9.

### **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.

## **Conclusion**

The LPA are satisfied that the proposal represents an appropriate land use within Hetton Lyons Industrial Estate and provides opportunity to facilitate economic growth through the expansion of an existing business. The size, scale and appearance of the development raises no significant adverse impacts on the amenity of the area, whilst the implications on ecology, ground conditions, drainage, highways and archaeology have all been assessed and are deemed to be acceptable.

In light of the above, Members are recommended to approve the application subject to the imposition of the conditions listed below.

## **RECOMMENDATION:**

Members are recommended to **APPROVE** the application subject to the conditions listed below:

### **Conditions:**

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

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

The site plan as amended proposed received 13.09.2021 (Plan ref: S2385\_4.00B)

The production area elevations as amended received 27.04.2021 (Plan refs: S2385\_3.05 and S2385\_3.06)

The proposed first floor plan as amended received 27.04.2021 (Plan ref: S2385\_3.04)

The proposed ground floor plan as amended received 27.04.2021 (Plan ref: S2385\_3.03)

The proposed site section plan-Public Footpath, received 10.03.2021 (Plan ref: S2385\_3.02)

The proposed boilerhouse floor plans and elevations received 24.11.2020 (Plan ref: 0734/11 and 0734/12)

The kiln layout received 24.11.2020 (Plan ref: 0734/13)

The location plan received 23.12.2020

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The external materials to be used in the development hereby approved shall be those as set out within Section 9 of the application form and within plan drawing S2385\_3.05.

Reason: In the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 The new boundary treatment (comprising 2.4m high palisade fencing) proposed to the northern curtilage of the site shall be finished in green and be installed prior to first occupation of the buildings hereby approved. For the avoidance of doubt, the positioning of the new fencing shall not extend beyond established boundary line to ensure that the prevailing width of the adjacent bridleway is not reduced.

Reason: In the interests of the amenity of the area and to comply with policy BH1 of the Core Strategy Development Plan.

5 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

1. provision and location of facilities for the parking of vehicles of site operatives and visitors;
2. provision and location of facilities for the loading, unloading and storage of plant and materials;
3. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
4. full details of any lighting required during the construction phase;
5. a method statement for the demolition and scheme for recycling/disposing of waste resulting from demolition and construction works;
6. measures to be implemented to minimise the risk of disturbance or harm to / ensure the protection of protected and notable species, those habitat features to be retained through the works, and adjacent designated sites including, but not being limited to, Hetton Lyons.

Reason: In the interests of amenity and highway safety to accord with policies BH1 HS1 and ST3 of the Core Strategy Development Plan.

6 Prior to the first occupation of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- o As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- o Construction details (component drawings, materials, vegetation) where required.
- o Health and Safety file and
- o Details of ownership organisation, adoption & maintenance.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan."

7 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
  - o where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

8 Where required by the Site Investigation, development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

9 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

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

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage

undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

12 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (11) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

13 The development hereby approved shall be carried out in accordance with the measures detailed within Section 7 of the ecology report 'Ecology Report James Jones & Sons, Hetton Industrial Estate, Houghton Le Spring, Version 3 Final, 10/09/2021, by McGinn Ecology and Arb Services'.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

14 Prior to first occupation of the buildings, the bird and bat boxes shall be installed on site in line with the plan illustrated in Appendix D of the supporting ecology report 'Ecology Report James Jones & Sons, Hetton Industrial Estate, Houghton Le Spring, Version 3 Final, 10/09/2021, by McGinn Ecology and Arb Services'.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

15 No works shall commence on site until a detailed planting scheme and ecological monitoring and management plan has been submitted to, and approved in writing by the LPA. It will detail contingency measures should the habitat creation objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the approved scheme, in line with the habitat creation and enhancement measures detailed within the above ecology report.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

16 Demolition, vegetation and ground clearance works shall not be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

17 Notwithstanding the submitted plans, gaps measuring at least 13 x 13cm will be created or maintained in the base of all new boundary features, to ensure the site remains permeable to species such as hedgehog.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

18 Development shall not commence until a lighting strategy has been submitted to and approved by the LPA, which includes input from a SQE in line with current best practice guidelines, and includes measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

19 The on-site stands of cotoneaster shall be manged or removed by an appropriately licensed contractor as part of the redevelopment works and prior to first occupation of the buildings

Reason: The Cotoneaster horizontalis is an invasive Schedule 9 species within the Wildlife and Countryside Act 1981 and to comply with policy NE2 of the Core Strategy Development Plan.



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**Reference No.:** 21/01034/FUL Full Application

**Proposal:** **Erection of portal frame industrial building for pallet storage.**

**Location:** Former Alltrack Waste Recycling Centre And Corus Engineering Steels Limited Hetton Lyons Industrial Estate Hetton-le-Hole Houghton-le-Spring

**Ward:** Hetton

**Applicant:** James Jones & Sons (Pallets & Packaging) Ltd

**Date Valid:** 5 May 2021

**Target Date:** 4 August 2021

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### **PROPOSAL:**

Full planning permission is sought for the erection of a portal frame industrial building to be utilised for pallet storage.

The submission should be read and considered in conjunction with the accompanying principal planning application (Planning ref: 20/02219/FUL) which seeks the demolition of the existing on-site building, the erection of a new boiler house with attached fuel store and the installation of new kilns at plots 5 to 6, Hetton Lyons Industrial Estate, Hetton-le-Hole, Houghton-le-Spring.

For the purposes of clarification, this proposal comprises a separate submission as it was submitted after the validation of the main application and provides new and additional floor area.

The proposed portal frame storage structure is to be positioned adjacent to the eastern curtilage of the site and will provide partially covered canopy storage for the pallets that will be produced on site as described and set out within the accompanying report to planning ref: 20/02219/FUL. For the avoidance of doubt, the submission relates solely to the addition of the canopy structure with all other elements addressed and considered within planning submission 20/02219/FUL.

### **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

### **CONSULTEES:**

Nexus

Planning Policy

Environment Agency

Northumbria Police

Land Contamination

Tyne And Wear Archaeology Officer

Northumbrian Water

North Gas Networks

Northern Electric

Flood And Coastal Group Engineer  
Hetton Town Council  
Flood And Coastal Group Engineer  
Hetton - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **09.07.2021**

## **REPRESENTATIONS:**

There have been no public objections offered as a result of the publicity carried out although in response to consultation, Hetton Town Council have reiterated the comments offered in respect of the principal application and have cited the following concerns;

### Highway & Pedestrian Safety

Within Hetton Lyons Industrial Estate - the western most road leading to units 5 & 6 is already heavily congested with moving and stationary HGVs. Pedestrians, push chairs, mobility scooters etc

often forced to use middle of the road when accessing the Country Park on local road network, particularly Four Lane Ends, which is already over capacity.

### Air Quality

Adverse effect on local residents, employees, wildlife and Country Park users.

Potential adverse cumulative impact with smaller biomass operation in neighbouring Décor Panel.

### Noise & Vibration

Adverse effect on local residents, employees, wildlife and Country Park users.

Potential adverse cumulative impact with smaller biomass operation in neighbouring Décor Panel.

### Contaminated water

Potential discharge of contaminated water into watercourse in Country Park.

County Archaeologist - I have reviewed the documents provided with the application, the Historic Environment Records and Historic maps. In 2021, archaeological evaluation trial trenches were excavated at the proposed development area. The trenches demonstrated that the eastern extent of the site has been subject to levelling activities and no archaeological remains were identified in this area of the site. Based upon the conclusions presented in the evaluation report, no further archaeological investigation is required in association with this application if it is approved.

### Internal consultees

Environmental Health Officer - This is an open-sided construction to provide weather cover for timber products. It does not appear to add to the overall height of the production building to which it is attached and therefore is not anticipated to have an influence upon the application for the wider site currently being considered.

Council's Transportation Engineer - Given the location of the site within an existing industrial and its former use as a recycling centre it is considered that the proposed use is acceptable. In addition, the proposed access and parking proposals are acceptable given the likely trip generation and parking demand. Taking the above into account Transportation Development has no objections to the application.

Ground contamination - At this stage, we are satisfied that our comments relating to the Phase 1 desk-based assessment have been addressed and therefore have no objection to the planning application. As the results of the ground gas monitoring are outstanding, it is recommended that Planning Conditions CL01 (Site Investigation), CL02 (Remediation), CL03 (Verification) and CL04 (Unexpected Contamination) are included in the Decision Notice. An updated Geoenvironmental Appraisal, including a ground gas risk assessment based on the results of the ground gas monitoring, should be submitted to facilitate the discharge of Planning Condition CL01. The Remediation Strategy required to discharge CL02 should be prepared in accordance with the relevant YALPAG guidance and include details of any gas protection measures that may be required as part of the development.

Lead Local Flood Officer - On the basis of the (S2385-C-02-3 Drainage Strategy) and in relation to flood risk and drainage, no objection is offered subject to a verification condition.

## **COMMENTS:**

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

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.

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

- Build a strong, competitive economy (section 6).
- Promote sustainable transport (section 9).
- Make effective use of land (section 11).
- Achieve well-designed places (section 12).
- Meet the challenge of climate change, flooding and coastal change (section 14).
- Conserve and enhance the natural environment (section 15).
- Conserve and enhance the historic environment (section 16).

These core principles of the NPPF feed into the local policies contained within the adopted Core Strategy Development Plan (CSDP) which sets out the Council's long-term plan for development across the City until 2033. Of relevance to this application are CSDP policies, BH1, BH9, EG2, HS1, HS2, HS3, NE2, WWE2, WWE3, WWE4, WWE5, SP6 and ST3.

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. Land use considerations;
2. The implications of the development in respect of amenity;
3. The ecological implications of the development
4. The impact of the development in respect of highway and pedestrian safety;
5. The impact of the development in respect of flooding and drainage;
6. The impact of the development in respect of ground conditions;

#### 1. Land use considerations

Section 6 of the NPPF seeks to encourage sustainable economic growth and help create the conditions in which businesses can invest, expand and adapt. Locally, the Council's strategic CSDP Policy SP6 advises that the Coalfield character and settlements will be protected whilst ensuring its future sustainability. In order to achieve this the policy continues that economic development will be focussed on identified Employment Areas (Policies EG1 and EG2).

With regard to the above, CSDP Policy EG2 looks to safeguard Hetton Lyons Industrial Estate which is designated on the Policies Map under KEA17) as a Key Employment area, for B1(Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses.

With regard to the above, the pallet storage canopy is proposed in association with the wider use of the industrial site and would constitute an acceptable land use and fully accord with the aims and objectives the aforementioned policies by facilitating economic growth and the expansion of an existing business. In this regard from a land use perspective the LPA are satisfied that the principle of the development is considered to be acceptable and in accordance

with the CSDP policy EG2. Notwithstanding, in order to judge the overall acceptability of the scheme it is necessary to assess all other material considerations as set out below.

## 2. The implications of the development in respect of amenity

Policy BH1 of the Council's 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.

Policy HS1 meanwhile states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources including air quality, noise and dust. Policy HS2 goes on to advise that proposals for development which may generate noise should be accompanied by a noise assessment, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptor.

As has been set out in the accompanying committee report, the site is located over 130 away from the nearest residential property to the west with the majority of other residential dwellings located between beyond this to the west/south west. In addition, the site lies well within the confines of the estate with further intervening industrial uses present between the host site and these properties. In this regard, it is reasonable to conclude that the proposal would have no adverse visual impact on the amenity of any residential occupiers.

Matters pertaining to potential noise, disturbance and air quality have been addressed as part of the main application and no observations have been offered by the Council's Public Health Section to this particular proposal.

On this basis, the proposal is considered to accord with the requirements of CSDP Policy BH1, HS1 and HS2.

## 3. The ecological implications of the development

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). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the Council's adopted 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.

Although a standalone submission, the wider ecological impacts of the development site and production business have been fully assessed and considered within the accompanying application which was supported by an Ecological Impact Assessment and an Air Quality Assessment. In this regard, the provision of this storage canopy raises no further issues beyond those considered as part of the main application and thus it is not deemed necessary to consider this matter any further with regard to this submission.

#### 4. Impact of the development on highway and pedestrian safety

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

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

Policy ST3 of the CSDP advises that development should not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or exacerbate traffic congestion on the existing highway network or increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists and other road users and include a level of vehicle parking in accordance with the Council's parking standards.

The proposal does not impact on the proposed access/egress or parking arrangements considered as part of the main submission and no objections have been offered by the Council's Highway Officer.

In this regard and within the context of the industrial location of the site, it is considered that the proposal will have no adverse impact on highway and pedestrian safety or the operational aspects of the existing businesses within the estate. The proposed development therefore accords with policies ST2 and ST3.

#### 5. The impact of the development in respect of flooding and 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.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;

- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) 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. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by Drainage Strategy (reflective of that submitted with the main application) and the LLFA has confirmed that the details are acceptable subject to the imposition of a standard verification condition.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

## 6. The impact of the development in respect of ground conditions

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.

Policy HS3 of the CSDP states that development should identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and it should be demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment.

As discussed above, the application has been accompanied by a Phase 1 Desk Top Study (reflective of that submitted with the main application). Based on the content of the report, the consultation response confirms that they are satisfied that the existing ground conditions should not be an impediment to the safe development of the site. It will however be necessary to condition that a site investigation and where necessary a suitable remediation strategy and verification report, are submitted for approval in writing by the LPA.

In light of the above, the proposal is considered to accord with the principles of CSDP Policy HS3 and Para 178 of the NPPF.

## 7. The impact of the development on 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.

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 that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ. However, where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

In contrast to the south-western corner of the site, The County Archaeologist has confirmed that eastern extent of the site where the building is to be located has been subject to levelling activities and no archaeological remains were identified in this area. On this basis no further archaeological investigation is required in association with this application and there is no conflict with CSDP Policy BH9.

### **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.

## **Conclusion**

The LPA are satisfied that the proposal represents an appropriate land use within Hetton Lyons Industrial Estate and provides opportunity to facilitate economic growth through the expansion of an existing business. The size, scale and appearance of the building raises no significant adverse impacts on the amenity of the area, whilst the implications on ecology, ground conditions, drainage, highways and archaeology have all been assessed and are deemed to be acceptable.

In light of the above, Members are recommended to approve the application subject to the imposition of the conditions listed below.

**RECOMMENDATION:** Members are recommended to **APPROVE** the application subject to the conditions listed below:

### **Conditions:**

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

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

The proposed site plan received 28.04.2021 (Plan ref: S2385\_4.02C);

The proposed palette store elevations received 28.04.2021 (Plan ref: S2385\_4.03A)

The location plan received 28.04.2021 (Plan ref: S2385\_4.03A)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The external materials to be used in the development hereby approved shall be those as set out within Section 7 of the application form and within plan drawing S2385\_4.03.

Reason: In the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Prior to the first use of the development, a verification report carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- o As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- o Construction details (component drawings, materials, vegetation) where required.
- o Health and Safety file and
- o Details of ownership organisation, adoption & maintenance.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with Core Strategy and the Local Plan."

5 Development shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o archaeological sites and ancient monuments; and
  - o where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

6 Where required by the site investigation, development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

7 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to first use of the development, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the

Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works.

Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d