

## **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.:** 18/00640/FUL Full Application

**Proposal:** **60 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks. (Amended and plans received 27.11.2020 and 25.08.2021).**

**Location:** Burdon Lane Burdon Sunderland

**Ward:** Doxford

**Applicant:** Barratt David Wilson Homes Ltd.

**Date Valid:** 20 September 2018

**Target Date:** 20 December 2018

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## **PROPOSAL – ADDENDUM TO PREVIOUS AGENDA REPORT.**

The erection of 60 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks. (Amended plans received 27.11.2020 and 25.08.2021).

Members may recall that application was presented to Planning and Highways East Committee dated 29.03.2021 where the following recommendation was carried.

**Minded to approve, subject to signing of the Section 106 Agreement and the draft conditions listed.**

Since the above decision was made, the previous developer (Persimmon – Charles Church) has been replaced by Barratt David Wilson Homes (BDW) who now own the site.

As a consequence of the change in house builders, agreement has been reached between parties that all of the associated technical documents and plans have been transferred to BDW to enable them to substitute the previous agreed housetypes with their own designs.

As the majority of the plans listed in draft condition 2 reflect the scheme previously submitted, there is a need to update condition 2.

## **2.Plans (Ongoing). Previous Condition.**

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

Drawing No: PH\_PL\_01, Location Plan.

Drawing No: BL1-001 rev G, Site Layout.

Drawing No: BL1-002 rev C, Materials Layout.

Drawing No: ST-WD10 rev N, Strand Plans and Elevations.

Drawing No: MY-WD10 rev L, Mayfair Plans and Elevations.

Drawing No. MY-WD10 (RBL) rev L, Mayfair Key Plans and Elevations.

Drawing No: HY-WD10 rev S, Harley Plans and Elevations.

Drawing No: MB-WD10 rev L, Marlborough Plans and Elevations.

Drawing No: FH-WD10 rev M, Fenchurch Plans and Elevations.

Drawing No: BD-WD10 rev R, Bond Plans and Elevations.  
Drawing No. ME-WD10 rev L, Marylebone Plans and Elevations.  
Drawing No. MBC-WD10 rev L, Marlborough Corner Turner Plans and Elevations.  
Drawing No: MEC-WD10 rev L, Marylebone Corner Turner Plans and Elevations.  
Drawing No: 1094\_100 rev C, Landscape Strategy.  
Engineering Layout: QD1291-03-01 rev E.  
External Works: QD1291-04-01 rev F.  
Drawing No: 1034\_11\_rev F, Proposed SSANG and Open Space Phasing.  
Drawing No: ARB/CP/1458, Arboricultural Impact Assessment.

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.

As a result of the submission of the updated house types, a further round of consultations was undertaken:

Neighbour letters (28) (dated 09.09.2021).  
Site Notices (dated 10.09.2021).

For the avoidance of doubt, the changes to the proposal are limited to the house types, with the number of dwellings 60 and approach of providing 4 and 5 bedroom homes remaining consistent. The main elements of the site layout – including road layout, drainage strategy and landscaping all remain unchanged. It is noted that the submission has been accompanied by updated landscaping plans and engineering plans, this has been undertaken for completeness to ensure these plans display the correct house types and plot boundaries.

With the above in mind and to ensure compliance with the previously approved drawings, consultations were undertaken with Network Management, Lead Local Flood Authority, Environmental Health and Landscaping to ensure the updates were consistent with the previously submitted plans.

Following the expiry of the consultation period, each of the above sections confirmed they had no objections to the proposed updates as they were consistent with the previous proposal.

Consequently, as the changes are not considered to change any of the technical considerations which have been previously assessed, this addendum seeks to address the modification to the design of the house types submitted.

A copy of the previous agenda report is attached at the end of this update, covering all technical matters previously presented to committee.

**Design update** – The current update seeks to replace the previous 60 units that sought to bring 7 house types (35 four bedroom and 25 five bedroom), with a selection of ten house types as identified below:

#### **54 Four Bed Units.**

Avondale (3), Chelworth (6), Drummond (10), Hertford (1), Holden (7), Hollingwood (8), Kirkwood (7), Millford (6), Winstone (6).

#### **6 Five Bed Units.**

Manning (6).

The SSGA SPD encourages an element of the allocated sites to deliver larger family homes and the changes sought by Barratt David Wilson will ensure that this is still achieved on the Land North of Burdon Lane allocation. It is also the view of Officers that the design of revised house types is of a higher standard than those previously minded to approve. In that sense, the proposed changes are welcomed.

Of the above housing mix, all the properties are two story with the exception of the Hertford house type, which includes dormer windows within the front elevation roof space.

Overall, it is considered that the design of the updated house types is reflective of the housing mix that is required via the sites housing allocation within the Core Strategy and Development Plan Policy SS6 which is covered in more detail in the appended agenda report.

In terms of materials the updated house types retain a mix of brick colour and roof tile colour namely:

Proposed brick types: Dorton Manor Stock; Durham Red Multi and Rothesay Blend.  
Roof tile types: Forticrete Red and Forticrete Slate Grey.

Third Party Representations: Following the expiry of the consultation period 7 letters of representation have been received. Matters raised are covered within the main agenda report that was previously presented to committee and subsequently no new material considerations have been raised that have not already been covered.

For the avoidance of doubt and given that specific issue has been raised on a number of occasions regarding the positioning of the recreational route to the south of Lodgeside Meadows, it is recognised that the adopted South Sunderland Growth Area Supplementary Planning Document SSGA SPD specifically identifies this route within figure 33 Green Infrastructure and figure 34 Built Form and the previous layout has not been altered and accords with the SPD.

1. Removal of the proposed new multi user pathway adjacent to existing house boundaries.
2. No Planting of any kind to be undertaken adjacent to existing boundary walls.
3. No planting or other development that will facilitate gatherings and anti social behaviour on or near the land around the Suds and houses in Lodgeside Meadow.
4. The use of single storey houses along the northern part of the proposed development rather than the proposed 2 storey houses.
5. The levelling of the land between the existing boundary walls and the first houses of the proposed development in order to negate the effects of a rising topography and invasion of privacy.
6. Robust conditions of planning which will mitigate the effects of dust, noise, vibration and traffic issues.
7. Introduction of a robust and transparent Enforcement Policy by the Council which supports recognised good practice in the NPPF.
8. No work to start before 8am or finish after 6pm
9. No work on a Sunday
10. Directed use of roads by construction traffic HGV to ensure Road Safety
11. All plastic and other litter to be contained within the site area and the developer to be responsible for collecting anything that blows beyond the site boundary immediately.
12. The publication of conditions of planning on social media and in letter form to all residents of Lodgeside Meadow using non technical language.
13. The provision of a contact number and named responsible person who will enforce the conditions of planning on behalf of the developer.

14. The provision of a single point of contact within the council for resident to complain to when conditions of planning are breached.
15. The undertaking of a robust RAA and RVAA especially of the houses adjacent to the proposed development.
16. Poor drainage.

**Conclusion:** The proposed updated house types are considered to provide an acceptable form of design and characteristic of the aspirations of the SSGA SPD in terms of overall housing mix and size. The scale, massing and appearance are all considered to provide a positive form of development and the selected materials provide an acceptable visual built form.

In the absence of any other material considerations to the contrary, the proposal would accord with policies BH1, NE11 and H1 of the Core Strategy; subject to the updated recommended condition 2.

With regards to all other material consideration, these have been appended below and all technical matters remain as previously brought before committee for determination. With this in mind with modification to condition 2, the application is considered to be acceptable subject to the 29 conditions previously agreed by committee.

**RECOMMENDATION:** MINDED TO APPROVE, subject to signing of the Section 106 Agreement and the draft conditions listed, including updated condition no. 2 below:

## **2.Plans (Ongoing). Updated Condition.**

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

- Drawing No: PH\_PL\_01, Location Plan dated 29.03.2018.
- Burdon Lane Ryhope House Types Brochure V.2 received 07.09.2021.
- Drawing No: P-010, Planning Layout dated 19.08.2021.
- Drawing No: P-011, Enclosures Layout dated 19.08.2021.
- Drawing No. P-012, Materials Layout dated 19.08.2021.
- Drawing No. QD1791-00-01 Rev A Engineering Layout Phase 1 dated 28.07.2021.
- Drawing No. QD1791-00-02 Rev A External Works Phase 1 dated 28.07.2021.
- Drawing No. 1034\_BDW\_100 Landscape Strategy dated 13.08.21.
- Drawing No. SSG1—H8 Single Garage Plans and Elevations dated 05.18.
- Drawing No. SSG1—H8 Double Garage 1 Plans and Elevations dated 05.18.
- Drawing No. SSG2—H8 Double Garage 2 Plans and Elevations dated 05.18.
- Drawing No.13 Manning Floor Plans dated 14.09.2016.
- Drawing No: 1034\_11\_rev F, Proposed SSANG and Open Space Phasing.
- Drawing No: ARB/CP/1458, Arboricultural Impact Assessment.

## **AGENDA REPORT – DATED 29.03.2021.**

### **PROPOSAL:**

The erection of 60 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks. (Amended plans received 27.11.2020).

### **Context:**

The current proposal is the second significant version of the original submitted in 2018 via Persimmon Homes which sought the erection 96 dwellings.

The site forms part of the wider South Sunderland Growth Area (SSGA) which comprises a circa 277ha land area made by the following four sites.

Land North of Burdon Lane (the application site and the area identified in the blue line area); Chapelgarth (Approved ref:16/00388/HY4); Cherry Knowle (Approved ref:); and South Ryhope (Approved ref: ).

The SSGA is identified in the Sunderland Core Strategy Development Plan (CSDP) as a strategic site for the delivery of approximately 3000 homes. The CSDP was adopted by the Council on 30<sup>th</sup> January 2020. In addition, Sunderland City Council formally adopted the South Sunderland Growth Area Supplementary Planning Document (SSGA SPD) in January 2020 to ensure the cohesive development of a new sustainable community. The SPD sets out the development principles and masterplan for the site and the wider SSGA.

### **Site Description:**

The application site is 3.75ha, consists of agricultural land and is located to the north of Burdon Lane and east of Burdon Road. Bound to the north by existing residential on Lodgeside Meadows, to the east by agricultural fields subject to the current consortium planning application ref : 19/01497/HY4.

There are no Public Rights of Way (PRoW) within the site, however PRoW No.88 and 89 are in near proximity.

The site consists of a pasture field with a mature hedgerow along the eastern boundary and fencing along the remaining boundary sections. The only semi-mature or mature trees present are those within the eastern boundary, otherwise the site is devoid of trees. There are no permanent standing water features or watercourses within or adjacent to the site.

The application site excludes four potential development plots that form the wider land north of Burdon Lane SSGA allocation, but does come to committee alongside the major land planning application ref: 19/01497/HY4 for the delivery of 890 residential units. The remaining sites all form part of the strategic delivery for the site.

### **Environmental Impact Assessment (EIA) Development :**

A formal request for a Screening Direction under the Town and Country Planning (EIA) Regulations 2017 for the original proposal for development of 96 dwellings on land at Burdon Lane, was made to the Secretary of State, dated 27 June 2018.

Submitted under 6(10) of the Town and Country Planning (EIA) Regulations 2017 ("the 2017 Regulations") the Secretary of State deemed that the proposal is not likely to have significant effects on the environment.

Accordingly, in exercise of the powers conferred on the SOS by regulation 7(5) of the 2017 Regulations the SOS directed that the proposed development described in the request and the documents submitted with it, is not 'EIA development' within the meaning of the 2017

Regulations.

### **Habitat Regulations Assessment:**

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

### **Submission Documents:**

The current application has been supported by the following documents:

- Application form/ownership certificates and drawing schedule;
- Planning Statement;
- Design and Access Statement;
- Affordable Housing Statement;
- Air Quality Impact Assessment;
- Arboricultural Impact Assessment;
- Agricultural Report;
- Ecological Impact Assessment (Biodiversity Net Gain Calculations);
- Flood Risk Assessment and Drainage Strategy;
- Landscape Masterplan & Strategy;
- Noise Assessment;
- Land Contamination Reports;
- Framework Travel Plan;
- Transport Assessment.

### **TYPE OF PUBLICITY:**

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

-Site Notice and Press Notice.

-Neighbour Notification Letters.

The application has been advertised as departure from the Unitary Development Plan, however, it is recognised that the site is now aligned with policy allocation within the CSDP.

### **CONSULTEES:**

Director of Children's Services  
Lead Local Flood Authority  
Environment Agency  
Nexus  
Natural England  
Director of Children's Services

Network Management  
DC North Chair and Vice Chair Consultation  
Northumbria Police  
Northumbrian Water  
Environmental Health  
Durham County Council  
Fire Prevention Officer  
Northern Electric  
Tyne And Wear Archaeology Officer  
Northern Electric  
Tyne And Wear Archaeology Officer  
Land Contamination

Final Date for Receipt of Representations: **22.03.2021**

### **Representations:**

Further to the original planning submission the application has seen a reduction in units proposed for the site from 96 to 60 and a move towards an executive 4 & 5 bedroom, Charles Church scheme, which has required further consultations to be undertaken. It is also noteworthy that since the original consultation period Sunderland City Council have seen the adoption of a new development plan in the form of the Core Strategy Development Plan.

As a result of the consultation processes, 12 representations were received that opposed the application.

Members should note that the original and full copies of the representations are available to view via the planning portal on the Council's website.

The following is a summary of the relevant material comments raised, categorised into the headings of the main sections of the report and addressed both below and throughout the report.

- **Loss of residential amenity (privacy/overlooking and noise).** *Appropriate Sunderland City Council Spacing Standards have been adhered to and buffer zones established to reduce any potential noise impacts upon surrounding existing properties.*
- **Topography.** *The application has been supported by engineering drawings to establish finished floor levels across the site and the need for any significant cut and fill operations that may be necessary to provide a more developable area.*
- **Loss of visual amenity (countryside v residential).** *The wider site has been incorporated within a Chapter of the Environmental Statement: Landscape and Visual Impact Assessment (LVIA) of ref : 19/01497/HY4. The findings state the following:*

*Due to the landscape character context and the nature of the proposed development, the landscape effects are predicted to be moderate and adverse in nature during construction and operation. Factoring in the mitigation measures and the establishment of these responding to the guidelines and 'enhancement' aim as set out in Sunderland's Landscape Character Assessment, and recommendations of the SSGA Character area study, including the development of a softer settlement edge to the south, the residual effects are predicted to reduce to minor adverse.*

*The views most effected are those from receptors in relative close proximity to the sites southern boundary, those within the site (Nettles Lane) and those from the north east with*



*relatively uninterrupted views over the existing landscape. (Noted no reference to the lower land development at Lodgeside Meadows). The development is predicted to have a moderate adverse effect on these due them experiencing the most change in terms of scale and nature of view. Inclusive of mitigation, the residual effects on these receptors are largely anticipated to remain as moderate adverse due to the proposals resulting in more containment of some of the open views available in the baseline.*

*With the above in mind, it is recognised that the development of the site will result in a moderate/minor adverse impact upon landscape and visual impact due to change of character of an arable field to a residential development plot. This impact has been qualified and quantified within the sites land allocation in the CSDP and SPD and it is considered that the harm caused by the proposal is not considered to be that significant to outweigh the wider benefits of the development of the site.*

- **Increased flood risk.** *Consultations have been undertaken with both Northumbrian Water Ltd and the Lead Local Flood Authority and the development has found to be acceptable subject to the imposition of specific conditions.*
- **Site contamination risk.** *The proposal has been analysed against the submitted land contamination documents and appropriate recommendations and mitigation have been included within the agenda report.*
- **Landscaping proposals impacting upon existing residents and maintenance proposals.** *The application has been supported by a landscape strategy and reviewed by the City Council's Landscape Architect. Commentary is provided within the main agenda and appropriate conditions imposed where necessary.*
- **Lack of robust planning enforcement policy.** *The council's enforcement policy is set out in the "Planning Enforcement Charter", which is published on the council's website. This explains how to complain, the sorts of matters that can be considered, and the broad decision making process when deciding upon an appropriate course if a breach is identified.*

*The council is in the process of updating the policy, which is a recommendation of the National Planning Policy Framework (NPPF). That does not mean that the extant policy is flawed in any way. The underlying legal principles and guidance around enforcement action remain the same, and officers have full regard to them when investigating complaints and determining an appropriate course of action. The enforcement provisions are set out in paragraph 58 of the NPPF, section 172 of the Town & Country Planning Act 1990 (as amended), and the government's Planning Practice Guidance.*

*Together, these documents set out that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control having regard to the provisions of the development plan and to any other material considerations. In line with the above requirements, most cases are resolved through discussion with the subject of a complaint, with formal enforcement action prioritised in those cases where a breach results in significant harm from a planning perspective. Each case is considered on its individual circumstances and planning merits.*

- **Development not sustainable.** *The proposal site forms part of a wider land use allocation under Core Strategy Development Plan (CSDP) Policy SS6 : South Sunderland Growth*

*Area. The CSDP was subject to a sustainability appraisal and strategic environmental assessment to ensure the plan was sound at examination. The aforementioned appraisal was nestled into the more specific South Sunderland Growth Area Sustainability Appraisal Jan.2016 that looked at the housing growth area in more specific detail that the wider overarching development plan. With a strategic priority to deliver sustainable economic growth and to meet objectively assessed needs for employment and housing, the document provides a thorough analysis of all elements of sustainability to ensure the acceptability of the site.*

- **Increased traffic flow and highway safety.** *The application has been considered by both Highways England and the Local Highway Authority and has been accompanied by a Transport Assessment and included within the wider encompassing Environmental Statement for application ref: 19/01497/HY4. Conclusions and comments received are included within the relevant sections of the agenda report.*
- **Demand upon local schools and general practitioner's.** *The wider site ref : 19/01497/HY4 has incorporated outline details for the future provision of a new primary school and doctor's surgery to accommodate potential need and the S106 contributions section of the agenda report, demonstrate the financial contributions required to facilitate the above concerns.*
- **Reduction in air quality.** *The proposal has been supported by an Air Quality Assessment and this has been fully considered by the City Council's Public Protection and regulatory Services Section. Comments are contained within the relevant section of the agenda report.*
- **Housing numbers.** *The SSGA is allocated as an area of housing growth within the CSDP and the current proposal has seen a reduction in numbers to align with the approximate quantum identified within the SSGA SPD. The Land North of Burdon Lane site is allocated for approximately 1000 new homes. The proposal is considered aligned with this allocation of quantum.*

#### **Natural England :**

Initial comments requested the following:

- The provision of certainty that the requisite amount of SANG will be delivered.
- An agreed contribution to mitigation in line with South Sunderland Growth Area Habitats Regulations Assessment.

Until the above was clearly evidenced and demonstrated Natural England objected to the proposal.

Following receipt of further information on 11 December 2020 and subsequent meeting on 14 January 2021, Natural England are satisfied the SSAANGS provision and phasing proposals have satisfied that the specific issues previously raised in correspondence relating to this development. Natural England therefore consider that the identified impacts on the Durham Coast Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and the Northumbria Coast Special Protection Area (SPA) and Ramsar site can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw their objection.

#### **County Archaeologist:**

An archaeological trial trench was excavated at the site in 2017. The trial trench confirmed that the ditch identified in the geophysical survey was modern. As no significant archaeological remains were identified during the evaluation state, no further archaeological work is required in relation to the proposed amendments.

#### **Northumbrian Water Limited (NWL):**

NWL are satisfied with the content of the application, provided the application is approved and carried out with strict accordance with the submitted document entitled Flood Risk Assessment and Drainage Strategy by Queensbury Design dated 25<sup>th</sup> April 2018. This document states that foul flows will connect to MH5104 and surface water discharge will be restricted to 10l/s in MH5103. NWL therefore request a suitably worded condition to ensure that the surface water discharge rate does not exceed the available capacity of 10l/s.

#### **Northumbria Police :**

The above application for 60 dwellings with access from Burdon Lane has some strong design elements, and offers many features that the Police would hope to see in a modern development, particularly the attention to being outward facing and achieving active frontages.

#### **Public Protection and Regulatory Services:**

**Noise** : A report from Wardell Armstrong NT12983 (May 2020) has assessed noise levels affecting the site and the required mitigation measures to meet the noise criteria set in BS8233:2014.

A number of dwellings are considered to required enhance acoustic ventilation measures to prevent overheating, and these are identified together with the suitable glazing specification. The measures are: 1.8m close boarded boundary fences between individual plots to minimise external noise levels in rear garden areas Glazing spec of 4/16/4 mm thermal units with ventilation requirements as set out in section 5.6.1 of the Report. Drawing NT 12983-008 Rev A also refer – setting out the relevant plots for treatment against a colour code used in section 5.6.1 It is suggested that the applicant confirms implementation of these specifications for each relevant plot, either by formal submission of the drawing or annotation of the site layout design.

**Air Quality** : The air quality statement previously submitted remains acceptable.

**Construction Environmental Management Plan** : Prior to commencement of work on site the applicant should submit, for agreement by the LPA, a suitable CEMP to ensure the environmental impact of the site clearance and construction phases of the development are adequately managed and mitigated in the interests of the amenity of nearby residents and the protection of the local environment. The Plan should have regard to the impacts of noise and vibration, lighting, dust and other airborne pollutants, and carry- over of mud and other materials onto the public highway and should identify suitable measures to mitigate those impacts.

**Land Contamination** : A desk study has been prepared for the proposed redevelopment of agricultural land into 60 residential dwellings. The Site is predominantly a flat area of undeveloped agricultural land with a telecommunication mast in the centre of the agricultural field. The underlying geology comprises Glacial Till over the Ford Formation.

No Radon Protection measures are needed.

The report states 'No risk of underground mining', however the Landmark Envirocheck report included in the Delta Simons report states that the site is located in area which may be affected by

coal mining activity and that is recommended to obtain a coal mining report from the Coal Authority.

The report states that the Site is underlain by a Principal Aquifer and is located within a Zone 1 and 2 source protection zone, with no surface water features located on site or in the nearby vicinity of the site.

No specific potential contaminants were identified to be associated with the former uses with the exception of possible pesticides relating to the former agricultural land use, with the main receptors being future site residents and the underlying principal aquifer.

The report included the results from a ground investigation undertaking in March 2017 across the wider site area reported by Delta Simons. For the current site area, this included 4No. trial pits, 2No. window sample boreholes and a soakaway trial pit. Ground conditions were found to comprise up to 0.4m of clay/ sandy topsoil with some rare coal in a few locations, overlying sandy gravelly clay.

Only the soakaway trial pit encountered groundwater in the form of a water seepage at 2.6m bgl. No visual or olfactory evidence of hydrocarbon contamination was noted during the investigation and the water did not fully soakaway within the clay geology. Chemical test results of 2No. shallow soil samples from the window sample boreholes are provided, which did not exceed the residential end use assessment criteria.

A ground gas risk assessment using data from 1 borehole collated from 6 visits over 3 months concludes the site is Characteristic Situation (CS) 1 as defined in Table 8.5 of CIRIA C665, and therefore, no special gas precautions are required in the proposed residential properties.

This assessment states that the site does not lie within an area considered to be potentially affected by mine workings, however, that is not consistent with the Landmark data.

The report does not consider there to be significant geotechnical risks and that shallow strip foundations will be suitable for the low rise dwellings.

The report concludes with the recommendation that limited chemical testing was undertaken on site and that further testing of the topsoil and limited made ground is undertaken prior to redevelopment.

**Recommendations** : Following the review of the submitted report, it is recommended that the following additional information is requested from the Applicant's Consultant:

- The landmark report states the Site is located within a Coal Mining Reporting Area therefore a Coal Authority Report is required. This report should assist the Applicant's Consultant in providing further evidence to demonstrate that the site is outside a coal mining area. Should the site be within a coal mining area, the likely risk from ground gas will need to be assessed;
- An updated site walkover should be completed to confirm current site conditions;
- The recommended additional soil testing should be undertaken; and,
- The report updated to include these above works and assessment and also to comment on the risk to the identified principal aquifer receptor.

Further to receipt of the above contained within Dunelm Interpretive Report rev 2 it is considered that all outstanding issues have been addressed.

Planning conditions are recommended CL02, CL03 and CL04 should be applied to the Decision Notice:

- *CL02: Detailed Remediation Scheme;*
- *CL03: Implementation of Approved Remediation/Verification;*
- *CL04: Unexpected Contaminants.*

### **Lead Local Flood Authority:**

Following further communication with the developers consultants relating to 18/00640/FUL in relation to flood risk and drainage it is suggested the application can now be approved . The LLFA suggest a verification condition is applied which could be worded as follows to ensure that sustainable drainage and source control is constructed as approved.

*“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:*

- *As built drawings (in dwg/shapfile 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.*

*The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is agreed with the lead local flood authority and local planning authority.*

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

### **Ecology and Biodiversity:**

These comments are in addition to two previous sets of comments, full details that outline the matters under consideration are available to view via the planning portal on the Council’s website.

It is noteworthy however, that following the original submission in 2018 and the submission of application reference 19/01497/HY4 a more holistic approach has been adopted to seeking a comprehensive means of addressing ecological and biodiversity issues.

The response to Ecology comments dated 03.02.21 acknowledges amendments and updates required and amended submissions have been provided to inform the City Council’s Ecologist with the information to enable the LPA to undertake an Appropriate Assessment to the HRA. It is anticipated that following consultations with Natural England this approval will be granted. It is recognised that given the need for an appropriate consultation period the response from Natural England will be reported in a report for circulation prior to committee.

It is understood that equipped Natural Play will be located within the SSANNG provision as per the parameters plan ‘*Proposed Open Space Areas Rev F 1034\_10 by Southern Green*’. It is accepted that the play provision will function as a buffer to the housing development before entering the SSANNG, however the design and layout of the play provision will need to be agreed

with the LPA prior to occupation of the relevant phase to ensure that it does not compromise the primary purpose and functionality of the SAANNG. This should be secured through an appropriately worded condition should Members be minded to approve the application.

A suitably worded condition should also be used to secure the detail of the boundary and footpath treatments of the SSANNG's prior to commencement of each phase of development. The detail could sit within the Landscape and Ecological Management Plan for the site should Members be minded to approve.

A Construction and Environmental Management Plan must be submitted and approved prior to any works commencing on site and per each phase as detailed in '*Land North of Burdon Lane Sunderland Proposed SSAANG Provision by Southern Green Rev D February 2021*'. The plan must include detail regarding access to and use of the SSAANG in conjunction with construction traffic and identified footpath provision.

Based on the additional information provided it is now understood that the full provision of SSAANG will be provided prior to any occupation of each phase as detailed within '*Land North of Burdon Lane Sunderland Proposed SSAANG Provision by Southern Green Rev D February 2021*'. This will also need to be secured through an appropriately worded condition and sit within the legal agreement for the scheme should Members be minded to approve.

The aim is to provide a suitable alternative natural greenspace for new residents to the European Sites from occupation of their home. Whilst it may be difficult to confirm additional and temporary footpaths within the early phases of development it is recommended that a condition is included that at an appropriate phase the provision and access to walking routes is reviewed as part of any further planning submissions should Members be minded to approve.

## **General Ecology**

- **Proposed development of land off Burdon Lane, Sunderland Additional ecological information by BSG Ecology 19<sup>th</sup> February 2021.**

## **Breeding Birds**

The additional information submitted addresses the potential displacement of birds from other development sites and concurs that this site offers little additional opportunity to priority species negating the need to undertake further detailed surveys for breeding birds.

It is appreciated that the current mitigation offered for Skylark and Grey Partridge is acknowledged as being inappropriate and therefore offsite mitigation will be necessary. The applicant is in discussions with the LPA regarding suitable mitigation and once agreed should be secured via condition and section 106 and be in place for the lifetime of the development or for a minimum of 20 years whichever is sooner should Members be minded to approve.

## **Biodiversity Net Gain**

Whilst it is acknowledged that the DEFRA metric 2.0 allows biodiversity gain to be assessed, this is limited to habitats only: the metric makes no allowance for species-specific enhancement. It is also noted that no clear guidance has been published yet on how to apply the metric in situations where there is also a specific requirement to mitigate impacts on European sites.

However, the DEFRA 2.0 metric has been populated in this case and a precautionary approach has been adopted whereby all proposed grassland creation has been classed as 'neutral

grassland' (medium distinctiveness) with a target condition of 'poor' (to reflect the future recreational use of the site). The target condition for tree and shrub planting has been set at 'fairly poor', which is a realistic objective for these habitat types; the target condition for street trees is set at the default, which is 'moderate'.

Based on this approach the application provides overall net gain for habitats and hedgerows with a 4.20% increase for habitats and 208.44% increase for hedgerows.

## **Landscaping Plans**

The LPA requests that the tree planting consists of native species only and this should be secured via condition.

As requested previously the LPA ask that bramble is removed from all planting mixes. It is also requested that the native hedgerow mixes include standard trees dotted throughout this is currently missing from the landscaping plans but can be secured via a suitable condition.

Detail regarding furniture elements, such as dog waste bins, interpretation panels etc. should be provided prior to commencement on site for each phase of the development. It is recommended that this be secured via a condition and or be included within the Landscape and Ecological Management Plan and should include maintenance and replacement of the infrastructure for a minimum of 20 years from completion of each phase of development.

A Landscape and Ecological Management Plan is required for the landscaping scheme to ensure it is successfully delivered and should be set for a 20year period as a minimum and be secured via condition and legal agreement should Members be minded to approve.

## **Impacts on designated sites**

Matters pertaining to potential impacts on designated sites namely SSS1's And LWS's are considered to be neutral and a full detail of methodology and results of findings to substantiate this position is provided within the wider application ref:19/01497/HY4 Environmental Statement and Air Quality Assessment for the entire site in combination.

Within SSGA SPD a general section 106 is required to assist with indirect impacts on Local Wildlife Sites. This equates to £337 per dwelling resulting in a total of £345,425.00 for both developments. The agreed section 106 contribution for the habitat creation, management and wardening of the LWS's will help alleviate some indirect impacts on these sites. Suitable trigger points will need to be agreed with the applicant and be incorporated into the legal agreement.

## **Lighting**

A lighting strategy for nocturnal species should be provided prior to commencement on site and be agreed by the LPA. (Secured via condition should Members be minded to approve).

## **Local Highway Authority:**

### **Traffic Impact**

The completion of the Ryhope Doxford Link Road (RDLR) is a fundamental requirement of the SSGA SPD. The RDLR runs along the southern boundary of the built up area of Tunstall and Ryhope, linking Ryhope to the A19 with Tunstall and Doxford Park in the west and linking Doxford Park to the Southern Radial Route which provides enhanced access from the City Centre to the

A19 in the south.

Highway modelling work undertaken to inform the SPD identified that the proposed level of development envisaged in SSGA can only be accommodated providing the RDLR is completed in its entirety. This is a fundamental issue. Several sections of the road have been implemented or proposed to be implemented by developers where the road has been required to directly serve a residential development

The fourth section of the RDLR, that links between the Cherry Knowle site and the Land North of Burdon Lane development is to be delivered by the developer consortium. This section is critical to the completion of the RDLR and ensuring that the highway network can facilitate the SSGA development.

An agreement will be required under Section 278 of the Highways Act 1980 to ensure that the new roundabout and the fourth section of the link road are funded and delivered to ensure access to new dwellings are provided without detrimental impact to the safe operation of the highway network. This agreement will also enable the future adoption of the new roundabout, link road and offsite highway works as public highway. The phasing of highway adoption is to be agreed.

Operational assessments have identified that improvements are required to a number of junctions in order to mitigate the impact of the proposed development. Burdon Road is required to be widened to 7.3m for a length of approximately 400m from the south of the site access roundabout. The carriageway width will then be a consistent 7.3m between the site access roundabout on Burdon Road and the Burdon Road/ Doxford Park Way/ Mill Hill Road roundabout.

## **Section 106 contributions**

### **1) Ryhope Doxford Park Link Road (Missing Link):**

The applicant will be required to make S106 contributions to the RDLR (missing link) and public transport improvements in accordance with the SPD and planning obligations. This is required to be in accordance with the Infrastructure Delivery Plan for South Sunderland Growth Area. This sets out the methodology for highway infrastructure and public transport contributions to be provided by the developer on a per dwelling basis. Securing the provision of s106 funding would be consistent with funding to be provided from other housing schemes within the South Sunderland Growth Area.

Funding contributions will need to be provided on a staged basis to enable the Ryhope Doxford Link Road scheme to be delivered and provide the east-west connection to the A1018/St Nazaire Way.

### **2) A19/A60 Durham Road and City Way Dualling:**

S106 funding towards the A19/A690 junction improvement is required as part of the wider funding arrangements associated with the delivery of that scheme. It is noted that the Infrastructure Delivery Plan (November 2020) submitted by the Burdon Lane Consortium confirms the requirement for off-site works at the A19 / Doxford Park Way interchange.

The impact on traffic to and from the A19/A690 junction and City Way during peak hour flow is significant and therefore a request for a financial contribution to assist with the junction upgrading and capacity improvements is considered appropriate. A contribution of £450,000 is sought towards the completion of the A19/A690 Durham junction improvement scheme to mitigate the



traffic impact of the development.

### 3) Public Transport:

Public transport contributions are sought to enable improvements to existing bus stop infrastructure to improve bus accessibility for residents of the proposed development. This will include provision of bus shelters on Burdon Road as part of the road widening proposals and other adjacent bus routes in proximity of the development.

To enable accessibility to public transport, a contribution is sought to enable the procurement and provision of a bus service to serve both new residents and the existing catchment area. This is required to be in accordance with the Infrastructure Delivery Plan for South Sunderland Growth Area. The delivery of bus services is to be agreed and provided on appropriate routes in conjunction with Nexus and prospective bus operator/s.

### 4) Travel Planning:

As part of the Travel Plan requirements, funding is required for Bus Passes to include as part of new home Welcome Packs and the appointment of a central Travel Plan Coordinator.

### **Highway Conditions:**

Key to the support of these proposals by the Local Highway Authority will be the delivery of necessary highway infrastructure schemes including Ryhope Doxford Link Road and completion of the A19/A690 Durham Road junction improvement scheme. These improvements should be undertaken relating to the occupation of dwellings on the site based on the phases and draft conditions detailed below:

*No development shall commence until a detailed phasing plan and delivery programme for the new roundabout and link road, Burdon Road widening; and the other off-site highway improvement be submitted and agreed. This requirement is to accommodate traffic growth arising from the development and enable the safe operation of the highway network.*

**Reason:** *To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2*

### **Junction Improvement Trigger 1 (Pre-occupation – Phased).**

*No more than 100 dwellings shall be occupied until a scheme of junction improvements at A19/A690 Durham Road has been completed. The scheme will include the implementation of a Microprocessor Optimised Vehicle Actuation (MOVA) signal control system in conjunction with the traffic signal phasing and staging plan. The scheme will require to be completed fully to ensure there is no detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.*

**Reason:** *To ensure both the Strategic and Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2.*

### **Junction Improvement Trigger 2 (Pre-occupation - Phased).**

No more than 130 (PHASE 2) dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network:

- Completion of the new roundabout on Burdon Road (B1286)
- Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points
- Completion of the road widening scheme for Burdon Road including new footway / cycleway and bus stop provision and shelters
- Completion of the new footway / cycleway on Burdon Road and carriageway widening (connecting with Nettles Lane)
- Completion of the new toucan crossing at Burdon Road/Nettles Lane
- Completion of the Tunstall Village Road / Paddock Lane junction improvements
- Completion of the Tunstall Hope Road / Paddock Lane junction improvements
- Completion of the delivery of internal link roads associated with phase 1 (as identified on plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and

to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

### **Junction Improvement Trigger 3 (Pre-occupation - Phased).**

No more than 400 dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network as a result of the proposed development:

1. Completion of the improvement works to Nettles Lane (the northern part identified in Phase 3 on plan reference 1034\_11\_Rev F) under Section 278 of the Highways Act, including crossing points.
2. Completion of the delivery of internal link roads associated with Phase 2 and 3 (as identified in plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act.

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

### **Junction Improvement Trigger 4 (Pre-occupation - Phased).**

No more than 600 dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network as a result of the proposed development:

1. Tunstall Road / Queen Alexandra Road roundabout improvements.

2. *Tunstall Road / Leechmere Road / Essen Way roundabout improvements.*
3. *Tunstall Road / Belvedere Road / Thornholme Road roundabout.*
4. *Completion of the delivery of internal link roads associated with Phase 4 (as identified in plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act*
5. *Completion of the improvement works to Nettles Lane (the northern part identified in Phase 4 on plan reference 1034\_11\_Rev F) under Section 278 of the Highways Act, including crossing points.*

**Reason:** *To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.*

### **Travel Plan (Pre-occupation).**

*A detailed Travel Plan will be required setting out details of the Travel Plan Coordinator which shall be in place 6 months prior to first occupation to ensure that all measures, including the preparation of the Welcome Pack, are in place upon first occupation. The Travel Plan shall confirm when the Baseline Travel Survey is to be undertaken which should be upon occupation of 50th dwelling or after 1 year, whichever is soonest.*

**Reason:** *To ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.*

### **Stage 2 Road Safety Audit (Pre-commencement).**

*A Stage 2 Road Safety Audit will be required to be submitted and agreed upon completion of the detailed design for the proposed roundabout and offsite highway works prior to commencement of the works.*

**Reason:** *To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.*

### **POLICIES:**

In the Core Strategy and Development Plan and saved Unitary Development Plan the site is subject to the following policies;

#### **CSDP Policies:**

SS6: South Sunderland Growth Area;  
SP5: South Sunderland;  
SP7: Health and Safe Communities;  
SP8: Housing Supply and Delivery;  
SP10: Connectivity and Transport;  
HS2: Noise-Sensitive Development;  
HS3: Contaminated Land;  
HS4: Health and Safety Executive Areas and Hazardous Substances;

HS1: Housing Mix;  
HS2: Affordable Homes;  
BH1: Design Quality;  
BH2: Sustainable Design and Construction;  
BH3: Public Realm;  
BH7: Historic Environment;  
BH8: Heritage Assets;  
NE1: Green Infrastructure;  
NE2: Biodiversity and Geodiversity;  
NE3: Woodland / Hedgerows and Trees;  
NE4: Greenspace;  
NE6: Green Belt;  
NE9: Landscape Character;  
NE11: Creating and Protecting Views;  
NE12: Agricultural Land;  
NE17: Quality of Life and Amenity;  
WWE2: Flood Risk and Coastal Management;  
WWE3: Water Management;  
ST2: Local Road Network;  
ST3: Development and Transport;  
ID1: Delivering Infrastructure.

**Saved UDP Policies:**

T10: Paths and Multi-User Routes;  
T11: Disabled People;  
L1: General;  
L10: Countryside Recreation;  
B13: Sites of Local Archaeological Significance;  
B14: Ancient Monuments;  
CN20: SSSI;  
CN21: Sites of Nature Conservation Importance and Local Nature Reserves;  
CN23: Wildlife Corridors

The key issues to consider in determining the application are as follows:

1. Principle of development.
2. Design quality / landscape and visual impact.
3. Highway implications.
4. Ecology and nature conservation.
5. Water environment.
6. Ground conditions and hydrogeology.
7. Noise, vibration and air quality.
8. Planning obligations.
9. Conclusion.

**1.Principle of development.**

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 Local Plan. It sets a clear strategy for bringing land forward to address objectively assessed needs in line with the presumption in favour of sustainable development. It includes broad locations, land use designations and allocations to

deliver this strategy. Sunderland's Local Plan is in three parts.

- 1.Core Strategy and Development Plan 2015 - 2033 (CSDP).
- 2.Allocations and Designations Plan (A&D).
- 3.International Advanced Manufacturing Park (IAMP) and Area Action Plan (AAP) 2017 -2032.

A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The above plans have superseded saved policies of the Unitary Development Plan (UDP) 1998 and UDP Alteration No.2 (2007) with the exception of a number of policies that will remain as saved policies until such a time that the A&D plan is adopted.

The site forms part of the wider SSGA which is an allocation in the CSDP Plan – Policy SS6 for new high quality, vibrant and distinctive neighbourhoods.

In order to ensure the comprehensive development of all the sites within the SSGA and ensure that the necessary infrastructure is delivered at the right time, the council has prepared and adopted the (SSGA SPD), subsequently all development on the SSGA following its adoption should be in accordance with this document.

With the above in mind, the NPPF paragraph 170 states in part that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy NE12 of the CSDP refers specifically to agricultural land and states:

“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.”

In preparing the SSGA SPD, the site selection, impacts, mitigation and alternatives were all considered within the South Sunderland Masterplan Sustainability Appraisal and later the associated sustainability appraisal for the CSDP. The allocation has undergone stakeholder consultation on four alternative options for the spatial distribution of development across the city and found to be sound at examination prior to adoption.

Notwithstanding the above, it is recognised that no land within the site boundary would be returned to agricultural use after construction or during the operation, however the loss of the land was considered at the time of the allocation and was considered to be acceptable given the significant economic and other benefits the development of the land would bring forward.

The Land North of Burdon Lane site is allocated within the adopted Local Plan for approximately 1000 dwellings policy SS6 (1). The application proposes 60 dwellings which equates to a drop of 36 dwellings since the original submission. It should also be noted, that in addition to this application an additional 890 dwellings are associated with 19/01497/HY4, which also forms part of the wider site.

Therefore, based on submitted schemes the total would be 950 dwellings. The adjoining blue line also excludes three other parts of the overall allocation, which are identified for development within the SSGA SPD. With regards to these other parts of the site, it is recognised that If these parts of the site that are not included within the red line boundary or adjoining blue line of this

application are brought forward at a later date, it would result in the number of dwellings above the approximate 1000 allocation.

It is noted that the inclusion of the word “approximate” does allow flexibility to the quantum of development proposed, providing the detailed technical work at the application stage to demonstrate the number of units do fall within the provision afforded by its inclusion.

It is also essential that whilst this application and the blue line site compromise circa 83% of the entire allocation, three smaller parcels of land do not form part of these applications. The applications have therefore been considered with an holistic view to developing out the entire site, with three further applications anticipated and cognisant of the three other major development sites in the SSGA.

In accordance with Policy SS6 (2), the proposal offers to provide 10% affordable housing. CSDP Policy H2: Affordable Housing sets out that all development for 10 homes or more should provide at least 15 percent affordable housing. Notwithstanding this, both CSDP Policy SS6 and the SSGA SPD provides a specific affordable threshold of 10 percent for proposals within the SSGA. It is therefore considered that the 10 percent threshold is the most appropriate threshold that should be sought. The SSGA SPD also provides that affordable tenure should be split as follows; 75 percent social rented and 25 percent intermediate.

The supporting Affordable Housing Statement seeks an alternative approach to meeting policy requirements, in summary, it is sought that due to the 4 & 5 bed executive scheme now under consideration, it is considered that an holistic view of the site can be taken for the delivery of the requisite affordable housing required as part of this proposal. With this in mind, the appropriate quantum of affordable units have been incorporated into the adjacent site of which the applicant has a controlling interest and which forms the bulk of the South Sunderland Growth Area Burdon Road allocation and is subject to the agenda application (19/01497/HY4).

As part of the blue line Hybrid application there is a development cell of 120no. units controlled by Persimmon Homes phase applied for in full. In order to ensure that across both developments a policy compliant 10% affordable housing is provided to deliver 18no. affordable homes within the Persimmon Homes Hybrid Phase 1 (6no affordable mitigating 60 unit 18/00640/FUL / 12no. affordable homes mitigating 120 unit phase 19/01497/HY4).

The applicant has confirmed that it is the intention each phase will be dual branded (Charles Church and Persimmon Homes) and built out simultaneously and as such there would not be a delay in the delivery of the affordable homes as this 60 unit application is built out.

The accompanying Section 106 agreement has been drafted to cover both the red line and blue line sites and is structured with appropriate phased triggers and restrictions placed upon the occupation of dwellings within 18/00640/FUL until agreed no. of affordable homes within Persimmon Homes phase 1 of 19/01497/HY4 have been delivered.

Policy SS6 (3) provides a range of requirements for proposals within the SSGA. It includes; A neighbourhood centre, within the Land North of Burdon Lane sub area, which would provide a focal point within the SSGA and include a new primary school, wheeled sports area, formal play space, 3G pitch, appropriate parking facilities and bus service.

It is noted that the neighbourhood centre forms part of the associated hybrid application 19/01497/HY4 and includes a primary school, retail provision, multi-use games area, 3G sport pitch.

The application proposes the provision of 2.9 ha of land for a neighbourhood centre which will

include development from Use Classes A1, A3, A4, D1 and D2. This 2.9ha provision comprises of a 1.5 form entry primary school (with room for expansion); public house, medical centre, retail provision (Use Class A1) (up to 500sqm gross external floor area); a Multi-Use Games Area (MUGA); a 3G sports pitch; and a play and wheeled sports area.

The delivery of the aforementioned neighbourhood centre is to be secured via the overarching Section 106 agreement and via future reserved matters submissions.

Policy SS6(4) requires extensions to two existing primary schools in close proximity to the SSGA, the applicant has confirmed that a S106 financial contribution will be provided to support this requirement.

Policy SS6(5) refers specifically to the provision of public open space and for the purpose of the relevant CSDP Policy NE4 this includes amenity greenspace, children's fixed play equipment, natural and semi-natural greenspace, formal parks and country parks, outdoor sports facilities, school playing fields and grounds, cemeteries and church grounds and civic spaces.

Policy NE4(3) requires all major residential development to provide:

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

With the above in mind, and further to an analysis of the submitted housetypes and bedspaces has confirmed that the development has a policy requirement to provide 325 bed spaces = 0.2925 ha. of green space. The application (red line and blue line) has been supported by a detailed open space areas plan that demonstrates this delivery and its breakdown in terms of provision between open space, play areas, and play on the way throughout the site.

Policy SS6 (6) seeks the provision of allotments either on-site or off-site via a financial contribution, the applicant has confirmed they will provide a financial contribution to support the offsite delivery.

Policy SS6 (7) requires suitable ecological mitigation inline with Habitat Regulations Assessment (HRA) requirements and the positioning of the site with regards the coast. The City has a number of European Designations (N2K) within its boundary i.e. Northumbria Coast Special Protection Area (SPA – species) and the Durham Coast Special Area of Conservation (SAC – habitats); as a consequence it is necessary to consider the implications of the Habitat Directive (1992).

The Habitat Directive is the European legislation governing the management of N2K sites and this piece of legislation has been transposed in the UK planning system via the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations). The Habitat Directive requires plans and projects to undertake, in the first instance, an assessment of whether proposals are likely to result in "Likely Significant Effect" (LSE) on designations. If LSE is deemed unlikely, then no further assessment is necessary.

What has become evident is the LSE of recreational activities (e.g. dog walking) primarily through the in-combination effects of housing growth on the N2K at the coast, leading to the erosion of the SAC habitat and disturbance of the SPA features. As such, for residential development near the N2K sites, it is necessary to consider these within the context of the Habitat Regulations.

In light of the Burdon Lane site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own HRA to ascertain whether there would

be an LSE arising out of the housing proposals. The screening report concluded that it was not possible to rule out LSEs on the SPA or the SAC and as such mitigation would be required.

Further to the completion of an Appropriate Assessment (AA), mitigation was proposed via the provision of Suitable Alternative Natural Greenspace (SANG) and accompanying green infrastructure to absorb the majority of dog walking activity arising from new residents and to reduce the pressure on the coast from the existing population.

Delivering the Burdon Lane allocation has been based around the SANG strategy provision across both this application and 19/01497/HY4, with an holistic approach sought for delivery. The supporting Proposed SANG Provision Report across 18/00640/FUL and 19/01487/HY4 is considered to adequately mitigate both schemes. With a combined total number of units of 950 (60no. within 18/00640/FUL or 890no. within 19/01497/HY4) the SANG requirement is 17.1ha. This requirement has been satisfied. The SANG and Open Space Phasing plan indicates how this SANG land will come forward and ensuring that, as the applications are built out, each development cell will have safe access to sufficient SANG.

In order to satisfy the requirements of providing a network of cycleways and footpaths as required under Policy SS6 (8) a network of recreational routes have been designed into the masterplanning of both the red line and blue line sites.

Policy SS6 (9) This element of the proposal requires new and improved public transport services and infrastructure. The application has a designed layout that includes a new bus route through the site, that would navigate round the neighbourhood centre and would seek to incorporate new bus stops and associated infrastructure.

Policy SS6 (10) requires contributions to support the completion of the Ryhope Doxford Link Road (RDLR). The completion of the RDLR is a fundamental requirement of the SSGA SPD. The RDLR runs along the southern boundary of the built up area of Tunstall and Ryhope, linking Ryhope to the A19 with Tunstall and Doxford Park in the west and linking Doxford Park to the Southern Radial Route which provides enhanced access from the City Centre to the A19 in the south. The RDLR is made up of four sections.

Highway modelling work undertaken to inform the SPD identified that the proposed level of development envisaged in SSGA can only be accommodated providing the RDLR is completed in its entirety. Several sections of the road have been implemented or proposed to be implemented by developers where the road has been required to directly serve a residential development. This covers three sections of the RDLR, including the LNOBL site. These sections have been funded entirely by the developers, as without the construction of the relevant sections there would not be appropriate access points to serve their development site.

The 4th section of the RDLR, that links between the Cherry Knowle site and the LNOBL site, does not facilitate a direct access point for any particular development site in SSGA, but which is critical to the completion of the RDLR and ensuring that the highway network can facilitate the SSGA development.

The council as part of the preparation of the SPD considered that a reasonable and practical method of distributing the cost of the RDLR was to apportion the cost of the missing link across the four main SSGA and adjoining sites and where appropriate peripheral development sites.

The SSGA SPD requests a contribution of £2002 per dwelling (increased from the original £1847 to cover the cost of inflation from 2016-2020). S106s have been agreed and contributions agreed for all the SSGA SPD sites and the Land at Burdon Lane site, the one remaining being the wider



land north of Burdon Lane (LNoBL) site.

At the time of the preparation of the first draft of the SPD the anticipated cost of the RDLR was approximately £5 million, which is the basis of the S106 ask in the SPD. Further detailed design work on the RDLR has continued since the first draft of the SPD. The 'missing link' is now anticipated to cost approximately £9.5 million, including land acquisition. Although the SPD was not adopted at this time, it was considered unreasonable and potentially unviable to almost double the RDRL ask within the SPD, to cover the increased costs. As such the council looked for other opportunities to fund the shortfall.

In March 2019 the Council submitted a funding bid for £25.4million to MHCLG Housing Infrastructure Programme and in March 2020 the council was informed the bid had been successful. The funding is to be used to forward fund and gap fund infrastructure necessary to facilitate the SSGA SPD. Housing Infrastructure Fund (HIF) monies will cover the RDLR shortfall and ensure developers and/or the council are not requested to cover the additional costs.

Along with the HIF money and the anticipated S106 contributions (from all sites), the cost of the RDLR can be covered in its entirety without any greater financial burden to the council or the developer. Without a contribution from the LNOBL site there will be a funding gap.

The completion of the RDLR is necessary to facilitate LNOBL as part of the wider SSGA area; this policy has been entrenched within the SPD from its initial draft and the current proposal has agreed to provide the relative contribution to result in a policy compliant development proposal and assist in the delivery of the RDLR.

CSDP Policy H2 also sets out that affordable housing should be provided on site in order to help achieve mixed and balanced communities. However, exceptionally, off site provision or a financial contribution made in lieu may be considered acceptable where it can be justified. In addition, the policy also sets out the following requirements, be retained in perpetuity, grouped in clusters, be indistinguishable in terms of appearance and reflect the latest available evidence with regards to tenure split and size of dwellings.

The supporting Affordable Housing Statement considers that an offsite provision is more appropriate in this instance, due to the character of the proposal being executive housing. The applicant has set out a proposal that affordable housing associated with this application would be provided alongside hybrid application 19/01497/HY4. The applicant has provided a Proposed Affordable Plan, which sets out that the 6 affordable homes would form part of 19/01497/HYB.

The SSGA SPD also indicates that affordable tenure should be split as follows; 75 percent social rented and 25 percent intermediate.

In summary, the proposal is considered to comply with the land use requirements contained within the CSDP policy SS6 and furthermore the guidance provided within the SSGA SPD. The principle of development is therefore considered to be acceptable.

## **2. Design Quality / Landscape and Visual Impact**

Chapter 12: Achieving well-designed places stipulates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, create better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF requires that planning decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

CSDP policy BH1 Design Quality provides a 14 point framework that seeks to ensure that development proposals achieve high quality design. The policy requires masterplans to be provided for large scale development in particular those that are phased. Design codes should also be prepared for large-scale, phased development and accompany outline planning applications. The code should set out mandatory and non-mandatory aspects of design and include regulatory plans.

The SSGA SPD requires development proposals within the SSGA to deliver schemes that achieve high quality standards of design, following the principles of Building for Life 12 and Secured by Design, whilst respecting the surrounding built, landscape and archaeological features within and neighbouring the site.

Masterplanning and design provide the basis of the visual aspect and feel of a development as well as the land use mix. A successful masterplan should aim to set out how to create and sustain an excellent place to live and work and play and is pivotal to establishing the overall quality of the place and its sustainability. Masterplanning content should provide flexibility, whilst providing sufficient information to secure the vision for the development.

The application has been supported by a Design and Access Statement (DAS) which provides a detailed concept plan for the proposal and also provides a site concept plan that has been designed inclusive of the application site and the adjacent hybrid application site. The DAS and hybrid Masterplan Design and Access Statement (MDAS) are consistent with their approach to the development of this site and the wider proposal.

In terms of access, this development proposal provides a principle access (south of Lodgeside Meadows) to the overall development site as set out in the SSGA SPD and the MDAS documents.

This principle access point allows for the connection with the existing road network providing vehicle, pedestrian/cycling and bus routes to serve the wider site.

As set out within the development principles in the MDAS, vista stopping buildings and corner turning units within the parcel will articulate this development cell. There is a green interface to the north, west and south of the cell as well as active frontages to the perimeter of the cell.

To further accord with the MDAS the proposal includes three distinct character areas:

**PRIMARY ROUTE** : Running along the main distribution road and characterised by strong urban form, higher density development and verges along the main routes. Traditional design and detailing, predominantly red brick with grey roof tile, supplemented by brindle brick with grey roof tiles to key buildings. Key corner units to incorporate enhanced side elevation detailing and vista stop units to be 2.5 storey with dormers or units with front gable projection.

**GREEN EDGE** : Characterised by a softer edge with lower density and informal landscaping. Traditional design and detailing using predominantly brindle brick with grey roof tile and buff brick with red roof tile to key buildings. Key corner units to incorporate enhanced side elevation detailing and vista stop units to be 2.5 storey with dormers or units with front gable projection.

**STREETS** : Forming the core of the site with moderate density development and partly formal aesthetic. Traditional design and detailing utilising a predominantly combination of brindle brick with grey roof tile and buff brick with red tile along with red brick with grey roof tile to key buildings.

In order to satisfy the design quality requirements of policy BH1(8) which requires landscaping to be provided that is integral to the development, the current proposal provides a scheme that reflects the sloping nature of the site, whilst harmonising with the wider site and providing buffers with existing residential development at Lodgeside Meadows. The layout cognisant of Sunderland City Council spacing standards between main facing elevations and fully compliant with additional distances required to accommodate differences in ground levels.

The proposal also seeks to introduce a landscaped SUDS pond which will provide a gateway feature at the entry point to the site.

CSDP Policy H1: Housing Mix provides criteria on achieving the appropriate mix of housing by providing a mix of house types, tenures and sizes which are appropriate to the site's location. In addition, criterion 2 sets out that where appropriate, development should seek to provide larger detached dwellings and ensure there is choice of suitable accommodation for older people and those with special housing needs including bungalows and extra care housing.

The SSGA SPD sets out complementary guidance regarding; housing mix, housing type and larger family dwellings. The proposed housing mix includes 7No. House types, 35No. four bed units and 25No. five bed units.

Turning to matters relating to landscape and visual impact, the site is located close to a designated 'key view' and consequently CSDP Policies NE9: Landscape Character and NE11: Creating and Protecting Views are relevant. The key view in question is designated by way of a saved policy within the UDP (at policy SA38.5). The view looks northward from Burdon Lane North.

Further to consultations with the City Council's Landscape Section and Heritage Protection Section, the proposal is considered to be acceptable with regards to the aforementioned policies. In conclusion, it is considered that the design quality of the proposal, has followed the principles and guidance provided within the SSGA SPD, confirmed following consultations with the City Council's Urban Design Section after the receipt of minor amendments and modifications.

Matters pertaining to layout, scale etc. have been closely scrutinised to ensure compliance with spacing standards and ultimately ensure levels of amenity both residential and visual are protected for both existing and future residents.

Coherence with the overarching MDAS promotes the inclusion of the development proposal within the wider site and ensures an attractive residential development at a focal entry point to the

larger site, delivering dwelling types that have been conceived to meet the local indigenous need and provide aspirational new houses to meet market requirements.

In terms of design quality, it is considered that this element of the proposal satisfies both national and local planning guidance reflecting achieving well designed places.

### **3. Highway implications.**

The NPPF Chapter 9: Promoting sustainable transport states the following in paragraph 102: “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) The potential impacts of development on transport networks can be addressed;
- b) Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) Opportunities to promote walking, cycling and public transport use are intended and pursued;
- d) The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Policy requirements of the CSDP include policies SP10 (Connectivity and Transport), CSDP Policy ST2: Local Road Network, at criterion 2, states proposals must ensure that safe and adequate means of access, egress and internal circulation is provided. In relation to access, the application proposes access to the development via Burdon Road. This aligns to the SSGA SPD masterplan which envisions a ‘Primary Street’ being provided into the site from Burdon Road.

CSDP Policy ST3: Development and Transport includes the criteria regarding walking and cycling. At criterion 2 sets out proposals should incorporate pedestrian and cycle routes within and through the site. In accordance with this policy, proposals should also provide an appropriate level of electric vehicle parking and charging infrastructure and include a level of parking cycle storage in alignment with the Council’s Parking Standards.

The application has been supported by a travel plan and transport assessment and subject to discussions between the applicant, the Local Highway Authority and Highways England, to ensure a practicable and deliverable solution to the development proposal and the wider SSGA.

Following the submission of the revised proposal, it is considered that the site layout is acceptable. It is noted that the development should be built to an adoptable standard with 5.5 metres road widths, 1.8 metre footways, street lighting, turning heads, highway drainage connection and provision for surface water run-off.

Shared surfaces are considered to be acceptable where a layout shows a surface width of 4.8 metres, an additional continuous 1.5 metre (1.2 metre minimum) hard paved service strip should also be provided, to be constructed to carriageway standard. This arrangement provides an “overrun strip” on which vehicles can safely traverse past each other.

Shared private accesses should serve not more than three properties.

Details of traffic calming measures internal to the development will need to be agreed as part of the Section 38 technical submission. (60m between any traffic calming features i.e. bend in road or junction). Speed tables located at junctions may be appropriate.

If properties are located more than 25 metres from an adopted highway then a refuse bin storage area will be required to ensure that refuse collection can be satisfactorily undertaken.

Turning heads within the development should accommodate the turning movements of a large refuse vehicle (11.2 metres) and swept paths should be provided to demonstrate that this can be undertaken satisfactorily. Any parking bays should be moved back to accommodate this.

Pedestrian connections are required to any parking areas to the rear of properties.

Visitor parking is recommended at 1 space per 3 dwellings and a justification for any shortfall from this is required and a full parking schedule provided.

Further to consultations with the Network Management Section, it has been confirmed that the updated layout is consistent with CSDP policies ST2 and ST3 and is considered to be acceptable.

#### **4. Ecology and Nature Conservation.**

The current proposal when linked to the wider site raises a number of issues in relation to the impact on ecology, in terms of both species and habitats. The biodiversity issues raised by the scheme have been fully assessed in accordance with the duties imposed on Local Planning Authorities, namely:

The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations): Containing five Parts and four Schedules, the Regulations provide for the designation and protection of "European sites", the protection of "European protected species", and the adaptation of planning and other controls for the protection of European Sites.

Natural Environment and Rural Communities Act 2006: Section 40 of this Act introduced a new duty on public bodies to have regard to the purpose of conserving biodiversity in the exercise of their functions.

The Wildlife and Countryside Act 1981 (as amended): This is the primary UK mechanism for the protection of individual species listed within the Act.

Hedgerow Regulations 1997: In England the Hedgerow Regulations 1997 are intended to protect important countryside hedges from destruction or damage.

BS42020:2013 Biodiversity – Code of Practice for Planning and Development.

Chapter 15 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraph 175 prescribing the following in part: "When determining planning applications, LPA's should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused."

CSDP Policy NE2 (Biodiversity and Geodiversity) requires proposals to demonstrate how they will avoid or minimise impacts on biodiversity and geodiversity and provide net gains in biodiversity.

Further to the original submission and following ongoing consideration of baseline data and proposed mitigation, additional updated information has been provided to inform the decision making process. This information includes:

- Information to Inform a HRA dated 27.11.20.
- Ecology Response Rebuttal dated 03.02.21.
- Ecology Planning Response dated 18.02.21.
- Proposed SSAANG Provision Rev D Feb.2021.
- Arboricultural Impact Assessment Nov.2020.
- Biodiversity Net Gain calculations.
- Burdon Lane Planning Response 2 Ecology.
- Landscape Masterplan Rev F 1034\_101.
- Proposed Open Space Areas Rev F 1034\_10.

The findings of the report have highlighted the following:

No further survey is considered to be necessary. No direct impacts are predicted on any designated sites and consequently no mitigation measures have been proposed for these sites.

Indirect impacts are not likely on any inland SSSIs or LWSs in light of mitigation measures that will be incorporated into the proposed development within the site and in the adjacent development site to the east.

Impacts on European sites and proposed mitigation measures are discussed further in a separate Habitats Regulations Assessment (HRA) reports (BSG Ecology, 2020a,b).

Habitats - It is expected that all grassland habitat within the site will be lost but most of the hedgerow and associated trees along the eastern boundary of the site will be retained.

It is recommended that during the construction phase of the development, the retained trees and hedgerow shrubs will be protected by adopting appropriate measures as set out in BS 5837:2012 'Trees in relation to design, demolition and construction'. This will include the use of fixed Heras fencing or equivalent to demarcate the construction exclusion zones.

It is expected that landscaping will be included as part of the proposed development and this will compensate for the loss of hedgerow habitat, if this is required to accommodate the development.

Landscape planting is proposed around the boundary of the site and will include the enhancement of the retained hedgerow, which will be restored by planting up the gaps.

Protected Species Bats - There are no features within the site that may support roosting bats and bat activity surveys indicate that the wider study area is used by low numbers of bats. The eastern hedgerow is likely to be the most important feature for foraging and commuting bats and this will largely be retained. A short section of hedgerow will be lost to accommodate and access road and lighting along that road has the potential to impact on bats. It is therefore recommended that any street lighting is designed with reference to guidance published by the Bat Conservation Trust and Institute of Lighting Engineers (BCT & ILE, 2009).

Breeding Birds - All works involving the disturbance or destruction of any habitats capable of supporting breeding birds should take place outside of the breeding season, which generally extends from mid-March to August. However, it should be noted that some species can commence breeding earlier or continue breeding efforts beyond this period.

Activities taking place during the bird breeding season should not commence until the area has been checked for nesting birds by a suitably qualified ecologist. If nesting birds are detected then a suitable stand-off should be marked out around the area and work in that area should be delayed until the birds and their young have dispersed.

The following enhancement options are proposed:

- Incorporate bat bricks into the walls of new buildings;
- Attach bird boxes to the walls of new buildings.
- The existing site supports a short section of interspersed hedgerow along the eastern boundary. The proposed landscaping within the developed site seeks to provide additional hedgerow that will deliver future enhancement.

To mitigate any impact on European Protected Sites, the proposal includes the provision of SANG (17.153ha) that links into the wider provision across the SSGA. Providing a vast area of walks in and around the site for people with and without dogs, this provision retains existing habitats and seeks to introduce further mitigation and compensation measures, including new habitats within the landscaping scheme. The development proposal seeks to mitigate any impact on farmland birds through offsite habitat creation.

The delivery and implementation of the SANG has been carefully considered and the supporting the City Council's Ecologist have confirmed the proposal is acceptable within their appropriate assessment for the site.

With the above in mind, it is considered that proposal meets both the national and local requirements, when assessing impacts upon biodiversity and geodiversity.

Paragraph 170 of the NPPF seeks to conserve and enhance the natural environment, recognising the intrinsic character and beauty of the countryside and essentially the wider benefits of trees and woodland. CSDP policies NE1, NE2 and NE3 each aim to maintain and improve the green infrastructure network, minimise adverse impacts on biodiversity and conserve significant trees, woodlands and hedgerows.

The proposal has been supported by an Arboricultural Impact Assessment (AIA) dated April 2020. In summary the AIA has confirmed that the majority of trees within the site are of reasonable physiological and structural condition.

The AIA details that whilst the proposal does not seek to remove any trees, groups of trees or hedgerows, in order to reduce potential conflicts caused by the laying of utilities or general construction practices and should Members be minded to grant consent it is recommended an Arboricultural Method Statement be conditioned.

Via the submission of a landscape strategy that includes compensatory new planting and landscaping and though the imposition of a condition requiring details of tree protection methods should Members be minded to grant consent, it is considered that the proposal satisfies the aforementioned CSDP policies, NE1, NE2 and NE3.

## **5. Water Environment**

The NPPF Chapter 14 : Meeting the challenge of climate change, flooding and coastal change sets the fundamental principles for all new major development , with paragraph 163 providing specific guidance that states:

“When determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be 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 exceptions 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; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

In support of the above, paragraph 165 also requires major developments incorporate sustainable drainage systems and these systems should, take account of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, provide a maintenance arrangements for the operation of the development and where possible, provide multifunctional benefits.

Aligned with the above national guidance, CSDP policies WWE2 Flood risk and coastal management and WWE3 Water management ensure developments consider the effect on flood risk on site, off site and commensurate with the scale and impact.

The site is entirely located within Flood Zone 1, with the lowest probability of river or sea flooding. The application has been supported by a Flood Risk Assessment and Drainage Strategy along with a raft of accompanying drawings.

The proposal has been subject to consultations with both the LLFA and NWL and subject to the imposition of relevant conditions, this element of the proposal is considered to be compliant with CSDP policy.

## **6. Ground conditions and hydrogeology.**

Section 15 : Conserving and Enhancing the Natural Environment of the NPPF states, in part within paragraph 170, that the planning system should contribute to and enhance the natural and local environment by:

- e) preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 178 is concerned with preventing unacceptable risks from land instability and contamination.

CSDP Policy HS1 Quality of life and amenity requires developments demonstrate that they do not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation.

Whilst CSDP Policy HS3 Contaminated Land requires development to ensure all works can be undertaken without the escape of contaminants, via addressing potential measures to mitigate



and demonstrate suitable remediation can be undertaken.

The current proposal has been supported by an updated Geo-environmental Appraisal for Land at Burdon Lane, Ryhope – Ref.D9024/01; Dated 24.2.2021 and a Phase I Desk Study Report, Proposed Residential Development, Burdon Lane, Ryhope – Ref. 13-0151.01; Dated 7 June 2013.

Following consideration by the City Council's external consultant, details of which are provided within the representations section of the agenda report, the proposal is considered to be acceptable and policy compliant subject to the imposition of standard ground conditions should Members be minded to approve the application.

## **7. Noise, vibration and air quality.**

Section 15 : Conserving and Enhancing the Natural Environment of the NPPF provides relevant guidance on noise, namely paragraph 180 states that:

“Planning Policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health. Living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life,
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...”

CSDP Policies HS1 and HS2 (Noise – sensitive development) requires the applicant to undertake noise assessments, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

The application has been supported by a Noise Assessment dated April 2018. The assessment identified that the most exposed part of the site, facing the roads, are likely to be at medium risk of experiencing an adverse noise impact due to road traffic. The remainder of the site is at low to negligible risk of experiencing an adverse noise impact.

In light of the above, it is recommended that should Members be minded to approve the application a condition is imposed that would require an acoustic report is provided to specify the requirements for glazing and trickle vents and to ensure these are agreed and implemented.

In addition it is recommended that a Construction Environmental Management Plan (CEMP) should be attached. The CEMP should include details of how noise and vibration, lighting, dust and other airborne and pollutants, arising from all site works will be controlled and reduced to a minimum. The CEMP must take into consideration the conclusions and recommendations of any noise and vibration and air quality assessments, and should address issues raised by other interested organisations or regulators unless they are separately dealt with. Specific dust management measures must be clearly set out.

Paragraph 181 of the NPPF refers to Air Quality requiring planning decisions to sustain and contribute towards compliance with relevant limit values of national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in the local area. Opportunities to improve air quality or

mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement.

CSDP policy HS1 reflects the above national guidance.

The application has been supported by an Air Quality Assessment (AQA) that concludes that air quality effects are negligible and not significant. The statement also recognises the construction phase impacts and recommends a dust management plan to limit the occurrence of dust soiling and adverse air quality with fine particulate matter.

With the above in mind and allowing for the site to form part of the wider development site, it is also recognised that additional traffic from the larger development site and cumulative impacts will require a more robust condition to mitigate increased traffic flows utilising the proposed access to the site.

The supporting EIA (ref: 19/01497/HY4) concludes that the potential impacts include the risk of dust and fine particulate matter effects from earth works, construction and trackout.

The assessment provides a set of measures that could be imposed via a condition and accepted by Public Protection and Regulatory Services should Members be minded to approve the application.

For the avoidance of doubt any potential condition would cover, but not be limited to the following: Specific mitigation relating to dust control may be in the form of construction best practices or could include a dust management plan. Recommendations for mitigation within the IAQM guidance include:

- Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable;
- Protection of surfaces and exposed material from winds until disturbed areas are sealed and stable;
- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place;
- Avoidance of activities that generate large amounts of dust during windy conditions;
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery;
- Avoid dry sweeping of large areas;
- Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use;
- Ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport;
- Implement a wheel washing system;
- Minimisation of vehicle movements and limitation of vehicle speeds – the slower the vehicle speeds, the lower the dust generation; and
- Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever the site size and layout permits.

To conclude, in ensuring appropriate mitigation in the form of conditions it is considered that the development is acceptable and in accordance with relevant CSDP policies.

## 8. Planning Obligations

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via Paragraph 55.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests:-

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

Following guidance provided and contained within the South Sunderland Growth Area Infrastructure Delivery Study and the SSGA SPD the infrastructure requirements identified below have been considered to be necessary in order to make the development acceptable.

Given the linked nature of the application within the red and blue line areas, and the inclusion on today's agenda of both proposals it is anticipated that the applications (ref. 19/01497/HY4 and 18/00640/FUL) will be considered at the same time by planning committee. With the above in mind and should Members be minded to grant consent, a single Section 106 Legal Agreement has been drafted to deliver the following obligations.

Education – £2,940,250 is required towards the extension of two primary schools, to the development of a new 1.5 form entry primary school and the expansion of two secondary schools. (£3095 per dwelling x 950 units).

Play/recreation – £880,650 is required towards sport and recreation facility within the wider South Sunderland Growth Area (SSGA), including 3G pitch, multi purpose pitch and wheeled sports area and then provide a commuted sum for maintenance. (20years) (£927 per dwelling).

Ecology – £320,150 is required for the enhancement, protection and maintenance of the designated sites. (£337 per dwelling).

Highways – £1,931,930 is required in respect of providing the “missing link” of the Ryhope to Doxford Park Link Road. (£2002 per dwelling).

All highways drawings referenced below are located in Transport Assessment Addendum (May 2020) which is appended to the Supplementary Environmental Statement (SES) (June 2020).

### **Onsite works / Immediate surrounding area**

- Site access / roundabout on Burdon Road (B1286).
- Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points.
- Improvement works to Nettles Lane, including crossing points.
- New Foot / Cycleway on Burdon Road and Carriageway Widening (north of Nettles Lane).
- Toucan Crossing at Burdon Road/Nettles Lane Offsite.
- Tunstall Village Road / Paddock Lane junction improvements.
- Tunstall Road / Leechmere Road / Essen Way roundabout improvements.
- Tunstall Road / Queen Alexandra Road roundabout improvements.
- Tunstall Road / Belvedere Road / Thornholme Road roundabout.
- Tunstall Hope Road / Paddock Lane junction improvements.

- A19 / Doxford Park Way interchange

## **Other**

- Bus Stops.
- Bus Passes.
- Travel Plan (Coordinator and Welcome Packs).

Public transport - £330,995 is required towards the pump priming of a bus link (£343 per dwelling).

Allotments - £89,745 is required towards provision of off site allotments. (£93 per dwelling).

Affordable Housing – The developer is required to provide 10% requirement based upon a 75% social rented and 25% intermediate.

Developer to provide arrangements for the Management of the site including open space, children's equipped play, public realm and sustainable urban drainage systems.

In addition the Section 106 agreement shall cover the provision of Suitable Alternative Natural Greenspace (SANG) at a rate of 0.018 hectares per dwelling and the provision of allotments (either on site or contribution for off site provision).

## **Conclusion**

The full planning application seeks consent for the erection of 60 residential units with an access from Burdon Road and associated open space, landscaping, infrastructure and earthworks. The proposal is directly linked to the adjacent hybrid application reference 19/01497/HY4 which seeks outline planning consent for a residential-led scheme for up to 890 residential dwellings (10% of which will be affordable). Of this number, 532 dwellings are applied for in full detail, whilst the remaining 358 dwellings are sought in outline. In addition the proposal seeks outline consent for a new neighbourhood centre to be located at the heart of the site.

The links between the site are a result of a number of different landowners and the need for an holistic approach to developing a major mixed use residential led scheme. Access to the proposal provides one of two major insertions in to the larger site and as such the need for a joined up approach that seamlessly allows the delivery of the site is fundamental to the overall housing delivery.

The NPPF states that development that is sustainable should go ahead, without delay – for decision-taking this means proposals that accord with an up-to-date development plan. In local policy terms, the site forms part of one of the four major housing sites that are central components of the SSGA, which is identified to deliver approximately 3,000 dwellings (22%) of the amount of new homes identified in the CSDP. Therefore, the SSGA is a fundamental allocation to the future provision of the CSDP's housing strategy.

The proposal has been assessed against the 10 point policy requirements identified in CSDP policy SS6 and the need to be in accordance with the SSGA SPD. The proposal is considered to meet the policy requirements and broadly satisfies the guidance provided within the SPD, any deviations being justified in achieving the overall ethos of the SPD.

The proposal has been shaped and informed via consultations with stakeholders in order to ensure all elements of infrastructure and design are considered. The application has seen a significant reduction in numbers of units from 96 to 60 and a shift in product to bring 4 and 5 bedroom properties to the market.

Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, that will assist in the sustainable delivery of this site and wider SSGA.

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

In light of the land use allocation within the CSDP SS6, the principle of the development is considered appropriate, the supporting MDAS is considered robust and ensures the site can be delivered in a sustainable, cohesive and well planned manner.

The phasing plan ensures the proposal can be well managed via the imposition of appropriate conditions and trigger points introduced into the accompanying S106 enable the payment and delivery of the necessary infrastructure that is to be delivered across the wider SSGA.

As a smaller development cell of the larger site, the proposal has been incorporated into the wider site and with this in mind, with appropriate planning conditions and triggers within the S106 legal agreement, delivery of important planning policy requirements in the form of open space, play, affordable housing and SSANG have been satisfied to ensure a development that is aligned with the design principles of the SSGA SPD.

Matters relating to design quality, highways, ecology, nature conservation, water environment, ground conditions, noise, vibration and air quality have addressed relevant CSDP policy requirements. Concerns raised by third party representations, have all been addressed for both future and existing residents and via the imposition of a series of conditions the proposal is not considered to lead to conditions that would lead to a level of harm that would outweigh the benefits that the development of this site and the wider site would deliver.

The proposal is considered to be policy compliant, both Nationally and Locally and is therefore recommended that Members approve the application, subject to the signing of the S106 and the draft conditions listed.

### **Equality Act 2010 - 149 Public Sector Equality Duty:**

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** Minded to Approve, subject to signing of the Section 106 Agreement and the draft conditions listed.

**Conditions:**

1. 3 years (Ongoing).

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.Plans (Ongoing).

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

Drawing No: PH\_PL\_01, Location Plan.

Drawing No: BL1-001 rev G, Site Layout.

Drawing No: BL1-002 rev C, Materials Layout.

Drawing No: ST-WD10 rev N, Strand Plans and Elevations.

Drawing No: MY-WD10 rev L, Mayfair Plans and Elevations.

Drawing No. MY-WD10 (RBL) rev L, Mayfair Key Plans and Elevations.

Drawing No: HY-WD10 rev S, Harley Plans and Elevations.  
Drawing No: MB-WD10 rev L, Marlborough Plans and Elevations.  
Drawing No: FH-WD10 rev M, Fenchurch Plans and Elevations.  
Drawing No: BD-WD10 rev R, Bond Plans and Elevations.  
Drawing No. ME-WD10 rev L, Marylebone Plans and Elevations.  
Drawing No. MBC-WD10 rev L, Marlborough Corner Turner Plans and Elevations.  
Drawing No: MEC-WD10 rev L, Marylebone Corner Turner Plans and Elevations.  
Drawing No: 1094\_100 rev C, Landscape Strategy.  
Engineering Layout: QD1291-03-01 rev E.  
External Works: QD1291-04-01 rev F.  
Drawing No: 1034\_11\_rev F, Proposed SSANG and Open Space Phasing.  
Drawing No: ARB/CP/1458, Arboricultural Impact Assessment.

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.

### **Land Contamination:**

#### **3. Detailed Remediation Scheme. (Pre-commencement).**

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 CSDP policies HS3 and 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.

#### **4. Implementation of Approved Remediation/Verification. (Ongoing).**

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 in accordance with CSDP policies HS3 and with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

#### 5. Unexpected Contaminants. (Ongoing).

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

### **Ecology**

#### 6. Construction Environmental Management Plan (Pre-commencement).

No development except archaeological works shall commence within each Development Cell, or part thereof, until a Construction Environmental Management Plan for that Development Cell, or part thereof, (identified on plan reference RYH/02-80) has been submitted to and approved in writing by the Local Planning Authority, which shall include the following but not be limited to:

1. Risk Assessment of construction activities which are potentially damaging to biodiversity.
2. Identification of biodiversity protection zones.
3. Set up method statements to avoid or reduce biodiversity impacts during construction.
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when a specialist ecologist will be present to oversee works.
6. Details of responsible persons and lines of communication
7. The role and responsibilities on site of an ecological clerk of works.
8. The position and specification of protective fences, exclusion barriers and warning signs in the approved Construction Environmental Management Plan shall be adhered to and



implemented in accordance with the details throughout the construction period of the Development Cell, or part thereof, to which it relates.

**Reason:** In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

#### 7. Ecological Design Strategy (Pre-commencement phased).

No development shall commence within each Development Cell, or part thereof, until an Ecological Design Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall address ecological mitigation and enhancement measures and shall include the following but not be limited to:

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints.
3. Detailed designs and/or working methods to achieve stated objectives.
4. Extent and location of proposed works on appropriate scale and maps.
5. Type and source of materials to be used for all ecological mitigation and enhancement features.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance.
9. Details of monitoring and remedial measures.
10. Details for disposal of any waste arising from the works.
11. The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained and maintained in accordance with such details thereafter.

**Reason:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 175 of the National Planning Policy Framework.

#### 8. Lighting Design Mitigation Strategy (Pre-commencement phased).

No development shall commence within each Development Cell, or part thereof, until a Lighting Design Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 175 of the National Planning Policy Framework.

#### 9. Biodiversity Monitoring Strategy (Pre-commencement phased).

No development shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until a biodiversity monitoring strategy for that Development Cell, or part thereof, has been submitted to and approved, in writing, by the Local Planning Authority together with any further appropriate ecological mitigation if deemed necessary by the Local Planning Authority, which shall be so implemented in accordance with an agreed timescale.

**Reason:** In order to ascertain the effectiveness of the ecological mitigation, to protect and enhance the biodiversity of the site areas and to comply with CSDP policy NE2 and paragraph 175 of the National Planning Policy Framework.

#### 10.SSANG Details (Pre-commencement phased).

Prior to the commencement of development within each Phase (identified on plan reference 1034\_11 Rev F), details of the SSAANG to be delivered, managed and maintained within that phase will be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

#### 11.SSANG Phasing (Pre-occupation phased).

No dwellings shall be occupied in each phase (identified on plan reference 1034\_11 Rev F) until the SSAANG to be delivered via condition 10 to support that number of dwellings pursuant to Condition is made available to use.

**Reason:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

#### 12.SSANG Delivery (Pre-commencement).

No development except remediation, archaeological and drainage work shall take place until details of the SSAANG to be provided outside of the application boundary (as shown on plan reference 1034\_11 Rev F) has been submitted to and approved, in writing, by the Local Planning Authority. This area of SSAANG will be delivered, managed and maintained in accordance with the approved phasing details (also identified on plan reference 1034\_11 Rev F).

**Reason:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

### **Landscape**

#### 13.Hard and Soft Landscaping (Pre-occupation phased)

No dwelling shall be occupied within until full details of hard and soft landscaping and landscaping features including a timescale for implementation, have been submitted to and approved, in writing, by the Local Planning Authority. The soft landscape works shall include contour levels, planting plans, a written specification (including cultivation and other operations associated with plant and grass establishment), and full schedule including numbers/densities, species and sizes, the provision and enhancement of hedgerows. The hard landscaping works shall include details of boundary treatments, retaining elements, furniture, interpretation features and surfaces. Thereafter, the hard and soft landscaping details shall be implemented in accordance with the approved details.

Soft landscaping shall be carried out in the first planting season following the practical completion of that Development Cell. Should any plants die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, they shall be replaced in the next planting season with others of a similar size and species or an alternative as approved, in writing, by the Local Planning Authority.

**Reason:** In the interests of visual amenity, nature conservation and mobility and to comply with CSDP policies BH1, NE2 and ST3 and paragraph 58 of the National Planning Policy Framework.

#### 14. Soil Management Plan (Pre-commencement).

No development shall commence until a Soil Management Plan (SMP) is submitted to and approved, in writing, by the Local Planning Authority. The SMP in line with guidance in the Defra document : The Construction Code of Practice for Sustainable Use of Soils on Construction Sites shall include the following but not be limited to:

1. appropriate soil handling, storage and restoration methods.

**Reason:** In the interests of visual amenity, nature conservation and mobility and to comply with CSDP policies BH1, NE2 and ST3 and paragraph 58 of the National Planning Policy Framework.

#### 15. Landscape Environmental Management Plan (Pre-occupation phased).

Prior to the occupation of any dwellings, a Landscape Environmental Management Plan (LEMP) covering the management and aftercare of the development after construction shall be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** In the interests of visual amenity, nature conservation and mobility and to comply with CSDP policies BH1, NE2 and ST3 and paragraph 58 of the National Planning Policy Framework.

#### 16. Arboricultural Method Statement (Pre-commencement phased).

No development shall commence until the following has been submitted to and approved, in writing, by the Local Planning Authority for that Development Cell, or part thereof:

1. An Arboricultural Method Statement to ensure the trees and hedgerows to be retained are protected during the construction of the development.

**Reason:** In order to ensure that no damage is caused to trees during construction work and to comply with CSDP policy NE3.

#### 17. Open Space and Informal Play (Pre-occupation phased).

Prior to the occupation of any dwellings within each phase (identified on plan reference 1034\_11 Rev F) details of the open space and informal play provision (excluding the provision to be provided in the neighbourhood centre) for that phase and a timetable shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the open space and play provision shall be implemented and maintained in accordance with the approved details and timetable.

**Reason:** In order to ensure that the greenspace provision is implemented in accordance with CSDP policy NE4.

#### 18. Arboricultural Impact Assessment (Pre-commencement compliance).

The development hereby approved shall be carried out in accordance with all recommendations set out by the submitted Arboricultural Impact Assessment and, for the avoidance of doubt, no development shall commence within each Development Cell, or part thereof, (identified on plan reference RYH/02-80) until all tree protection measures for that Development Cell as set out by this Assessment have been fully installed, which shall remain in place until the development is complete.

**Reason:** In order to ensure that no damage is caused to trees during construction work and to comply with CSDP policy NE3.

### **Drainage**

#### 19. Drainage Verification (Pre-occupation).

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:

- 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.

**REASON:** To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with CSDP policy WWE3.

#### 20. Surface and Foul Water Discharge (On going compliance).

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" by Queensbury Design Ltd dated 25<sup>th</sup> April 2018." The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole MH5104 and ensure that surface water discharges to the surface water sewer at manhole MH5103. The surface water discharge rate shall not exceed the available capacity of 10l/s which has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

**Reason:** To ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, and to comply with CSDP policies WWE2 and WWE3.

### **Residential Amenity**

#### 21. Construction Management Plan (Pre-commencement).

No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following but not be limited to:

1. Details of site compounds, contractor parking and any temporary construction roads and points of access
2. Measures to manage surface water during construction
3. Traffic routes of plant and heavy goods vehicles
4. Parking of vehicles of site operatives and visitors
5. Loading and unloading of plant and materials

6. Storage of plant and materials used in constructing the development
7. Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
8. Measures to ensure public highway remains sufficiently clean of dirt
9. Measures to control the emission of dust, dirt and other airborne pollutants
10. Scheme for recycling/disposing of waste resulting from demolition and construction works
11. Measures to control noise and vibration
12. Communication plan for liaising with the public
13. Fuel storage area which shall include bunding and wash down facilities
14. Inspections and maintenance of the watercourse in compliance with riparian responsibilities.
15. The development, including demolition works, within each Development Cell, or part thereof, shall be implemented in accordance with the approved Plan for that Development Cell.
16. No construction activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0700 hours or continue after 1900 hours Mondays to Fridays, or commence before 0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

**Reason:** In order to protect the amenity of adjacent occupiers, the adjacent highway network, local wildlife and its habitat and neighbouring heritage assets and to comply with CSDP policy HS1.

## 22. Noise attenuation (Pre-commencement).

No construction work shall begin until a scheme for protecting the proposed residential development against external noise, has been submitted and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development is occupied. The scheme shall demonstrate how mitigation measures as set out in section 5.6.1 of the Noise Report Reference NT12983 of May 2020, and Drawing NT 12983-008 Rev A dated May 2020 are to be implemented

**Reason:** In order to protect residents from exposure to excessive noise and to comply with CSDP policies HS1 and HS2.

**Highways (Applications re:18/00640/FUL & 19/01497/HY4). (The direct link with the above two sites require the inclusion of the following to ensure delivery of the associated mitigation.**

## 23. Roundabout Phasing (Pre-commencement).

No development shall commence until a detailed phasing plan and delivery programme for the new roundabout and link road, Burdon Road widening; and the other off-site highway improvement be submitted and agreed. This requirement is to accommodate traffic growth arising from the development and enable the safe operation of the highway network.

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2.

#### 24. Junction Improvement Trigger 1 (Pre-occupation).

No more than 100 dwellings shall be occupied until a scheme of junction improvements at A19/A690 Durham Road has been completed. The scheme will include the implementation of a Microprocessor Optimised Vehicle Actuation (MOVA) signal control system in conjunction with the traffic signal phasing and staging plan. The scheme will require to be completed fully to ensure there is no detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.

**Reason:** To ensure both the Strategic and Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2

#### 25. Junction Improvement Trigger 2 (Pre-occupation).

No more than 130 (PHASE 2) dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network:

- Completion of the new roundabout on Burdon Road (B1286)
- Completion of link road between Burdon Road (B1286) and Eltham Road, including crossing points
- Completion of the road widening scheme for Burdon Road including new footway / cycleway and bus stop provision and shelters
- Completion of the new footway / cycleway on Burdon Road and carriageway widening (connecting with Nettles Lane)
- Completion of the new toucan crossing at Burdon Road/Nettles Lane
- Completion of the Tunstall Village Road / Paddock Lane junction improvements
- Completion of the Tunstall Hope Road / Paddock Lane junction improvements
- Completion of the delivery of internal link roads associated with phase 1 (as identified on plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

#### 26. Junction Improvement Trigger 3 (Pre-occupation).

No more than 400 dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network as a result of the proposed development:

- Completion of the improvement works to Nettles Lane (the northern part identified in Phase 3 on plan reference 1034\_11\_Rev F) under Section 278 of the Highways Act, including crossing points.
- Completion of the delivery of internal link roads associated with Phase 2 and 3 (as identified in plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act.

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

#### 27. Junction Improvement Trigger 4 (Pre-occupation).

No more than 600 dwellings shall be occupied until the following highway infrastructure is completed and open to traffic. The works will require to be completed fully to ensure there is no detrimental impact on the safe operation of the road network as a result of the proposed development:

- Tunstall Road / Queen Alexandra Road roundabout improvements.
- Tunstall Road / Leechmere Road / Essen Way roundabout improvements.
- Tunstall Road / Belvedere Road / Thornholme Road roundabout.
- Completion of the delivery of internal link roads associated with Phase 4 (as identified in plan reference 1034\_11\_Rev F) constructed in accordance with Section 38 of the Highways Act
- Completion of the improvement works to Nettles Lane (the northern part identified in Phase 4 on plan reference 1034\_11\_Rev F) under Section 278 of the Highways Act, including crossing points.

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

#### 28. Travel Plan (Pre-occupation).

A detailed Travel Plan will be required setting out details of the Travel Plan Coordinator which shall be in place 6 months prior to first occupation to ensure that all measures, including the preparation of the Welcome Pack, are in place upon first occupation. The Travel Plan shall confirm when the Baseline Travel Survey is to be undertaken which should be upon occupation of 50th dwelling or after 1 year, whichever is soonest.

**Reason:** To ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

#### 29. Stage 2 Road Safety Audit (Pre-commencement).

A Stage 2 Road Safety Audit will be required to be submitted and agreed upon completion of the detailed design for the proposed roundabout and offsite highway works prior to commencement of the works.

**Reason:** To ensure the Local Road Network will be protected for safe and efficient movement and that development will not create a severe impact on the safe operation of the highway network in order to comply with CSDP policy ST2; and to ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.



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**Reference No.:** 20/02296/LP3 Local Authority (Reg 3 )

**Proposal:** **Engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site (additional ecology and land contamination reports received).**

**Location:** Hendon Sidings Enterprise Zone Adjacent To Prospect Row Sunderland Port Of Sunderland

**Ward:** Hendon  
**Applicant:** Port Of Sunderland  
**Date Valid:** 8 December 2020  
**Target Date:** 9 March 2021

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Full planning permission is sought for engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site at former Hendon Sidings, adjacent to Prospect Row, Sunderland.

The proposals affect a vacant area of land covering approximately 5.5ha, which was historically occupied by the Hendon rail sidings. The land in question is of a narrow, tapering shape and is bordered by Prospect Row and the remaining Sunderland Town Moor to the west, Extension Road to the south and Barrack Street to the north. To the east, it is bordered by the rail line serving the adjacent Port of Sunderland.

The application site forms part of the wider 'Hendon Sidings' area, which also includes the rail line corridor and land further to its east, which forms a proposed Local Wildlife Site. The operational land of the Port of Sunderland is located to the east of the wider Hendon Sidings area. Hendon Sidings was purchased by the City Council in 2012 to complement its operations at the Port; it does not, however, form part of its operational land as defined by the Harbours Act 1964.

The west side of Prospect Row is fronted by dwellinghouses, whilst a public house (The Welcome Tavern) stands in isolation immediately to the north of the application site at the junction between Prospect Row and Barrack Street. The Town Moor forms a significant area of historically significant open space and is within the Old Sunderland Conservation Area; the boundary with the application site forms the Conservation Area's eastern edge. The southern tip of the site is bounded by Extension Road, which enables vehicular access to the site. Commercial properties are present to the south side of Extension Road.

The site is generally level but undulating in nature and in terms of its current condition, it is largely covered in vegetation, with areas of hardstanding, stockpiles, concrete storage bays and demolished buildings in evidence. A stone wall runs along the western perimeter of the site (to the Prospect Row and Town Moor boundary) and inside this are trees and shrubs providing some screening of the site.

Together with land at East Shore within the Port, the application site forms part of the Port of Sunderland Enterprise Zone (EZ), a status which offers enhanced capital allowances for

businesses investing within the Zone. In August 2018, a maximum of £8.202m was approved (subject to tenders) to support EZ works, including remediation and infrastructure works to accelerate the development of commercial and industrial employment sites, stimulate private investment and support export potential. The Hendon Sidings site is now being marketed as the 'Trinity - Road, Rail and Sea Enterprise Zone'.

The development proposed by the application forms part of efforts to make Hendon Sidings 'shovel ready', i.e. primed and immediately available for any developer/investment interest.

The development proposed by the application involves the following works:

- o New vehicular access to the north, from Prospect Row. This would allow vehicles, including HGVs, to access the northern section of the site. Works would include modifications to Barrack Street and Prospect Row to accommodate a revised priority and at grade access and footways will be incorporated into the design to enable safe pedestrian access into the site;
- o Vehicular access to the south, involving improvements to the existing access from Extension Road. The existing access will be widened to accommodate HGVs and requires a new earthwork cutting with associated embankments down to road level, a new footway, a widened 'bellmouth' junction and a reduction to the existing southern boundary wall level to mirror the proposed earthworks;
- o Retention of stone and brick boundary wall to western perimeter, with repairs, repointing and re-coping to be undertaken as required and new green mesh fencing erected to fill gaps in the boundary and replace sections of palisade fencing. Trees and shrubs alongside the wall are also to be retained;
- o Removal of existing areas of hardstanding, concrete bays, transient stockpile mounds and vegetation (other than retained trees and shrubs to the western edge) within the site;
- o Earthworks to remove buried foundations/obstructions and create a level site for future development;
- o Reprofilling of the site to provide a level development platform of between 14m and 15m AOD;
- o Resurfacing of the site, following completion of earthworks, with site-won hardcore and geotextile membrane to retard vegetation growth;
- o Creation of minor bunds and wildlife habitats to the north of the site;
- o The erection of two small electricity substations, one to the northern boundary and one to the southern boundary.

It is reiterated at this point that the current application is simply seeking to prepare the site for future development; any future proposals to develop the land would also be subject to planning controls. Members may recall that a similar planning application to prepare the East Shore part of the Port of Sunderland Enterprise Zone for development was approved by the Council's Development Control (South) Area Planning Committee on.....APP REF. IN HERE.

The application has been accompanied by a range of supporting technical reports and documents, including the following:

- Planning, Design and Access Statement;
- Phase 1 Land contamination report (updated June 2021);
- Phase 2 Contaminated Land report (updated June 2021 and August 2021);
- Protected Species Report (October 2019);
- Ecological Impact Assessment (June 2021 and updated October 2021);
- Ecological Mitigation and Enhancement Plan (November 2020, updated June and October 2021);
- Biodiversity Net Gain calculations (updated October 2021);

- Habitats Regulations Assessment: Statement to Inform an Appropriate Assessment (updated June and October 2021), which considers the effects of development on nearby European-protected sites and species;
- Historic Environment Assessment;
- Flood Risk Assessment and Drainage Strategy (supplemented with further information during consideration of application);
- Arboricultural Impact Assessment;
- Archaeological Evaluation Report;

Members should note that the operational land of the Port is in the ownership of the Council and that the current application has been submitted by the Council's Port Director.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

**CONSULTEES:**

Natural England  
 Land Contamination  
 Hendon - Ward Councillor Consultation  
 Network Management  
 Tyne And Wear Archaeology Officer  
 City Arboricultural Officer  
 Flood And Coastal Group Engineer  
 Environment Agency  
 North Gas Networks  
 Northumbrian Water  
 Environmental Health  
 Northumbria Police  
 Network Rail  
 Fire Prevention Officer

Final Date for Receipt of Representations: **22.07.2021**

**REPRESENTATIONS:**

**Public consultation** - the application has been subject to public consultation via letters to nearby properties, site notices and a press notice. The following representations have been received:

From occupier of flat above Welcome Tavern public house:

- Proposed access and realignment of road is below living room window and will bring traffic nearer to the building;
- There will be increased noise from additional traffic using the access;
- There will be increased pollution from heavy vehicles which has been proven as detrimental to public health;
- There could be an effect on the structural integrity of the building;
- There could be a potential effect on the cost of building insurance;
- Effect on access to the flat from Prospect Row/Barrack Street;
- Effect on parking and safety of household vehicles;

From licensee of Welcome Tavern public house:

- Increase in heavy traffic could cut the public house off from its customer base as customers would be less inclined to cross a busy road;
- Introduction of parking restrictions around new site access would not allow for customer parking;
- Worries over structural integrity of whole building, which was rebuilt in 1915 and features a large, deep cellar;
- Concerns over increased environmental impact, such as from carbon monoxide;

Two representations have been received from occupiers of 18 Mariner Square, with the following concerns raised:

- Concerns over increases in traffic, loss of parking and privacy;
- Existing concerns in relation to speeding cars and use of local roads by buses and HGVs visiting the Port;
- There are already noise and smells coming from the Port, which could be exacerbated by the development;
- Current boundary treatment of the site is ugly and unkempt and covered in litter, proposed development could worsen this;
- Proposals could devalue property and 'make life more difficult' for the objector and their neighbours;
- Suggests compensation should be payable to cover these factors;

At this point, it should be noted that concerns regarding the impact of a development proposal on the value of private property and the cost of insurance is a private concern and is not material to the determination of a planning application. Furthermore, and in respect of the concerns raised regarding the structural integrity of the Welcome Tavern public house, it would be the responsibility of the applicant/developer to ensure that all works are carried out in a manner which would not cause any damage to, or affect the stability and integrity of, any private property which is located outside of the planning application site.

**Environment Agency** - initial comments from the Environment Agency (EA) advised that the Phase 1 and Phase 2 land contamination reports had been reviewed and it was noted that the application site is subject to contamination due to its previous use as railway sidings. Controlled waters are also particularly sensitive at this location because the site is located upon a Principal Aquifer, namely the Magnesian Limestone aquifer.

The EA initially confirmed there was no objection to the application, subject to the imposition of a series of conditions and advice on working practices being provided to the applicant by way of informative notes.

Following further review of the information supplied with the application, the EA has since revised their initial consultation response and now advises that there is no requirement for the previously requested conditions to be imposed. Instead, detailed advice is provided to the applicant in relation to working practices, to ensure groundwater is not polluted by construction activity and that site works are undertaken safely.

**Natural England** - advise that further assessment should be undertaken to determine impacts on designated sites. To this end, it is considered that the development could have potential significant effects on the Northumbria Coast Special Protection Area and Ramsar site and the Durham Coast Special Area of Conservation. In order to understand potential effects on these sites, Natural England recommended that a Habitats Regulations Assessment (HRA), including an Appropriate Assessment, be undertaken.

Natural England note that the HRA report submitted with the application concludes that the proposed development can be 'screened out' from further stages of assessment because significant effects are unlikely to occur, either alone or in-combination. This conclusion is, however, drawn from having regard to measures built into the proposal which seek to avoid all potential impacts. With reference to the recent 'People Over Wind' ruling by the Court of Justice of the European Union, Natural England advise that an Appropriate Assessment should be undertaken, to formally establish whether the proposed measures designed to avoid or reduce likely harmful effects on the protected European sites will be effective and can be endorsed by the Council as competent authority.

Following further revisions to the submitted HRA report and confirmation that the Council, as competent authority, is minded to endorse the proposed mitigation, Natural England have confirmed there is no objection to the development proceeding, provided that the necessary mitigation measures are secured by appropriately-worded conditions.

**Northern Gas Networks** - no objections to the proposals, notes that the developer should be aware of apparatus in the area.

**Tyne and Wear County Archaeology officer** - initially noted that the local Historic Environment Record (HER) indicates the presence of a smithy, a rope walk, possible air raid shelters, a Goods station and engine sheds within the development site, as well as the extant remains of a coal depot. The site also historically formed part of Sunderland Town Moor. The submitted Historic Environment Assessment highlights that the potential archaeological interest of the site will have been limited by subsequent development and its use as railway sidings, however it is possible that some pre-1856 archaeology could remain.

The County Archaeology officer therefore requested that additional site evaluations, in the form of targeted trial trenches, be carried out prior to the approval of planning permission.

The recommended site evaluations have been undertaken and a report submitted for consideration. This has been reviewed by the County Archaeology officer, who notes that the trenches identified well-preserved 19th and 20th century remains in the northern part of the site, including an engine house and associated turntable. In the event planning permission is approved, it is requested that further archaeological excavation and monitoring in the northern portion of the site is undertaken. These works can be secured by condition. It is also requested that conditions be imposed requiring a photographic survey and archaeological recording of the extant structures within the site and an archaeological recording of the existing stone boundary wall to the south of site (affected by the Extension Road access).

**Northumbrian Water** - no issues with the proposed development, provided the application is carried out within strict accordance with the submitted Flood Risk Assessment and Drainage Strategy. A condition requiring compliance with this strategy is requested.

**Network Rail** - no objections to the principle of the development. Advice is provided in relation to any covenants affecting the site, drainage arrangements, the use of cranes and plant during construction works, excavations/earthworks, site security, fencing, lighting and other working methods and arrangements. Network Rail request that matters relating to drainage, boundary fencing, method statements and lighting are subject to conditions, with all other matters subject to advice provided via informative notes.

**Council's Landscape officer** - no comments to make.

**Council's Flood and Coastal team (in capacity as Lead Local Flood Authority)** - initially advised that further information and detail in relation to maintenance arrangements, pipe sizes, sewer network and modelling data was required before the proposed sustainable drainage solution could be approved. The requested information has since been provided and the LLFA confirm there is no objection to the development proceeding from a flood risk and sustainable drainage perspective, subject to conditions requiring the provision of a CCTV pipe survey and the submission and approval of a drainage verification report.

**Council's Environmental Health team** - no objections to the proposed development, subject to conditions requiring the submission and approval of a Construction Environmental Management Plan (CEMP) and the submission of details, including the relevant environmental permit, of any mobile crusher and screen to be brought onto the site.

**Council's Ecology team and Ecology consultants** - initial comments from the Council's Ecology team advised that in the first instance, the proposed development has to mitigate its own impacts and cannot rely on any future development of the site to secure mitigation measures. In addition, further information and updates to the submitted surveys and reports were requested in relation to biodiversity net gains, wildlife corridors, the preparation of an Ecological Impact Assessment (EclA), the timing of works, the location of bird nesting boxes, the creation of habitat features and taking into account the operation of the adjacent Port railway line. In addition, it was noted that the submitted HRA report did not fully address potential functionally linked land.

Further work was undertaken and submitted by the applicant's ecology consultant, in the form of an updated HRA report, updated Ecological Impact Assessment (EclA), an Ecological Mitigation and Enhancement Plan (EMEP) and Biodiversity Net Gain (BNG) calculations. The updated work was subsequently reviewed by the Council's Ecology consultant and issues relating to the suitability of the HRA report and its conclusions, the suitability of baseline ecological data and the suitability of the updated EclA and EMEP. In turn, the issues identified with the survey EclA and EMEP was considered to affect the robustness of the submitted BNG calculations.

Subsequent to the issues raised by the Council's consultant, further discussions have taken place with the applicant's consultant and following from this, additional ecology work has been undertaken by the applicant's ecology consultant. Updated EclA and EMEP reports have been submitted, along with an updated BNG metric and an updated HRA report.

The Council's Ecology consultant has reviewed the updated information. In relation to HRA, it is advised that it can now be concluded the proposed works will not result in adverse effects on site integrity following application of mitigation and an 'Appropriate Assessment' proforma has been produced to record this position. Similarly, in relation to the submitted EclA and EMEP, it is considered that sufficient information has now been provided. Again, some minor points are raised, and it is recommended that the reports be updated to address these.

The minor updates to the submitted reports are being prepared by the applicant's ecologist and it is anticipated they will have been submitted and endorsed by the Council's consultant prior to the Committee meeting.

**Council's Land contamination consultant** - has reviewed the submitted Phase 1 and Phase 2 land contamination reports. It was initially advised that the originally submitted Phase 1 report required supplementing with contaminated land information available from the Council and an assessment of potential risks from vapours in soils and groundwater. The conceptual site model should then be accordingly updated. The Phase 1 report has been updated to address these issues and no further comments are offered.

In relation to the Phase 2 report, this should be updated to reflect changes to the Phase 1 report and further site analysis was also required in relation to risks to controlled waters, from ground gas, imported materials and the re-use of site won materials. The Remediation Strategy within the Phase 2 report should also be updated to reflect this additional work. The Phase 2 report and Remediation Strategy have been amended/updated to reflect the comments provided and the Council's Land Contamination consultant has confirmed that no further work is required. Conditions requiring the implementation of the submitted Remediation Strategy and to cover encountering unexpected contamination have been recommended.

**Council's Built Heritage officer** - no objections to the development. Advises that the submitted Historic Environment Assessment correctly identifies the heritage assets which may potentially be affected by the development and its conclusion that the nature of the proposed works means the development will not have any impact on their setting or significance is agreed with. A condition requiring agreement of a specification and method statement for works to the boundary wall to Prospect Row/Town Moor is requested.

### **POLICIES:**

In the Core Strategy and Development Plan the site is subject to the following policies: SS5, HS1, HS2, HS3, HS4, BH1, BH8, BH9, NE2, WWE2, WWE3, WWE4, WWE5, ST2 and ST3

### **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.

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

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

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

- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- 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); and
- Conserve and enhance the historic environment (section 16).

The Council's Core Strategy and Development Plan (CSDP) is the strategic development plan for the City for the period up to 2033. Policies SS5, HS1, HS2, HS3, HS4, BH1, BH8, BH9, NE2, WWE2, WWE3, WWE4, WWE5, ST2 and ST3 of the CSDP are considered to be pertinent to the determination of this application.

The new CSDP policies serve to replace the majority of policies within the Council's Unitary Development Plan (1998), but some, mainly non-strategic, policies have not been superseded and can continue to be given weight where appropriate. In this case, policies B14, CN20 and CN23 of the UDP remain applicable.

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 the amenity of the locality;
3. The impact of the development in respect of highway and pedestrian safety;
4. The impact of the development in respect of ecology and biodiversity;
5. The impact of the development in respect of built heritage and archaeology;
6. The impact of the development in respect of flooding and drainage;
7. The impact of the development in respect of ground conditions;



## 1. Land use considerations

The Council's online Interactive Map for the UDP and CSDP shows the northern portion of the site as still being subject to an allocation for new housing through policy SA9 of the UDP; this allocation does not appear to have been formally deleted upon adoption of the CSDP.

Given that the proposed development only entails site preparation works, there would not necessarily be any conflict with the housing allocation through the UDP. It should be noted, however, that there is no commitment from the Council to bring forward this site for housing - it is not identified as being available for housing development in the Council's most recent Strategic Housing Market Availability Assessment (SHMAA) and it is not intended to be included as a housing site in the Council's draft Allocations and Designations (A&D) Plan. In addition, the entirety of the site is now subject to policy SS5 of the CSDP, which identifies the site as being within the Port of Sunderland. Consequently, the most recently adopted and emerging policies for the site do not make the site available for housing, rather the site is allocated as Port of Sunderland land through CSDP policy SS5.

Policy SS5 of the CSDP applies to the entirety of the application site and it states that the Port will be reinvigorated through:

1. The provision of road and rail links suitable for heavy freight to link the Port to national networks;
2. Preventing waterside developments that would negatively impact on operations;
3. Supporting the use of the River Wear as a freight corridor and serving waterfront businesses;
4. Enabling development of Port-related uses within use classes B1 (light industry and offices), B2 (general industry) and B8 (storage and distribution), including offshore renewables and automotive supply chains; and
5. Requiring development which is located within Flood Zones 2 and 3 to meet the sequential test and exceptions test, where necessary.

The supporting text to the policy (at paragraph 4.70) does note, however, that the Port estate extends into the former Hendon Railway Sidings site, which is located outside of the operational Port. As the area is located outside of the operational Port, development for B1, B2 and B8 uses which are not Port-related can be supported at this location.

Members should note at this point that following the September 2020 amendment to the Town and Country Planning (Use Classes) Amendment Order 1987, use class B1 has been absorbed into the new use class E.

On a national level, section 6 of the NPPF requires the planning system to support the building of a strong, competitive economy, with paragraph 82 advising that in making planning decisions, significant weight should be placed on the need to support economic growth and productivity, and paragraph 83 stating that planning decisions should recognise and address the specific locational requirements of different sectors. Section 11, meanwhile, requires the planning system to make effective use of land, including placing an emphasis on the use of brownfield (i.e. previously-developed) land and ensuring that policies and decisions recognise and reflect changes in the demand for land.

Clearly, the development proposed by the current application is designed to increase the attractiveness of the Hendon Sidings site as a location for new businesses and investment, thus enabling the development of the site for economic activity in line with the site's allocation through policy SS5 of the CSDP. The development would also support the reinvigoration of the site and wider Port area in its role as a key employment area for the City. Additionally, the proposed site

works will serve to increase the likelihood of an extensive area of brownfield land being developed in a positive and economically beneficial manner. The proposal is therefore considered to be entirely consistent with policy SS5's objectives and also those of the NPPF in terms of supporting economic growth and making effective use of previously developed land.

Notwithstanding the development's compatibility with the land use policies directing development at the Port, before it can be determined whether the proposal represents the sustainable development required by the NPPF, all other material considerations relevant to the scheme must be satisfactorily assessed and addressed. Such an exercise is undertaken below.

## **2. Visual and residential amenity implications**

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.

Paragraph 130 of the NPPF, meanwhile, 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.

Also relevant are paragraph 185 of the NPPF and CSDP policies HS1 and HS2, which require consideration to be given to ensuring that the amenity of sensitive properties isn't unacceptably harmed by pollution from sources such as noise.

In this case, the development proposed by the application primarily involves groundworks, site reprofiling works and other site preparation works required to ready the Hendon Sidings site for potential future development interest. The proposals also involve the creation of a new vehicular access onto Barrack Street/Prospect Row and the improvement of the existing access onto Extension Road. On their own, these works are not considered to give rise to any concerns relative to the visual amenity of the locality, given that the overall appearance of the site will not differ significantly from its current condition and as it is largely screened from public views by the existing boundary wall along Prospect Row and the Town Moor, which, with reference to the representation from 18 Mariner Square, is being improved and retained. The overall appearance of the boundary to Prospect Row will be further enhanced by the replacement of sections of palisade fencing with new green mesh fencing. Further screening of the interior of the site is provided by the tree/vegetation belt along the inside of the boundary to Prospect Row, which is also being retained.

In relation to residential amenity, it is considered that the proposed development will not substantively affect the living conditions of the nearest dwellings, which face the site from across Prospect Row and are at the corner of Barrack Street and to the first floor flat above the Welcome Tavern public house, in terms of their outlook, privacy or receipt of sunlight/daylight.

The licensee of the Welcome Tavern public house and the occupier of its first floor flat have raised concerns regarding the proposed new access onto Prospect Row, which will be located close to the building. It is suggested that the provision and use of the access could cause disturbance to occupiers of the flat, worsen air quality, affect the structural integrity of the building and make it less attractive to visiting customers.

It must be noted at this stage that the current planning application is purely seeking permission for the construction of the access into the site in order to support its potential development for economic and commercial activity, in line with the site's allocation in the Council's adopted CSDP. Exactly how the access into the site would be used, in terms of the types of vehicle using it and the

frequency and timings of its use, will not become apparent until any future development proposals for the Hendon Sidings site are submitted for consideration. At such a time, an assessment will be made as to whether any proposed use of the access would give rise to amenity, noise, air quality and other environmental considerations, taking into account prevailing site conditions and the characteristics of the locality.

Given the above, it is considered that the current proposals raise no significant concerns relative to visual and residential amenity, in accordance with the requirements of the NPPF and the Council's adopted CSDP.

### **3. Impact of the development on highway and pedestrian safety**

Policy ST2 of the Council's adopted 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.

Additionally, policy ST3 requires new development to provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic or exacerbate traffic congestion. It also requires applications to be accompanied by an appropriate Transport Assessment/Transport Statement and Travel Plan to demonstrate that appropriate mitigation measures can be delivered to ensure that there is no detrimental impact to the existing highway.

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.

In this case, the works proposed by the current application will not, on their own, result in any additional vehicle movements to or from the site (other than during the construction phase). Any additional movements generated by future development at the site will be considered in the context of any forthcoming planning applications. At this point, consideration can only be given as to whether the location and design of the new and improved access points into the site are acceptable in relation to highway and pedestrian safety.

To this end, the new access into the site from the junction of Prospect Row/Barrack Street is considered to represent the most obvious point of access, for it creates a straight route into the site from the end of Barrack Street. The location of this access also minimises disruption to the boundary wall and vegetation along the north-western edge of the site and means the access is

not directly in front of dwellings facing the site across Prospect Row. The design of the new access will include appropriate pedestrian provision, including an at-grade crossing point to maintain direct pedestrian connections from Prospect Row to the Welcome Tavern public house, whilst the reprioritisation of the junction between Barrack Street and Prospect Row will serve to ensure that future traffic flows can be appropriately managed.

Objections from the licensee and occupier of the first floor flat to the Welcome Tavern public house have suggested that the proposals will affect parking and access arrangements to the building. To this end, it is observed that a large, dead-end area of road to the south side of the property, which appears to be available for parking and access to the building. This area will still be available to the property and access into it is provided by the proposed new junction layout. Objectors from 18 Mariner Square have also cited parking concerns but the proposed access does not appear to materially affect the availability of on-street or private parking in the locality.

The proposals for the southern access point, meanwhile, will serve to improve this existing route into the site from Extension Road and enable access by HGVs and other larger vehicles.

Overall, the current proposals do not give rise to any significant concerns in terms of impact on the existing highway network or highway and pedestrian safety and consequently, the proposals are considered to satisfy the objectives of paragraphs 110 and 111 of the NPPF and policies ST2 and ST3 of the Council's adopted CSDP.

#### **4. 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). Paragraph 182 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.

Additionally, continuing to be applicable are UDP policy CN20, which seeks to prevent unacceptable harm being caused to SSSIs, and policy CN23, which seeks to conserve and enhance the wildlife corridors identified on the UDP proposals map.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the

legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied by a Habitats Regulations Assessment (HRA): Statement to Inform an Appropriate Assessment, which is designed to inform an Appropriate Assessment to be undertaken by the Council. The Statement assesses the direct effects of the proposed development on the Northumbria Coast Special Protection Area (SPA) and Ramsar Site and the Durham Coast Special Area of Conservation (SAC), all approximately 2km to the north and south of the application site. The Northumbria Coast SPA and Ramsar site support important numbers of purple sandpiper, turnstone and little tern, whilst the Durham Coast SPA is unique in the UK for its vegetated sea cliffs on magnesian limestone exposures.

The following potential impacts have been identified in relation to the European Sites and their reasons for designation:

- o Noise pollution during site clearance - cumulatively expected to occur at functionally linked land at the piers etc. next to the Port;
- o Disturbance of birds via light pollution - light spill is envisaged to be negligible however there could be cumulative light pollution issues alongside those already exhibited within the Port on functionally linked land and not designated sites themselves;
- o Dust/air pollution and litter - generated by new vehicular access and storage of waste within the site;
- o Introduction of invasive plants - possibility that invasive plants could spread beyond the site boundary;

The submitted Statement sets out a series of mitigation measures designed to reduce the potential impacts identified above. The mitigation measures are as follows:

- o Noise - restrictions on working hours and implementing good practice measures during construction works (e.g. using quieter machinery and tools, no idling vehicles etc.);
- o Light pollution - use of cowling to direct light downwards and other measures to minimise spillage and switch lighting off overnight;
- o Dust and air pollution - measures and good practice to prevent and manage fuel and other spillages, advice provided on storage of fuel and chemicals, restrictions on certain working practices to minimise emissions and other potential sources of air pollution;
- o Invasive species - avoid areas containing Japanese knotweed and montbretia and keep a disinfectant on site for use if contractors come into contact with invasive plants

Provided these measures are adopted and enforced during works, the Statement concludes that likely significant impacts on the European sites will be reduced to a suitable level and that the integrity of the sites and functionally linked land will be protected.

The application has also been accompanied by an Ecological Impact Assessment (EclA), which notes that various surveys of the site have been carried out since 2019, with specific regard to breeding birds, bats, dingy skipper (an increasingly-rare type of butterfly) and reptiles. The

application site was previously intended to form part of a Local Wildlife Site (LWS), designated for supporting lowland meadow and pasture, early successional brownfield habitats and lowland heath, but the proposed boundary has been amended and the proposed LWS now only includes land to the east of the Port railway line. The following conclusions have been reached in respect of the site's ecological value:

- Evaluation of the site in relation to breeding birds would suggest district level importance given species assemblage, however the numbers of breeding pairs of identified species is relatively low, suggesting an overall evaluation should be closer to one of local significance;
- Bat surveys of structures on the site have identified no roosts, with activity levels of bats generally low across the site;
- Dingy skipper numbers have drastically reduced, based on surveys undertaken in 2013, 2016 and 2019, likely due to a lack of site management resulting in scrub encroachment and loss of bare ground for basking;
- No recordings of reptiles at the site;

The EclA identifies a series of potential impacts on the habitats and species present at the site, primarily resulting from ground clearance (e.g. loss of bird, bat, dingy skipper and potential reptile habitat), noise impacts, light pollution impacts, loss of wildlife network land and other forms of pollution. Measures are recommended to either avoid, mitigate or compensate for these potential impacts.

In terms of avoidance, there are recommendations in relation to the timing of site works; in terms of mitigation, there are recommendations relating to lighting, new habitat creation, noise reduction measures, site clearance practices and other pollution control measures; in terms of compensation, there are recommendations relating to delivering net gains in biodiversity, the retention of the scrub bank between the proposed LWS and the Port for birds, the creation of a 20-year site management plan and the inclusion of bat and bird boxes.

The submitted Ecological Mitigation and Enhancement Plan (EMEP) sets out more detailed mitigation and enhancement measures and provides the 20-year site management plan recommended by the EclA. The measures proposed by the EMEP include:

Within the site/future proposed development area:

- Inclusion of a seeded bund, to create neutral grassland habitat of particular suitability for Dingy skipper;
- Retention of timber from vegetation removal or discarded sleepers to create natural refugia/log piles;
- Development of ecological monitoring programme to assess the success of mitigation and enhancement scheme in relation to key habitats and species;

Outside the site clearance/future proposed development area;

- Enhancement of the urban mosaic habitat on previously-developed land via a habitat management plan, as well as woodland enhancement;
- Bird boxes, including little owl boxes;
- Bat boxes;
- Retention of timber from vegetation removal or discarded sleepers to create natural refugia/log piles;
- Development of ecological monitoring programme to assess the success of mitigation and enhancement scheme in relation to key habitats and species;

As set out in the 'Representations' section of this report, the Council's Ecology consultant is now broadly satisfied with the HRA Statement and is able to conclude that no adverse effects on the

integrity of the European sites will occur, subject to the adoption of the proposed mitigation measures. An 'Appropriate Assessment' proforma has been produced to record this position. Natural England also confirm there is no objection to the application, provided the proposed mitigation measures within the HRA Statement are secured by appropriately-worded conditions. The Council's consultant is also now broadly satisfied in relation to the assessment of the application site itself and the proposed mitigation and enhancement measures.

The Council's consultant has, however, requested that some minor updates to the EclA and EMEP reports be carried out, although the requested updates do not affect the conclusions that the proposals are acceptable in relation to ecological considerations relative to the value of the application site itself.

It is anticipated that the applicant's EclA and EMEP reports will have been updated in line with the Council's consultant's recommendations ahead of the Committee meeting and final comments and recommended conditions from the Council's Ecology consultant will also have been provided. It is envisaged that it will be possible to conclude that the ecology and biodiversity implications of the development relative to the application site itself are acceptable, in accordance with the objectives of the NPPF, the Council's Core Strategy and Development Plan and the relevant policies of the UDP. An update on the final position in respect of ecology, together with recommended ecology conditions, will, however, be provided to Members ahead of the Committee meeting.

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

Paragraph 189 of the NPPF states that heritage assets (such as Conservation Areas and Listed buildings) 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, with paragraph 206 then stating 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.

On a local level, policy B14 of the Council's UDP states that where development proposals affect sites of known or potential archaeological importance, the Council will require appropriate investigations to take place before planning permission will be granted.

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.

The application has been accompanied by an Historic Environment Assessment, section 6 of which considers the significance and setting of the built heritage assets closest to the application site. This includes the adjacent Old Sunderland Conservation Area, which encompasses the remains of the historic Town Moor and contains a number of Listed buildings associated with the early development of Sunderland parish, including the Grade I Listed Holy Trinity Church. The Assessment also considers potential impacts on the range of Listed buildings within the South Docks area of the Port, to the east of the application site.

The submitted Assessment advises that due to the nature of the proposed development, which as noted earlier primarily involves site preparation works, there will be minimal effect on the significance of the heritage assets outside of the application site, including the Old Sunderland Conservation Area and the Listed buildings within it and the Listed buildings at South Dock to the east. The proposed works to the western boundary wall of the site represent an opportunity to improve its appearance and role as a defined boundary between the application site and Prospect Row, the Town Moor and the Conservation Area beyond. The presence of the Conservation Area and nearby Listed buildings will, however, have to be taken into account in the event any proposals for built development of the site come forward in the future. The Council's Built Heritage officer agrees with the Assessment's conclusions and has no objection to the application, subject to a condition requiring agreement of specification/method statement for the western boundary wall repairs.

In terms of archaeology, the submitted Assessment and subsequent Evaluation Report have been reviewed by the County Archaeology officer, who notes that the trenches identified well-preserved 19th and 20th century remains in the northern part of the site, including an engine house and associated turntable. In the event planning permission is approved, the County Archaeologist requested that further archaeological excavation and monitoring in the northern portion of the site is undertaken. These works can be secured by condition. It is also requested that conditions be imposed requiring a photographic survey and archaeological recording of the extant structures within the site and an archaeological recording of the existing stone boundary wall to the south of site (affected by the Extension Road access).

Subject to the conditions requested by the County Archaeology officer being imposed, it is considered that the proposed development will satisfy the objectives of the UDP, CSDP and NPPF policies identified above relevant to built heritage and archaeology and the proposals are therefore considered to be acceptable in this regard.

## **6. 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. Paragraphs 162 to 165 of the NPPF set out that in areas at risk of flooding, a sequential test should be applied to development proposals, the aim of which is to steer new development to areas with the lowest risk of flooding, whilst paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased 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:

- (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.

The application has been accompanied by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy which observes that the application site lies within Flood Zone 1 and so is at the lowest risk of flooding. It is therefore suitable for the proposed development. The main risks to and from the site are from pluvial surface water flooding, which will be mitigated through appropriate drainage design and site contouring. The site is currently permeable brownfield land and there will be no net increase in the impermeable area as a result of the development; as a result, the existing drainage philosophy will be maintained as far as possible, with localised improvements and drainage measures as required, including the use of SuDS. This will include an interception ditch/conveyance swale to intercept severe rainfall runoff and a filter drain to the northern access point to ensure run-off does not affect the highway. Discharges from the swale and drain will be conveyed into the new surface water drainage system within the Port, with flows discharging into the docks.

In relation to the current scheme, there are no objections from the Environment Agency or Northumbrian Water, whilst the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, initially advised that further information was required before the application can be approved. The required details have been submitted by the applicant and the LLFA advises the application can be approved, subject to recommended conditions.

It is considered that the implications of the development relative to flood risk and sustainable drainage are acceptable and the proposals consequently comply with the objectives of the NPPF and the Council's Core Strategy and Development Plan in relation to these matters.

## **7. Implications of development in respect of land and groundwater contamination**

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 of the NPPF then 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Furthermore, policy WWE4 of the CSDP also require development to not adversely affect the quality or availability of ground or surface water, including rivers and other water.

The application has been accompanied by a Phase 1 Desktop Study and a Phase 2 Contaminated Land Risk Assessment which, following intrusive investigations, identifies the contamination risks at the site and provides a remediation strategy to recommend measures to address these risks.

As noted in the 'Representations' section of this report, having reviewed the relevant reports and assessments submitted by the applicant, the Environment Agency (EA) has no objections to the proposals. Advice for the applicant has been provided and can be communicated via informative notes on the decision notice. The Council's Land Contamination consultant has also reviewed the submitted reports and agrees that the development can proceed, subject to conditions requiring the implementation of the site remediation strategy and to cover encountering unexpected contamination during site works.

Subject to the conditions recommended by the Council's Land Contamination consultant, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed, and so the proposals will satisfy the objectives of the NPPF and policies HS3 and WWE4 of the CSDP in this regard.

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in land use terms given that the proposed engineering works are intended to support the redevelopment of a key brownfield site which is allocated for commercial and industrial development by the Council's adopted Core Strategy and Development Plan. In addition, and subject to the imposition of the conditions highlighted throughout this report, the proposals raise no significant concerns relative to visual and residential amenity, the setting of the Old Sunderland Conservation Area and other heritage assets proximate to the application site, archaeology, highway and pedestrian safety, flood risk and drainage and land contamination/ground conditions.

As set out in the relevant sections of this report, the implications of the proposals relative to European sites are confirmed as being acceptable by Natural England and the Council's Ecology consultant, subject to the adoption of the proposed mitigation measures. In relation to the biodiversity and ecology considerations relative to the application site itself, final details are still being considered pending the receipt of minor updates to the submitted ecology reports. It is ultimately anticipated that these outstanding matters can be satisfactorily addressed by minor revisions to the submitted reports, to enable a positive recommendation to be made. An update on the position relative to these matters, together with recommended conditions relating to ecology, will be provided to Members in a Supplementary Report ahead of the Committee meeting.

Subject to the outstanding ecology matters being satisfactorily resolved, it is anticipated that Members will be recommended to Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the draft conditions below and any other additional conditions required in respect of the outstanding ecology issues.

## **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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the draft conditions below and any other additional conditions required in respect of ecology/biodiversity:

### **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:

Location plan, drawing no. 373088-MMD-01-XX-DR-C-4000, rev. P3;  
Existing site plan, drawing no. 373088-MMD-01-XX-DR-C-4001, rev. P2  
Amended proposed site plan, drawing no. 373088-MMD-01-XX-DR-C-4002, rev. P4  
Proposed cross sections plan, drawing no. 373088-MMD-01-XX-DR-C-4004, rev. P2  
Proposed long sections plan, drawing no. 373088-MMD-01-XX-DR-C-4003, rev. P2  
Amended proposed southern access plan, drawing no. 373088-MMD-01-XX-DR-C-4009, rev. P3  
Proposed northern access plan, drawing no. EZHSA-SCC-HGN-Z0-DR-C-01\_001-D2, rev. P01  
Fence and gates general arrangement overview plan, drawing no. 373088-MMD-01-XX-DR-C-5023, rev. P1  
Proposed drainage general arrangement plan, drawing no. 373088-MMD-01-XX-DR-C-4005, rev. P3  
Proposed drainage details plan, drawing no. 373088-MMD-01-XX-DR-C-4006, rev. P1

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 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:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CEMP
- o Legal Compliance
- o Summary of the Requirements of Condition 3
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review
- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan (may not always require this)
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site

- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o 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.
- o Mitigation measures required to be adopted as part of Habitats Regulations Assessment
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o 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.

4 Prior to the commencement of development, a detailed CCTV survey of the pipe that will receive downstream connection from the scheme towards the Port shall be undertaken. The survey is required to demonstrate that the pipe will drain freely. In the event the CCTV survey demonstrates that the pipe does not drain freely, proposals for remedial action or alternative connection measures must be provided for the approval of Council as Local Planning Authority (in consultation with the LLFA) prior to development commencing. The development must then be carried out in accordance with any agreed alternative details.

Reason: in order to ensure an appropriate sustainable drainage system can be delivered for the scheme and to comply with the objectives of policies WWE2 and WWE3 of the CSDP and the NPPF.

5 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.

Confirmation that there is no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts

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.

6 No works to the existing boundary features at the site shall be undertaken until a full specification and method statement for repair (including re-pointing) and alteration works (including materials to be used) to the north stone boundary walls to the Town Moor and Prospect Row and at the new and altered vehicular access points have been submitted to an approved in writing by the Council as Local Planning Authority. The works shall then be undertaken in full accordance with the approved details.

Reason: in order to maintain the heritage integrity of the boundary walls and comply with the objectives of policy BH8 of the CSDP.

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 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 the National Planning Policy Framework and policy HS3 of the CSDP.

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 NPPF and policy HS3 of the CSDP.

9 No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

10 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 199 of the NPPF and Core Strategy Policies BH8 and BH9.

11 The site shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (10) 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 199 of the NPPF and Core Strategy Policies BH8 and BH9.

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

Reason: The site is located within an area identified 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 199 of the NPPF and Core Strategy Policies BH8 and BH9.

13 No groundworks or development shall commence (except for the undertaken of archaeological excavation pursuant of condition (10)) 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 and Core Strategy Policies BH8 and BH9.

14 The site should not brought into use until the report of the results of observations of the groundworks pursuant to condition (13) 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.

15 No new permanent or temporary fencing to the site's boundary with the Port railway shall be erected until full details have been submitted to the Local Planning Authority for approval, in consultation with Network Rail. The fencing shall then be erected in accordance with the approved details.

Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

16 Development shall not commence until a method statement for working adjacent to Network Rail's operational land has been submitted to and approved in writing by the LPA in consultation with Network Rail. For the avoidance of doubt, the statement must be informed by discussions with Network Rail's Asset Protection Team and should include:

- an outline of the proposed method of construction,
- a risk assessment in relation to the railway,
- a construction traffic management plan,

Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, i.e. 'possession', which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. The development should then be undertaken in accordance with the agreed statement.



Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

17 No lighting shall be erected adjacent to the site's boundary with the Port railway without details being submitted for the approval of the LPA, in consultation with Network Rail. The approved lighting shall then be installed in accordance with the agreed details.

Reason: in order to maintain the safety, security and operational integrity of the adjacent railway and comply with the objectives of policy SP10 of the CSDP.

18 No mobile crusher and screen shall be brought onto the site without first submitting the relevant environmental permit and the approval of the LPA. Thereafter the plant shall be operated in accordance with its permit conditions and where necessary provided with an adequate water supply. The plant shall not be operated outside the hours 0900 to 17.00 Mondays to Fridays.

Reason: in order to protect the amenities of the area and comply with the objectives of policy HS1 of the CSDP.

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**Reference No.:** 21/00154/FUL Full Application

**Proposal:** **Erection of 4no. bed detached dwelling house. (Amended plans received 19.10.21)**

**Location:** Land At 145 The Broadway Grindon Sunderland SR4 8HE

**Ward:** Sandhill  
**Applicant:** Mr Wayne Surtees  
**Date Valid:** 2 March 2021  
**Target Date:** 27 April 2021

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**PROPOSAL:** The application seeks to erect a two storey detached property in the rear garden facing onto Grindon Gardens, with a blank gable facing the rear elevation of 145 The Broadway.

The site was formerly a surgery with a large area of land to the rear. A previous application was approved in 1976 to provide two detached properties in the rear garden of the dwelling which face onto Grindon Gardens.

Initially the property was closer to the main dwelling by less than 14 metres and an amended plan was submitted on 15.7.21 to reduce the size of the dwelling to accommodate the required 14 metres distance required by the policies set out below which allow a reasonable level of amenity for occupants and nearby properties

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Sandhill - Ward Councillor Consultation  
Land Contamination  
Network Management  
Northumbrian Water  
North Gas Networks  
Northern Electric

Final Date for Receipt of Representations: **13.08.2021**

**REPRESENTATIONS:** 10 representations have been received following the expiry of the consultation period. Matters raised are outlined below:

#### **Amenity issues**

- Overdevelopment.
- Loss of Light.
- Noise from use.
- Visual amenity

- Not characteristic of street scene.
- Loss of trees within garden.
- Loss of privacy.
- Overshadowing.
- Overlooking.
- Noise disturbance.

**LPA RESPONSE:** The LPA have considered the impact on the amenity of neighbouring properties and the proposal would be set at a reasonable distance to allow a good level of amenity to neighbouring properties in compliance with policy BH1 of the Core Strategy and Development Plan .

### **Trees**

- In section 10 (Trees and Hedges) of the Application for Planning Permission Town and Country Planning Act 1990, The applicant has said that there is no trees adjacent to his property. This is incorrect as Vermont (next-door neighbour) has a large tree in their front garden, adjacent to the property.

**LPA RESPONSE -** The Agent has submitted a revision to the site plans showing the position of the trees within the adjacent site dated 19.10.21. The trees are at a distance which would not result in any impact to their health.

- The applicant has recently and with great haste cut down established trees and shrubs on the proposed building site thus destroying a beautiful and sheltered garden. The applicant did not approach neighbours to discuss this action. These trees would have been a major item for objection to the proposals.

**LPA RESPONSE -** The trees within the garden were not protected therefore the applicant was able to remove the trees on the land without any input from the Council.

### **Highway safety issues**

- Poor access.
- Pedestrian safety especially children.
- Traffic generation.
- Parking.
- Inaccurate plans relating to parking.

**LPA RESPONSE -** All highway safety issues will be reviewed by the Council's Network Management Team and their response will be set out below under Highway Safety Considerations.

### **ISSUES WHICH ARE NOT MATERIAL PLANNING CONSIDERATIONS**

Section 3.37 of the Household Alterations and extension SPD sets out that generally speaking, material considerations are those which are of public interest. Matters of private interest are not normally taken into account in considering a planning proposal. Such private concerns can include the effect of a development proposal on property value, party wall, shared boundary issues, alleged damage to property and the loss of a view (as opposed to outlook).

- Noise from potential works.

**LPA RESPONSE** - Issues can be controlled via appropriate conditioning during the construction process or via Environmental Health Officers intervention.

- Health and wellbeing impacts.

**LPA RESPONSE** - Appropriate conditions can mitigate potential impacts upon levels of amenity afforded neighbouring properties

- -In section 13 (Foul Sewage) of the Application for Planning Permission. Town and Country Planning Act 1990, The applicant has checked the box unknown, on how the sewage is going to be disposed of. I think that this needs to be addressed before any further consideration is given to the proposed development.

**LPA RESPONSE** - This is an issue to be dealt with by Building Regulations and Northumbrian Water.

- -Having looked at the revised plans for the proposed development, Elevations Rev A, submitted on 19th July 2021 both ground and first floor plans show no windows to the side of the proposed development. I have to ask, is this because the applicant does not want the owners of said development overlooking his own property and values his own privacy? Finally, the revised plans (Level Plan Rev A) submitted 19th July 2021, first floor, have no date or numbers attached to the drawings.
- Level plans received on 19th July have no date or drawing numbers attached.

**LPA RESPONSE** - The proposal has no side facing windows in order to comply with the relevant policy which sets out spacing between homes, to allow a reasonable level of amenity for all properties, which is explained in the section below on Amenity. The level plan will be identified by its date of receipt.

## **NORTHERN POWERGRID AND NORTHERN GAS WORKS RESPONSE**

The above companies have given information of where their utilities would be located for the developer, which should be taken into account prior to the construction works.

### **POLICIES:**

Core Strategy and Development Plan Policies:

- HS1: Quality of life and amenity.
- HS3: Contaminated land.
- BH1: Design quality.
- NE2: Biodiversity and geodiversity.
- NE3: Woodlands/hedgerows and trees.
- H7: Backland and tandem development.
- ST2: Local road network.
- ST3: Development and transport.

Saved Unitary Development Plan Policies:

- EN10: Compatibility of development.

## **CONSIDERATIONS:**

The following sections will be reviewed below

- Principle of development
- Design and amenity
- Tandem and backland development
- Contamination
- Natural Heritage
- Highway safety

## **PRINCIPLE OF DEVELOPMENT**

Within the Council's adopted Unitary Development Plan, policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced. The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

In this regard, the locality is predominantly residential in character. As such, the principle of residential development on the site is considered to be acceptable in land use terms in accordance with policy EN10 of the UDP.

## **DESIGN AND AMENITY ISSUES**

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended), which requires the planning system to contribute to the achievement of sustainable development. To this end Paragraphs 130 and 134 set out that good design is a key aspect of sustainable development and require that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.

Finally, 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.

CSDP Policy BH1 states that, in order to achieve high quality design and positive improvement, 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 which support the function and vitality of the area in which they are located;

- Be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality;
- Retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings;

Policy HS1 of the CSDP relates to amenity and states that:-

1. Development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- air quality;
- noise;
- dust;
- vibration;
- odour;
- emissions;
- land contamination and instability;
- illumination;
- run-off to protected waters; or
- traffic;

2. development must ensure that the cumulative impact would not result in unacceptable adverse impacts on the local community; and

3. development will not normally be supported where the existing neighbouring uses would unacceptably impact on the amenity of future occupants of the proposed development.

Section 5.23 of the Supplementary Planning Document relates to space around the home and will assess the external space afforded to the property.

Furthermore, it seeks to ensure the delivery of sensitive and appropriately designed sustainable residential development and is a guide to be used by the Local Planning Authority in the determination of planning applications for residential development. In order to achieve and retain acceptable levels of space, light and privacy set out in the recommended standards for spacing between dwellings as follows:

Main facing windows (living rooms, kitchens and bedroom),

- 1 or 2 storeys - minimum of 21m from any point of facing window;
- 1 or 2 storey properties - minimum of 14m from any point of main window;

In order to protect the amenities of future occupiers, the layout should comply with the spacing standards stated above. Habitable rooms should also have a reasonable outlook and level of privacy; windows serving habitable room should not look directly onto the proposed car parking spaces. Main facing windows facing side or end elevation (with only secondary window or no window). For every 1m in difference of ground levels add 2m to the horizontal difference. e.g. if the difference in plot level is 1m then the minimum distance between the main facing window and the side or end elevation should be 16m

The amended site plan and section level plan provided by the agent demonstrates that the property can achieve 14 metres distance from the property to the rear whilst taking into account the difference in site levels.

The amended site plan REV D received on 19.10.21 illustrates the position of trees on site and parking layout and demonstrates that there would be a sufficient amount of garden retained for the occupants of the dwelling of similar proportions afforded to the existing pattern of housing within the street scene. It continues the pattern of detached houses adjacent to the south and has been designed with a gable fronted feature which would be similar in design. It retains a useable garden space to the front and rear and off street parking. It is set at a distance of 22 metres from the properties to the front and as such would comply with the required spacing standards above.

The proposal is therefore considered to comply with policies HS1 and BH1 of the CSDP and section 5.23 of the SPD.

Policy H7 relates to backland and tandem development and states that the development of residential new build within the curtilage of an existing dwelling should:

1. be of a form and scale that respects the local character of the area with regard to density, size and massing of existing buildings;
2. have a plot depth that is appropriate in size and would offer an adequate level of separation between dwellings;
3. ensure that an acceptable level of amenity is retained;
4. demonstrate suitable access, having regard to existing dwelling frontages and street scenes; and
5. ensure existing landscape and streetscape features (e.g. mature trees or other landscape features), are integrated into the development

The Local Planning Authority have assessed the application and the proposal complies with the above points and is of a design and character that would retain that of the street scene and area and offers an acceptable level of amenity for the future occupants. It is therefore considered to comply with the requirements of Policy H7 of the CSDP.

## **CONTAMINATION**

Policy HS3 of the Core Strategy and Development Plan states, when development is considered to be on contaminated land, development should:

1. Ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which would cause unacceptable risk to health or to the environment.
2. Identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and future site users are adequately quantified and addressed.
3. Ensure appropriate mitigation measures are identified and implemented which are suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and
4. Demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings. Services of the environment including the apparatus of statutory undertakers.

Planning applications must be supported by an appropriate 'contamination assessment' if there is evidence that the site may be affected by contamination and, as in this instance, the proposed use is 'vulnerable to the presence of contamination'.

The Council's Land Contamination Consultants initially reviewed the Phase 1 Desk study submitted with the application and confirmed that at this stage the following additional information is requested from the applicant's consultant:

- Confirmation of the risk of UXO impacting the site;
- Consideration of construction workers in the risk assessment;
- A Coal Authority Mining Report should be provided; and,
- The appendices to the report should be submitted for review.

Additional information was submitted on 27.5.21 and subsequently reviewed. The following comments were received in relation to the matter at hand.

It is noted that the report states that "a full appraisal of UXO risk is outside the scope of this report, but based on the above and the development of the local area for a large housing estate without incident from the post war period UXO risks are considered to be low".

Given that the freely available Zetica Bomb risk maps indicate the site to fall within a medium risk area, it would be prudent for a UXO desk study to be undertaken by a Specialist prior to the applicant undertaking the proposed ground investigation. However, the proposed ground investigation is restricted to informing foundation design (it is not required from an environmental point of view), therefore this is not a reason to delay the planning).

We recommend that a Planning Condition for reporting of unexpected contamination is included in the Decision Notice. The proposal is therefore acceptable in compliance with Policy HS3 of the CSDP.

## **NATURAL HERITAGE**

Policy NE2 of the CSDP relates to Biodiversity and geodiversity.

1. Where appropriate, development must demonstrate how it will:

- provide net gains in biodiversity; and
- avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.

2. Development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where there are:

- no suitable alternatives;
- imperative reasons of overriding public interest;
- necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European sites is protected; and
- development will only be permitted where the council is satisfied that any necessary mitigation is included such that, in combination with other development, there will be no significant effects on the integrity of European Nature Conservation Sites.

3. Development that would adversely affect a Site of Special Scientific Interest, either directly or indirectly, will be required to demonstrate that the reasons for the development, including the lack of an alternative solution, clearly outweigh the nature conservation value of the site and the national policy to safeguard the national network of such sites.

4. Development that would adversely affect a Local Wildlife Site or Local Geological Site, either directly or indirectly, will demonstrate that:



i. there are no reasonable alternatives; and  
ii. the case for development clearly outweighs the need to safeguard the intrinsic value of the site.  
5. Development that would adversely affect the ecological, recreational and/or educational value of a Local Nature Reserve that will demonstrate:

i. that there are no reasonable alternatives; and  
ii. the case for development clearly outweighs the need to safeguard the ecological, recreational and/or educational value of the site.

Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

Section 3.33 of the SPD states that in some cases, it will be necessary to ensure a development proposal will not result in harm to protected species and habitats. This is more likely to be a consideration if the application property was built prior to 1960, if it features timber cladding, weatherboarding or tile hanging and/or it is within or close to open countryside, woodland or mature trees, a pond, lake, stream or river, or a designated wildlife site. Where there is a risk of harm to protected species or habitats, your application will have to be accompanied by a risk assessment or full ecological survey. If any harm identified cannot be successfully mitigated or managed, it may be necessary to refuse planning permission.

The Council's Natural Heritage Team comments state that Policy NE2.2 of the CSDP requires the developer to address likely significant effect of the development on European Natura 2000 Site in connection with on the residential developments coming forward within 7.2km of the Sunderland coastline.

The Council have undertaken a strategic Habitat Regulations Assessment which found that all new dwellings within the impacted zone were having an adverse impact on the integrity of the sites. A Recreational Mitigation Strategy results in a per dwelling contribution of £557.14.

The applicant has agreed to and is entering into a unilateral undertaking in order to provide the funds for the above which is currently being drafted. The proposal would therefore comply with the requirements of Policy NE2 and Section 3.33 of the SPD as above.

## **HIGHWAY SAFETY**

Policy ST2 of the Core Strategy states that proposed development should retain off street parking in the interests of highway safety.

Policy ST3 of the CSDP states that development should provide safe and convenient access for all road users in a way which would not:-

i) Compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling, or  
ii) Exacerbate traffic congestion on the existing highway network or increase the risk of accident or endanger the safety of road users including pedestrians, cyclists and other vulnerable road users;  
Include a level of parking and cycle storage for residential and non-residential development, in accordance with the Council's parking standards.

Provide an appropriate level of electric vehicle parking and charging infrastructure for commercial and non-residential development to suit specific requirements and make provision for the installation of home charging apparatus on major residential schemes.

The Council's Network Management Team have assessed the parking arrangements and facilities at the above site and offered the following comments: -

Note that footway crossings in residential areas are generally limited in width to 4.8m and this should be considered before any works are undertaken. The proposed plans appear to show that the existing dwelling will be using the existing footway crossing.

It must be ensured that a minimum 4.8m long hardstand is retained within the property.

The location of refuse storage within the curtilage of the property and the collection point to be clarified. Refuse bins should not be stored on the highway.

A hardstanding to accommodate a vehicle is provide within the site, bin storage can be accommodated to the rear of the property has side access for bins. The proposal complies with the requirements of Policies ST2 and ST3 of the CSDP.

## **CONCLUSION**

The proposed development is considered an acceptable form of development which retains the character and design of other properties within the street scene. It provides sufficient amenity to the future occupants and is acceptable in terms of highway safety.

The proposal therefore complies with Policies BH1, H7, HS1, HS3, NE2, ST2, ST3 of the CSDP, Policy EN10 of the saved adopted Unitary Development Plan and Section 5.23 of the SPD and above relevant paragraphs of the NPPF and it is recommended that members consider approving the application.

### **Equality Act 2010 - 149 Public Sector Equality Duty:**

During the detailed consideration of this application 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:** Approve subject to 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:

- Amended existing site plan received on 29.10.21
- Amended site plan Rev D received on 19.10.21
- Elevations Rev A received on 19.7.21
- Proposed site section received on 31.8.21
- Level Plans rev A received on 19.7.21

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.Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4.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

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**Reference No.:** 21/00451/LP3 Local Authority (Reg 3 )

**Proposal:** **Earthworks to facilitate the construction of Ryhope Doxford Link Road (RDLR) (Phase 4) between Highclere Drive and Cherry Knowle Site; to include a non-motorised user bridge; associated infrastructure/ landscaping and stopping up of associated public highway.**

**Location:** Land Between Highclere Drive And Cherry Knowle Sunderland

**Ward:** Ryhope  
**Applicant:** Sunderland City Council  
**Date Valid:** 13 August 2021  
**Target Date:** 12 November 2021

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**PROPOSAL:** The application seeks permission for the final phase of the Ryhope/Doxford Link Road (RDLR) (Phase 4) connecting the roundabout at Highclere Drive through to the Cherry Knowles site and includes the severing of Burdon Lane and introduction of an elevated multi user bridge crossing.

**CONTEXT:** The completion of the RDLR is a long waited and fundamental requirement of the provisions of Core Strategy and Development Plan (CSDP) Policy SS6 and the associated South Sunderland Growth Area (SSGA) Supplementary Planning Document (SPD). The RDLR runs along the southern boundary of the built up area of Tunstall and Ryhope, linking Ryhope to the A19 with Tunstall and Doxford Park in the west and linking Doxford Park to the Southern Radial Route which provides enhanced access from the City Centre to the A19 in the south.

In March 2020 Sunderland City Council (SCC), was awarded £25.4m of funding from the Ministry of Housing, Communities and Local Government (MHCLG) under its Housing Infrastructure Fund (HIF)-Forward Funding programme to deliver a range of infrastructure projects to support the development of SSGA. The completion of the RDLR is one of the key infrastructure projects to be awarded funding, with circa £9 million secured. HIF funding will be used to forward fund the delivery of the RDLR, with circa £5 million to be recovered through the incremental S106 payments from the 4 main SSGA residential developments at Cherry Knowles, Land North of Burdon Lane, Willow Farm and Chapelgarth and a number of smaller adjacent developments (Rushford, Land at Burdon Lane).

**SITE DESCRIPTION:** The site is located within the (SSGA) and sits within the Land North of Burdon Lane and Cherry Knowle sub areas. To the north lies existing properties of Belton Close and existing section of the RDLR with Ryhope Colliery beyond. To the east lies a parcel of land covered under the Land North of Burdon Lane (LNBL) designation currently subject to planning application ref: 21/01544/FU4, along with the existing Rushford residential development. To the south east lies agricultural land forming part of the Cherry Knowle development site and Ryhope Pumping Station Scheduled Ancient Monument. The existing section of the RDLR lies directly to the south of the site, beyond which lies Hopewood Park, Hospital and Cherry Knowle development site. To the west of the site lies arable land situated within the green belt (south of Burdon Lane) and within the (LNBL) consortium sub area future residential development.

The site extends to cover 6.18ha and consists of arable land which is bisected centrally by Burdon Lane. In terms of topography the land rises up from Highclere Drive approximately 13 metres before levelling off and then falling away approximately 20 metres towards the existing roundabout to the south.

**ENVIRONMENTAL IMPACT ASSESSMENT:** The application has been submitted with an Environmental Statement (ES); prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended) (“the Regulations”).

The aim of the Regulations is to protect the environment by ensuring that a Local Planning Authority (LPA) when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects and takes this into account in the decision making process.

The submitted ES is considered to meet the requirements of Regulation 18 of the Regulations, namely in that the document has been prepared by competent experts and includes information reasonably required to assess the likely significant environmental effects of the development.

The technical chapters of the ES include sections pertinent to Transport; Air Quality; Noise; (Landscape and Visual Impact); and Socio Economics.

**SUBMISSION DOCUMENTS:** The application has also been submitted with other documents and plans that are not part of the ES and these include:

- Planning drawings.
- Application forms, certificates and checklist.
- Planning statement.
- Design and access statement.
- Flood risk assessment.
- Drainage strategy.
- Noise assessment.
- Air quality assessment.
- Transport assessment.
- Preliminary ecological assessment.
- Biodiversity net gain report.
- Habitat regulations assessment.
- Arboriculture assessment.
- Archaeological evaluation and surveys.

**PRE-APPLICATION:** The application has been subject to wide covering pre-application discussions with City Council Officers where the scope of the ES was confirmed and documents necessary to consider all material considerations identified. The application has also been supported by a Planning Performance Agreement that provides an agreed framework between the LPA and the Applicant to ensure the proposal is determined in a timely manner.

**PLANNING HISTORY:** There is no relevant planning history for the site, however, it is notable that the development site is located within the SSGA and identified as a strategic site in the CSDP and that a number of major residential developments are currently underway in the immediate area.

**TYPE OF PUBLICITY:**

Press Notice Advertised 26.08.2021 (Sunderland Echo).  
Site Notice Posted 25.08.2021  
Neighbour Notifications 26.08.2021 (220 Households).

## **CONSULTEES:**

National Planning Casework Team  
Marine Management Organisation  
Environment Agency  
Natural England  
Highways England  
Flood and Coastal Group Engineer  
Historic England  
Tyne and Wear Archaeology Officer  
Network Management  
Land Contamination  
Sustrans  
Planning Policy  
Environmental Health  
Northumbrian Water Ltd  
Ryhope - Ward Councillor Consultation  
North Gas Networks  
Northumbria Police  
Northern Electric  
Fire Prevention Officer  
Nexus  
Durham Wildlife Trust

Final Date for Receipt of Representations: **23.09.2021**

## **REPRESENTATIONS:**

**Natural England (NE):** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Historic England (HE):** On the basis of the information available to date, NE do not wish to offer any comments.

**Environment Agency:** No objections to the proposed development as submitted.

**Land Contamination:** The following documents have been reviewed:

Report Ref. Preliminary Investigation of Land at Ryhope – Doxford Park Link Road, Dunelm Geotechnical and Environmental Limited (Report No: D9162, March 2019).

Report Ref. Geoenvironmental Appraisal for Land at Ryhope – Doxford Park Link Road, Dunelm Geotechnical and Environmental Limited (Report No: D9162/1, May 2019).

Report Ref. Ryhope Doxford Link Road Environmental Statement Volume 1, 2, 3. Fairhurst (Document reference. JM/DW/139971/501, August 2021).

Report Preliminary Investigation - The report provides a 'desk study' that collates the findings of background research into the geo-environmental setting of the proposed road construction site.

This includes details of the site history; geology and hydrogeology; mining; potential contaminative uses and from this a preliminary conceptual site model has been developed. This provides an evaluation of the potential risk that can be ascribed to plausible source pathway receptor linkages that may result from the proposed development.

In summary the key findings are:

- The site currently comprises farmland, areas of rough grass, hedgerows and occasional trees;
- The topography of the site is likely to result in some cuttings being formed to create the proposed road;
- A minor road bisects the site;
- The site history does not identify any previous use of the land other than farmland and the minor road, however, within the wider area a hospital, quarry and colliery are present but these do not encroach on the development land;
- The site is indicated to be underlain by Glacial Clay over Limestone, which is identified as a Principal Aquifer;
- The site lies within a Zone 2 Source Protection Zone (SPZ) for an abstraction approximately 230m from the site boundary;
- The site is not in an area affected by shallow mining;
- There are no surface water features on the site;
- No landfills, pollution incidents or discharge consents are identified on or within the immediate vicinity of the proposed road.

The report concludes that, whilst no specific contamination sources have been identified, the possibility of made ground or near surface contamination cannot be wholly ruled out and therefore a ground investigation should be undertaken to include sampling to characterise the soils. An outline ground investigation strategy together with suite of chemical analyses is proposed. The generalised findings and recommendations of this report are agreed with.

Report Geo-environmental Appraisal - The report provides the findings of a ground investigation carried out at the site. The ground investigation included the formation of hand excavated trial pits; cable percussion boreholes and Cone Penetration Testing (CPT) boreholes; soil sampling and laboratory analysis. The investigation findings are summarised as follows:

- The ground conditions typically comprised:
  - i. Topsoil;
  - ii. Localised made ground close to the existing roundabouts at the end points of the proposed new section of road;
  - iii. Firm to stiff glacial clays up to a maximum of 6.6m below ground level;
  - iv. Limestone rock encountered at depths ranging between 0.3m and 6.9m below ground level;
- Groundwater was not encountered;
- 8No. samples of the near surface soils were analysed – none identified elevated concentrations of the parameters tested when compared with generic criteria for a commercial end use;
- It was reported that the sampling found no visual or olfactory evidence of hydrocarbon or other contamination;
- The recorded contaminant concentrations were reported to fall into the waste classification of non-hazardous and additional Waste Acceptance Criteria testing was undertaken on two samples. The report notes that the soils may not be suitable for disposal at an inert landfill due to the high organic content;
- The report notes that no significantly elevated ground gas concentrations have been recorded in the monitoring undertaken as part of the groundwater monitoring programme.

The report presents a revised conceptual site model that states that no contamination was recorded as part of the site investigation and therefore no source pathway receptor linkages are



evaluated. The report recommends that, in the event that soils are disposed of off-site, further laboratory testing would be required in order to classify the soils. It is noted that no discussion is provided as to the relevance to the proposed development of the generic assessment criteria that have been used and it would have been beneficial to include comparison with open space criteria confirming that none of the tests undertaken exceed relevant thresholds that might be applicable for the reuse of soils in soft landscaped areas.

**Report: Environmental Statement** - The following comments only relate to potential ground contamination aspects of this ES. The ES notes that a number of specific mitigation measures identified could be incorporated in a Construction Environmental Management Plan (CEMP) for the Scheme, secured through a planning condition requirement.

**Recommendations:** Reference is made in the ES to the potential for generation of dust from exposed soils and the management of soils to reduce any associated impact. However, it is recommended that specific consideration is given to the inclusion of a Materials Management Plan, or similar section within the CEMP that details how the excavated soils will be managed; segregation of different soil types; temporary storage; handling and disposal of waste (e.g. the existing minor road construction materials) and, if applicable, associated regulatory approvals or exemptions from Waste Management Licencing. Within the CEMP consideration should be given to the measures to be put in place during construction to prevent impacts on groundwater resources (Principal Aquifer SPZ2).

**Environmental Health:** The proposal is considered acceptable in principle subject to the following conditions:

**Noise:** Prior to commencement of work on site the applicant shall submit for the agreement of the LPA a noise and vibration management plan for inclusion within the CEMP. The plan shall identify the relevant sensitive receptors and mitigation measures appropriate during the construction stages. The plan shall include a monitoring strategy and shall particularly examine noise and vibration levels arising from excavation, ground compaction and any piling works, and shall identify specific mitigation measures.

**Air quality – dust monitoring:** Prior to commencement of work on site the applicant shall submit for the agreement of the LPA a dust monitoring scheme for inclusion within the CEMP. The scheme shall set out proposed monitoring locations, techniques and reporting process. The monitoring scheme shall provide dust deposition and flux data during site earthworks and limestone excavation, relating it to wind direction, and data shall be used to inform dust mitigation measures so as to minimise emissions and impacts upon nearby sensitive receptors.

**Construction Environmental Management Plan:** Prior to the commencement of work on site the applicant shall submit to the LPA for agreement a suitable environmental management plan that addresses all potential impacts arising from site clearance, preparation and construction. The plan shall identify appropriate mitigation measures to protect nearby sensitive receptors and the local environment. The plan shall particularly include measures to control and manage emissions of dust, shall include matters relevant to the control of noise and vibration, and shall address the potential impact of site lighting in terms of spill or glare affecting receptors off site.

**Mobile stone crusher:** Prior to the operation of a mobile stone crusher or screen on site a copy of the relevant environmental permit shall be submitted to the LPA and Environmental Health. The plant shall be located and operated on site so as to minimise the impact of noise upon sensitive receptors.

**County Archaeologist:** Significant archaeological remains have been previously identified within the site's red line boundary during previous archaeological trial trenching (Event 5172). The archaeological remains identified comprised of a ditch, a gully and a pit. Palaeo-environmental samples contained evidence for domestic activity and the cultivation of spelt wheat, a crop usually associated with late prehistoric or Romano-British occupation. Charred material within the samples, indicated the exploitation of grassy heathland, which is also characteristic of some later prehistoric sites.

In the report it is concluded that the identified features are likely to relate to later prehistoric / Romano\_British settlement activity. Further archaeological excavation and recording are required in the location of Trench 20 prior to the commencement of development.

Additional archaeological evaluation trenching has been requested for the proposed compound areas of the site. We have been informed by the appointed archaeological contractor that the requested additional trial trenching is currently underway. The results of the additional evaluation trial trenching will inform a decision as to whether further archaeological work is required in additional parts of the site. Any subsequent mitigation work required can be secured as a programme of archaeological works condition, the recommended conditions are outlined below:

**Archaeological Excavation and Recording Condition** - No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

**Archaeological Post Excavation Report Condition** The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

**Archaeological Publication Report Condition** The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason: The site is located within an area identified 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.

**National Highways (Formerly Highways England)** - has reviewed the Transport Assessment submitted in support of the above planning application.

Given the position of the Sunderland South Growth Area planning applications, for which this link road facilitates their development, and considering that two phases of this link road are already constructed, there are considered to be no material issues relating to this planning application subject to the below.

Confirmation regarding the implemented scheme at the A19 Doxford junction and the planning condition relating to planning application 19/01497/HY4. Further to discussions between National Highways and Sunderland City Council Officers it was agreed that the following condition would be placed on this application...

*“No dwelling shall be occupied unless and until a scheme of improvements at the A19/A690 Durham Road junction have been implemented to the satisfaction of the Local Highway Authority in consultation with Highways England. The detailed design of the road improvements shall be submitted to and approved in writing by the Highway Authority prior to implementation and shall include a Microprocessor Optimised Vehicle Actuation (MOVA) signal control system, in conjunction with an approved traffic signal phasing and staging plan. The scheme will be completed fully prior to the occupation of 100 dwellings to ensure there is no detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.”*

Subject to confirmation on the above planning condition for planning application 19/01497/HY4, we would offer no objection to this planning application (reference: 21/00451/LP3). Should the works required for this condition be brought forward ahead of determination. We are happy to remove the condition.

In addition, National Highways would raise the following wider comments around the A19 Doxford junction.

#### Wider context for the A19 Doxford junction

Further work is required to understand the remaining capacity afforded by the constructed interim improvement scheme at the A19 Doxford junction. As you will be aware, this scheme was demonstrated to accommodate an additional number of trips through the junction. We consider it essential that the position around base traffic levels and consented/constructed development is quantified and we would be keen to work with you to understand this.

It is recognised that a potential major scheme was identified as part of a previous study which would involve significant remodelling of the junction and is anticipated to require a significant budget to deliver such a scheme. This major scheme was included in our Joint Position Statement.

Further work is required to examine the impacts of the Sunderland Local Plan without the Doxford Park major scheme and, if impacts are severe, a suitable package of measures to ensure that impacts on the SRN are not severe by 2028 would need to be developed.

**Network Management:** Comments: A Transport Assessment (TA) has been submitted in support of the planning application which has been fully reviewed. The submitted TA has concluded that the impact of traffic growth and the re-allocation of traffic due to the RDLR on the existing highway network has been found to be minimal. No improvement works are therefore required to any of the junctions within the local network outside of those already included in the Ryhope to Doxford Link Road project.

The review of the submitted TA considers that the above conclusion is acceptable and therefore Transportation Development has no objection to the application.

However, the following should be noted.

**CONSTRUCTION MANAGEMENT PLAN:** Should planning approval be granted it is requested that a planning condition be imposed that requires a Construction Management Plan (CMP) be submitted and approved by the Local Highway Authority prior to commencement of works. The submitted CMP is to provide full details of the proposed operation and management of the site including, construction site traffic, contractor parking, building material deliveries & storage, site compound layout and any temporary access points.

**Reason:** To ensure that development has no unacceptable adverse impact on the Local Road Network CSDP Policies: In accordance with Policy ST2 (Paragraph 2) In accordance with Policy ST3 (Paragraphs 4 & 5):

**Ecology Comments:** The evidence base for determination of potential ecological constraints and opportunities is as follows:

- Environmental Statement – Volumes 1, 2 and 3 dated August 2021
- Non-technical Summary dated August 2021
- Planning Statement dated July 2021
- Biodiversity Metrics dated April 2021
- Ecological Mitigation and Enhancement Plan dated April 2021
- Landscape Masterplan dated February 2021
- Design and Access Statement dated February 2021
- (amended) Existing Site Plan dated February 2021
- (amended) Location Plan dated February 2021
- (amended) Site Constraints Plan dated January 2021
- Biodiversity Net Gain Report dated December 2020
- Habitat Regulations Assessment dated October 2020
- Preliminary Ecological Appraisal (PEA) dated December 2020
- (amended) Proposed Site Plan dated June 2020.

This appraisal has assessed the proposed development (Earthworks to facilitate the construction of Ryhope Doxford Link Road (RDLR) (Phase 4)), with consideration given to planning application 21/01544/FU4, which proposes to build 60 No. dwellings immediately north of the proposed link road, part of which coincides with the Working Site Boundary for the link road.

The order in which the proposed development and 21/01544/FU4 are to be constructed should be clarified and used to inform production of a Construction Environmental Management Plan (CEMP) (as recommended in the ES). This is of particular importance as an area identified to provide 1.08 ha of Sustainable Alternative Natural Greenspace (SANG) as mitigation for the dwellings is situated within the link road works boundary and is identified as 'Land Made Available to Contractor', with a note on the Site Constraints Plan that 'All areas used by the Contractor outside the permanent highway works boundary [which includes the SANG] shall be returned to their original condition on completion of the works'.

Therefore, it is considered sensible that enhancements within the SANG area are completed following the vacation of this area during works for the link road. Further clarity is also required on whether access into the SANG from the bridge is to be provided.

Preliminary Ecological Report (PEA), Habitat Regulations Assessment (HRA) Reports and Environmental Statement (ES) Good practice guidance on the lifespan of ecological surveys and reports has been published by CIEEM1 and all relevant documents provided are considered to suitable in this respect. The assessment of sites designated for nature conservation is also largely considered adequate; however, Natural England should be consulted for advice regarding the

application as the site falls within the Impact Risk Zones of Tunstall Hills and Ryhope Cutting Site of Special Scientific Interest (SSSI) and Durham Coast SSSI.

The recommendation within the Preliminary Ecological Appraisal (PEA) for vegetation clearance to be carried out by hand is considered to be somewhat disproportionate to the risk of killing or injuring hedgehogs. A more reasonable approach is considered to be that areas of vegetation suitable for this species should be hand-searched (including staged-removal if access is difficult) prior to removal by the preferred method (including use of machinery). Any hedgehogs found should be translocated to suitable habitat nearby, but outside the working area; such location(s) should be clearly indicated in a CEMP.

The PEA describes a constraint of not being able to complete breeding bird surveys. Given the habitats present within the site, and proposed mitigation/enhancements, it is not considered necessary for breeding bird surveys to be completed as the site is evidently of limited value for birds due to the small amounts of suitable nesting habitats (such as scrub, woodland, trees and hedgerows). Therefore, the removal of vegetation suitable for nesting birds outside the breeding season (typically March to August, inclusive), or pre-removal nesting bird check by a suitably experienced ecologist, is considered sufficient mitigation in this case.

It is noted that there are two ponds close to the site boundary (one within 70m and one within 85m). A Habitat Suitability Index (HSI) survey has assessed that the suitability of the ponds to support great crested newt as poor. However, a low HSI does not necessarily mean that great crested newts will not be present, and we do not agree with the reason given for scoping these ponds out and also have concerns <sup>1</sup> regarding the rapid risk assessment used to further justify scoping out the ponds.

The applicant has completed a rapid risk assessment for great crested newt to determine the likelihood of an offence arising if great crested were breeding within the ponds and using terrestrial habitat within the scheme boundary. However, this appears to be based on the footprint of the spine road and does not include the location of the main site compound shown on the site constraints plan, which is within 70m of the ponds. If the main site compound is to be used the applicant should provide an updated rapid risk assessment to include the main compound and if necessary confirm that eDNA surveys of the two ponds will be undertaken prior to development to confirm presence/absence of great crested newt.

The PEA recommends that a barn owl survey should be undertaken of the building adjacent to the site. The applicant should confirm if this has been undertaken and provide a copy of the Council to establish whether appropriate mitigation is provided if required.

Whilst there is limited habitat for roosting bats within the site, there is habitat suitable for foraging bats. A transect survey has been undertaken, however this survey was undertaken at the end of September and therefore does not provide sufficient information to confirm that the site is of low value to bats and that bats only use the south-west field of the site. Therefore we are unable to agree with the comment in the PEA 'It is therefore deemed unlikely that proposed works will have a significant effect on bat populations'. It is considered that further survey work is required to support this statement.

The HRA provides a robust assessment of the potential for adverse effects (direct and/or indirect) on the Northumbria Coast Ramsar and Special Protection Area (SPA) and Durham Special Area of Conservation (SAC). The conclusion of no likely significant effects is considered to be appropriate, and that Sunderland City Council, as the competent authority, is therefore in a position to "adopt" the HRA. We note that Natural England also agree with the conclusions reached.

Biodiversity Metrics Report/Biodiversity Net Gain Report and Ecological Mitigation and Enhancement Plan The Biodiversity Metrics Report assess all habitats within the site as not strategically significant as an 'Area not identified in local strategy', based on the conclusion that the site is not within or adjacent to any wildlife corridors. However, the Core Strategy and Development Plan 2015 - 2033 (dated January 2020) includes Policy NE3 on Woodlands/hedgerows and trees. Hedgerows are also recognised as a priority habitat. As such, the Biodiversity Metrics Report should be updated to reflect the strategic significance of hedgerows. Furthermore, the Report does not provide any justification for the condition ratings assigned to baseline habitats (poor and fairly poor).

Whilst reference is made to the PEA, this only provides an overarching comment that 'Habitats to be lost are largely poor-quality grassland', with no specific justification for each grassland type/area or condition of non-grassland habitats such as scrub and ruderal. Therefore, further justification of habitat condition values needs to be provided by the applicant for the Council to have confidence in the conditions assigned. The Ecological Mitigation and Enhancement Plan recommends exposure of an area of limestone to be covered with a thin layer of soil and seeded with a locally sourced magnesian limestone grassland seed mix. However, the Biodiversity Metrics calculations do not assess the addition of soil and seed mix, but just 'other inland rock and scree'. Therefore, clarification is needed from the applicant on the proposed habitat to be created and, where necessary, the calculations/reports need to reflect this for the Council to have confidence in the calculations provided.

The Ecological Mitigation and Enhancement Plan does not provide measures to reduce potential impacts of construction and operational lighting on local wildlife, notably bats. Therefore, a suitable street lighting scheme to minimise light spill and glare onto retained and proposed new habitats needs to be provided by the applicant for the Council to have confidence appropriate mitigation in relation to lighting has been incorporated into the proposal.

Conclusion Holding objection. Further information needed:

- A CEMP is required to set out how potential impacts on wildlife are to be avoided or mitigated for during construction and operational phases of the proposed development; including clarifying the order in which the proposed development and 21/01544/FU4 are constructed (including any overlap between works), and measures for species such as hedgehog (including locations where any hedgehogs found during works should be moved to).
- Justification of habitat condition values needs to be provided within the Biodiversity Metrics Report or PEA.
- Clarification is needed on the habitat to be created where the limestone exposure is proposed and, where necessary, the calculations/reports need to reflect this within the Biodiversity Metrics Report and/or Ecological Mitigation and Enhancement Plan.
- A suitable street lighting scheme to minimise light spill and glare onto retained and proposed new habitats is required.
  - Details of any access from the proposed bridge into the SANG for the housing development mitigation should be made clear.
- Further information is required with regards to great crested newt as outlined above.
- The applicant is to confirm if the additional barn owl surveys recommended in the PEA have

been undertaken.

- Further information is required with regards to bats as outlined above.

The comments below follow on from those previously issued by SCC (dated 3<sup>rd</sup> September 2021) and the submission of the following additional document:

- Letter to Linzi Milley, Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 15<sup>th</sup> September 2021.

### Great Crested Newts

Previous surveys of the two ponds (TNEI Services Ltd on behalf of Sunderland City Council, 2013) have recorded good populations of common frog, as well as lower numbers of common toad within the two waterbodies, with amphibians recorded exiting both waterbodies in spite of the steep sides (Claire Snowball *pers comm.*); although low populations of smooth and palmate newt were also identified within the surrounding area, no evidence of great crested newts was recorded at that time. However, given the time which has elapsed, works still need to take into account the potential for the species to be present in this area, and therefore potentially affected by the works.

The document above shows that Natural England's Rapid Risk Assessment calculator indicates that an offence is likely to occur once the works compound area is taken into account however, the letter notes that as part of the compound can be constructed on hard standing (unsuitable terrestrial habitat for amphibians) the risk would be reduced. The document indicates that if less than 0.5ha of semi-improved grassland is used then the calculator would confirm that an offence is unlikely; confirmation needs to be provided as to whether this can be achieved through the development. While the working methods set out in the above letter are considered an appropriately precautionary approach to reduce the risk of amphibians being adversely affected (and should be detailed in the Construction Environmental Management Plan (CEMP)) as previously noted, confirmation also needs to be provided that an eDNA survey will be undertaken on each pond prior to the start of works to confirm whether the situation remains the same.

### Barn Owl

It is noted that a separate development will result in the loss of a barn adjacent to the site which may or may not have the potential to support Barn Owl. However, the assessment for the potential road still needs to be undertaken given that it cannot be guaranteed that the structure will be removed prior to the start of works (or at all) if it forms part of development works by a third party. Appropriate mitigation measures therefore need to be provided to ensure the proposed road scheme will not negatively affect the species in the event the structure is still present when works commence.

### Bats

Surveys across the site and adjacent areas (both the September 2020 visit and previous work completed in this general area on behalf of SCC) have recorded only low levels of bat activity and it is acknowledged that a reduced scope of bat transect work was agreed with Andrew Bewick which reflects this. Based on the nature and level of habitat creation works proposed which provide potential foraging and commuting habitat for bats, no further surveys are considered to be necessary.

### Habitats

The information provided regarding the BNG assessment and justification regarding the proposed habitat creation works on the limestone exposure are considered to be appropriate.

### Other Matters

No details have been provided regarding the any access from the proposed bridge into the SANG for the housing development mitigation. It is considered that the CEMP and lighting strategy can be agreed via condition, in the event planning consent is granted.

### **Conclusion**

Holding objection maintained until the additional matters above are clarified / further information is provided.

### **Ryhope-Doxford Link Road – Additional Information in response to the Ecological Consultant.**

Response Background DWS Ecology were commissioned by Sunderland City Council in 2020 to carry out a range of surveys and reports for the proposed Ryhope-Doxford Link Road. A Preliminary Ecological Appraisal (PEA) was carried out, as well as a single bat transect survey. A Habitats Regulations Assessment, Biodiversity Net Gain calculation and Ecological Mitigation and Enhancement Plan have also been completed. The Ecological Consultant reviewing this documentation required additional detail with regards to great crested newts and barn owls.

**Ecological Consultant Comments Great Crested Newts** - The original rapid risk assessment did not take into account the works compound. A red line boundary has now been produced for the compound, and when using this, the following was the result:

Part of the area highlighted for the compound is hard standing and does not provide suitable terrestrial habitat for great crested newts. The rest of the field is rank poor semi-improved grassland and less than 0.5 ha of this habitat will be impacted by the compound. This will also be over 100 metres away from the ponds. The result is Green: Offence Unlikely. However, the method statement below should still be followed to ensure no amphibians are impacted.

### **Method Statement**

- If during any stage of the works contractors observe any great crested newts all works must cease and DWS Ecology should be contacted for further advice: 01388 488 885.
- The area to be used for the compound, including routes machinery will take and the location of all plant and areas for storage of any materials will be thoroughly examined for features suitable for GCN by a suitably qualified ecologist prior to any work commencing.
- This will be done via a destructive search. This destructive search must be carried out at least 48 hours prior to works commencing on site. This will be a two-stage process that will involve strimming the vegetation down to a height of approximately 15cm with cuttings removed, a second cut will be undertaken 24 hours later which will strim the vegetation to bare earth. The ecologist will carry out a fingertip search of the area, prior to both strims, to ensure no newts are present. If any great crested newts are found works will cease and further advice will be sought.
- Once routes and other working areas have been checked and approved by the ecologist, they must be strictly adhered to and machinery must not deviate from these approved routes. The



ecologist must be notified if any changes are to be made and the new route must be checked by them before work continues.

**Barn Owls** - The new road does not sit immediately adjacent to the barns highlighted in the PEA. The proposed road will also sit lower than the adjacent ground. The Barn Owl Trust Conservation Handbook provides a road risk assessment (pg. 319-320). The proposed road will have a low risk of causing barn owl mortality. Therefore, in the long term, the new proposals should not impact barn owls other than a small loss of foraging habitat. However, short term disturbance is possible during the construction phase, which is particularly an issue if any of the barns are used by breeding barn owls. No work will commence within 100 metres of the barns without first confirming the barns are not being used by breeding barn owls. If the barns are being used for breeding, work within 100 metres will not commence until it is confirmed that the owls have no longer got any dependant young and are not showing any nesting behaviour.

Further to the final comments received from the applicants ecologist, the final ecology response is summarised below.

The comments below follow on from those previously issued by SCC (dated 13<sup>th</sup> October 2021) and the submission of the following additional document:

- Letter to Linzi Milley (Additional Information in response to the Ecological Consultant Response), Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 20<sup>th</sup> October 2021.

### **Great Crested Newts**

The document above provides further information relating to the location and extent of the site compound, and the nature of the habitats present. Based on the information provided and Natural England's Rapid Risk Assessment calculator, it is considered that the risk of an offence being caused is unlikely, in the event great crested newts are present within the two ponds previously identified.

The working methods set out in the previously submitted letter are considered an appropriately precautionary approach to reduce the risk of amphibians being adversely affected (and should be detailed in the Construction Environmental Management Plan (CEMP)) and as previously noted, an eDNA survey will be undertaken on each pond prior to the start of works to confirm whether the situation remains the same.

### **Barn Owl**

It is acknowledged that the barns highlighted within the PEA report (which lie outside of the site boundary) are scheduled for demolition as part of a third party planning application. However, further information has been provided to address the potential presence of the species in the event these structures are still present at the time of works.

The additional information submitted indicates that in the event Barn Owls are present within the off-site barns, the proposed development has only a low risk of causing Barn Owl mortality, based on factors such as the nature of the habitats and land form for the new road. The additional measures proposed in the above document relating to pre-start checks for nesting Barn Owl and if required, the implementation of a buffer zone extending to 100m around the barns, are considered to be appropriate to address the risk of Barn Owl nests, if present, being disturbed via the road construction works.

## **Other Matters**

No details have been provided regarding the any access from the proposed bridge into the SANG for the housing development mitigation. It is understood that such information is to be submitted to the Council as part of the latter application.

## **Conclusion**

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

## **Conditions**

Should the application be granted permission, the following conditions should be attached to address the ecological aspects of the works:

- *The proposals will proceed in accordance with the avoidance, compensation and mitigation measures provided in those documents submitted in support of the planning application, including:*
  - *Section 7 of the Ecological Impact Assessment by DWS Ecology, June 2021*
  - *The Ecological Mitigation and Enhancement Plan by DWS Ecology, April 2021*
  - *Letter to Linzi Milley (Additional Information in response to the Ecological Consultant Response), Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 20<sup>th</sup> October 2021.*
  - *The landscape masterplan and associated Biodiversity Net Gain metric, report, and additional supporting information (by DWS Ecology, dated 15<sup>th</sup> September 2021)*
- *Works will not commence on site until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to, and approved in writing by the Council, which includes appropriate pollution prevention measures, in order to ensure the protection of protected and notable sites and species throughout the construction works*
- *A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of construction works. The plan should 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*
- *Works will not commence until a suitable lighting strategy (with input from a Suitably Qualified Ecologist) has been submitted to and approved in writing by the council, in order to minimise the potential impacts of the proposals (both during and following on from the completion of works) upon nocturnal species such as bats. This is to ensure the ecological benefits of the proposed habitat creation measures are maximised through the development*
- *Site clearance works will not be undertaken during the bird nesting period (March – September inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken no more than 3 days prior to the commencement of works, in order to ensure no active nests are present which would be affected by the proposals. In the event any active nests are identified at this time, the Ecologist will implement an appropriate buffer zone around the nest into which no works will progress until the Ecologist confirms that the nest is no longer active*

- *Works will not commence until a checking survey of the off-site barns identified in the ecological reports submitted in support of the application has been undertaken by a suitably qualified and licensed ecologist, to determine whether any active Barn Owl nests are present which may be disturbed by the works. In the event a nest is identified, the project ecologist will implement a buffer zone extending to at least 100m around the barns into which no works will progress until the ecologist confirms that the nest is no longer active*
- *In the event works on site do not commence within 24 months of the date of the most recent assessment (20/10/21), an updating assessment (including eDNA surveys) will be completed during the breeding season prior to the start of works on the two ponds identified within the Letter to Linzi Milley (Additional Information in response to the Ecological Consultant Response), Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 20<sup>th</sup> October 2021, in order to ensure the situation with regard to great crested newts remains the same. In the unlikely event great crested newt presence is confirmed at this time, works will proceed under the advice of a suitably qualified ecologist and/or Natural England, including a license if required.*

**Lead Local Flood Authority:** With regard to 21/00451/LP3 and in relation to flood risk and drainage, the details submitted have been reviewed as summarised in the drainage response spreadsheet and the proposal are acceptable.

It is suggested that there should be a condition to require submission of a standard verification condition that can be worded as follows.

*Prior to the opening of the RDLR, 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 reports at the beginning and end of the development 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. The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA. 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.*

**Northumbrian Water Limited (NWL):** The proposed scheme relates to the creation of a new highway link. Highways drainage will be managed by the Lead Local Flood Authority and we therefore have no comments on that aspect of the application. With regards to asset protection we can inform you that we have a water main located within the boundary of the red line development site crossing land to the south and west of Burdon Lane and Esdale.

**Nexus:** Nexus welcomes the opportunity to enhance accessibility to public transport for residents of new and existing housing developments in South Sunderland Growth Area and increase the likelihood of travelling via sustainable modes.

- As the proposed RDLR would circumvent wide areas of Ryhope and Tunstall, as well as the SSGA developments of Burdon Lane and Cherry Knowle, Nexus is of the view that there is

opportunity here to establish a bus service on the RDLR.

- Nexus recommends that the Local Planning Authority consult regional bus operators on establishing the commercial viability of bus services along the RDLR between Ryhope and Doxford.

- 'New and improved public transport services and infrastructure' form part of the delivery objectives of Strategic Site Policy (SS6) for the SSGA as outlined in the Sunderland Core Strategy and Development Plan. The RDLR provides an opportunity for a plurality of new residents in South Sunderland to travel much more easily and quicker via car between Doxford Park and the Coast than at present, which enhances the risk of residents opting not to travel via sustainable modes. Therefore, there is a responsibility present at this location to enhance the ease of access for residents to travel via sustainable transportation modes.

- Nexus has previously commented to the LPA that developments at Land North of Burdon Lane and Cherry Knowle in the SSGA would see large numbers of dwellings in excess of the 400m walking distance remit from a bus stop, as is prescribed in the Nexus Planning Liaison Policy. Nexus remains concerned that the continued growth of the SSGA is becoming a public transport accessibility black spot. Completion of the RDLR with adequate bus service provision would likely help mitigate the accessibility risk for a number of new residents in South Sunderland.

- Nexus Planning Liaison would like to establish further consultation with Sunderland City Council Planning Authority on agreeing a proposed solution to public transport accessibility in the SSGA. We believe that there is scope for opportunities to be had for all parties involved. At present, several services traverse the Ryhope Street – Stockton Road to Seaham bus corridor – there could be potential here for a service diversion to serve the RDLR. Similarly, there is also potential for a service to serve the planned housing development between Ryhope and Seaham beside the A1018. • Nexus also wishes to establish further consultation on as to whether the RDLR will be bus compliant with design standards outlined in the Nexus Planning Liaison Policy. At present, the size and width of the road are in keeping with these standards – however any construction of certain traffic calming measures could result in the road becoming inaccessible to buses. NUM BRIDGE:

- Nexus has no objections to the termination of Burdon Lane at the designated points, as this would not harm access to or routes of existing bus services. Furthermore, the inclusion of a multi-user route on Burdon Lane and Nettles Lane would likely enhance desirability to travel via sustainable modes.

- Consideration given to safe passage for cycle users and pedestrians in this area of South Sunderland will likely further the ability for residents of nearby developments to travel by sustainable modes. Nexus therefore welcomes the multi-user function of Burdon Lane and the construction of a NUM bridge.

- Nexus also welcomes the consideration given to safety with the inclusion of appropriate street lighting on the bridge approach to ensure that safe passage of the bridge for pedestrians is appealing at all times of year.

**The Fire Authority:** No objections to this proposal, subject to the provisions detailed in the enclosed report.

**Northern Gas Networks:** No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our

requirements in detail. Should diversionary works be required these will be fully chargeable.

**Third Party Representations:** One letter of representation was received that raised the following concerns:

Restricted access to the Cherry Tree Park Development. Whilst this outside the current red line boundary, it is acknowledged that part of the RDLR has been blocked off with boulders to prevent access. Investigation into the matter has established that this link of road is still under the ownership of Homes England and is yet to be adopted. It is anticipated that following the completion of the current proposal the entire link will be adopted and brought back into full operation.

## **POLICIES:**

Core Strategy and Development Plan (2015-2033):

SP7 Healthy and safe communities;  
HS1 Quality of life and amenity;  
HS2 Noise-sensitive development;  
BH1 Design quality;  
BH2 Sustainable design and construction;  
BH8 Heritage assets;  
BH9 Archaeology and recording of heritage assets;  
NE2 Biodiversity and geo-diversity;  
NE3 Woodlands/hedgerows and trees;  
NE6 Green Belt;  
NE12 Agricultural land;  
SS6 South Sunderland Growth Area;  
WWE2 Flood risk and coastal management;  
WWE3 Water management;  
WWE4 Water quality;  
SP10 Connectivity and transport network;  
ST2 Local road network;  
ST3 Development and transport.

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

B13 – Sites of local archaeological significance.  
B14 – Ancient monuments.

Other documents;

South Sunderland Growth Area Supplementary Planning Document.

**COMMENTS:** In assessing the application the main issues to consider are the principle of development, amenity, design, landscape, heritage, biodiversity, and highways impact.

**PRINCIPLE OF DEVELOPMENT:** The site forms part of the SSGA which is an allocation within the CSDP. This allocation links to CSDP policy SS6. The SSGA is broken up into four distinct areas: Chapelgarth, Cherry Knowles, South Ryhope and Land North of Burdon Lane. The current proposal would assist in linking Land North of Burdon Lane to Cherry Knowles.

CSDP policy SP10 acknowledges the RDLR as an important highway scheme in which developer contributions across the aforementioned development areas have been sought and will continue to be sought as the remaining plots of land come forward for development.

It is noted that a small part of the red line boundary appears to intersect with the Green Belt at the south of the site. Therefore CSDP policy NE6 would be considered to be relevant. However, it is considered that neither the alignment of the road or the proposed multi user route bridge would intersect with land designated as Green Belt. Whilst the proposed earthworks and landscaping appear to be partly located within the Green Belt, policy NE6 indicates (at Criterion 3) that development within the Green Belt will be permitted where the proposals are consistent with the exception list in national policy. In relation to this, paragraph 150 of the National Planning Policy Framework (NPPF) makes clear that certain forms of development are not necessarily inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include (inter alia) engineering operations.

It is considered that the earthworks and associated landscaping would be recognised as an engineering operation and would not affect the openness of the Green Belt.

Section 7 of the SSGA SPD provides guidance relating to SSGA future provision – principles and parameters with sub-section 7.5 specifically addressing movement. It states that due to the prevailing gradient and amenity reasons it is expected that the “missing link” of the RDLR (which relates to the section of the road covered by this application) would be in a cutting where it crosses Burdon Lane and as such a bridge for horse riders, pedestrians and cyclists will be necessary. The SPD also sets out that no junctions to Burdon Lane from the RDLR will be permitted. In addition, it sets out that as the RDLR will intercept areas of public green space and South Sunderland Area Alternative Natural Greenspace (SSAANG), careful and sensitive design will be required to ensure that the highway is not dominant on the visual landscape.

With the above in mind the SSGA SPD provides an indicative alignment of the route of the RDLR. It is considered that the alignment and design of the scheme would broadly align with the requirements of the SPD.

Policy NE12 is relevant given the site’s existing land use is in part agricultural land. The policy sets out that development which would result in the loss of the 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. It should be noted however that this was taken into consideration as part of the allocation of the SSGA site through the CSDP when the site was formally allocated for residential development. In relation to land outside of the RDLR, it is considered that its loss would be acceptable.

In conclusion, the principle of development is considered to be acceptable. The RDLR will provide an important highway scheme as acknowledged within the Core Strategy as well as within the SSGA SPD. Furthermore it is acknowledged that part of the redline boundary is within the Green Belt. However, it is considered that these engineering works would be considered to be acceptable as the earthworks and landscaping would not create impacts on the openness of the Green Belt.

**AMENITY:** The application is accompanied by an Air Quality Assessment, undertaken to consider air quality implications. Consideration of local air quality effects has been undertaken in support of the planning application, with a review of background concentrations alongside traffic flows associated with the proposed development. In particular, it has considered the potential environmental effects that may arise from the construction phase and from changes in road traffic on the local road network during the operational phase.

The site does not lie within, or adjacent to an existing Air Quality Management Area (AQMA) and representative background concentrations of relevant pollutants are below the annual air quality objective levels.

During the construction phase, the potential impacts include the risk of dust and fine particulate matter effects from earth works, construction. The AQMA proposes to mitigate the potential adverse effects of the scheme during the demolition and construction phase, through the preparation of a Construction Environmental Management Plan (CEMP). The CEMP will be prepared and agreed with the relevant bodies, prior to construction commencing. The CEMP will identify control measures to help mitigate the potential adverse effects associated with excavation and construction dust.

In addition to the above CEMP the applicant has recently submitted, a preliminary CEMP document and a Construction Materials Management Plan (CMMP) that seeks to secure the management of any necessary enabling works required to secure the site and prepare the site for excavation via adherence conditions should Members be minded to grant consent.

**Week 1 to 2**            Site set up, including perimeter fencing and establishment of temporary footpath diversions

**Week 2 to 5**            Trial Holes, Site clearance including removal of trees, hedges and fences and excavation of the route of the NPG underground diversion.

With regards to the completed RDLR, the ES concludes that the predicted air quality impacts are not significant and therefore no mitigation measures are required for the completed development.

A Noise assessment has been completed and mitigation proposed. The assessment concludes that during the construction phase that where adverse impacts had been indicated or could be identified, the recommended mitigation measures implemented, such as within a Construction Environmental Management Plan controlled by planning condition, are considered sufficient to avoid significant effects.

Therefore, the residual effects from the construction phase are considered to be 'not significant, with the implementation of mitigation. As detailed in the accompanying ES. Once operational the residual effects of the proposed development are considered to be negligible, with the implementation of embedded mitigation, such as restrictions to speed limits.

In terms of general amenity, the proposed development would not appear to lead to a material loss of day light or privacy for the occupiers of nearby land and buildings; nor would the engineering works provide a landscape that is uncharacteristic of the surrounding area. Other than the minor adverse noise impacts during construction that can be mitigated, the proposal would accord with policies SP7(6)(v), HS1 and HS2 of the Core Strategy and there are not any material considerations that indicate otherwise.

Consultation responses from the Environment Agency, Environmental Health and Network Management all summarised in the representations section of this report, indicate that through the imposition of appropriate permitting and conditioning the proposal is considered to be acceptable.

**DESIGN:** The submitted Design and access statement provides commentary on the two separate elements of the proposal, the road design and the bridge design.

With regards to the road, the proposed alignment consists of a single carriageway road, filling the gap between the existing RDLR phase 1 and 2. The cross section comprises a 600 metres length, 7.3 metres wide road with 1 metre hardstrips and verges of 2.5 metres on the west side and 4.5 metres on the east side. The western verge accommodates a 1 metre wide grassed strip and 1.5 metres wide filter drain. The eastern verge accommodates a 3 metres wide multi-user route and a 1.5 metres wide filter drain. The carriageway will sit within a 1 in 3 landscaped cutting. Street lighting will be provided for the entire length of the road. (Details of the lighting columns are to be conditioned should Members be minded to grant consent).

Burdon Lane Bridge is necessary to accommodate the topography of the site and the level required to achieve acceptable vertical alignments and road gradients.

The design of the bridge can be summarised as below:

- A width of 4 metres to accommodate pedestrians, cyclists and equestrians.
- The proposed form of the structure consists of curved steel trusses to either side of the deck. (Details to be conditioned).
- The main span of the bridge will be 33.5 metres with two side spans of 20 metres.
- The side spans are optional depending on ground conditions and may either be as a solid embankments projecting from the side of the cutting or a support column and clear supported spans from the crest of the cutting on each side.
- The main span truss would be approximately 3.5 metres in depth at mid span tapering down to 2.0 metres at the supports.
- The bridge and approaches will be illuminated by a system of street lighting. (Details to be conditioned).

It is considered that the design of the bridge is light weight in appearance and sympathetic with the surrounding land forms and uses. With the above in mind and in the absence of any material considerations to the contrary, the proposal accords with policy BH1 of the CSDP, subject to the following recommended conditions.

1. RDLR lighting column design.
2. Final bridge details i.e. trusses, lighting, access barriers, surface materials and bridge colouring.

**DRAINAGE:** The surface water drainage system proposed ensures there is no increase in flood risk to the development itself and adjacent neighbours.

A new highway drainage system is proposed to be installed to manage surface water from the carriageway and surrounding areas with the principle aim of removing water from the highway, preventing flooding within the development and to not increase flood risk elsewhere post development.

The development includes the construction of a new surface water drainage system with discharge rates from site being restricted to greenfield run off rates. Surface water will be attenuated on site with the use of dry basins, ponds and conveyed via pipes, filter drains and dry swales.

To be in accordance with the LLFAs requirements, source control has been included in the development ensuring that the first 5mm of rainfall is kept on site. Due to the surrounding topography, several catchments naturally fall towards the highway presenting a flood risk. To intercept any runoff from these areas, dry swales will run along the top of the embankments, where appropriate, to intercept any flows and discharge downstream into a basin.



The future maintenance and management of the new drainage system will be undertaken by the SCC Highway department.

In the absence of any other material considerations to the contrary, the proposal accords with policies WWE2 – WW5; subject to the following recommended conditions.

#### 1.Verification Report.

**ECOLOGY AND BIODIVERSITY:** In support of this application a number of ecological assessments have been undertaken to inform this planning application:

- Preliminary Ecological Appraisal (PEA).
- Biodiversity Metrics Report (BMR).
- Ecological Management and Enhancement Plan.
- Habitat Regulations Assessment (HRA).

The PEA assessment provides details of the ecological features recorded on site.

The south of the site is dominated by poor semi-improved and scattered scrub habitats with improved and semi-improved fields present to the north. The site largely does not provide suitable habitats for nesting Schedule 1 species, so they are considered not to be a constraint to the development proposals. The appraisal details the 'working methods' that should be adopted construction and proposed compensatory measures that should be provided through the landscape designs.

Through the landscaping designs habitat creation on site will include the creation of 2.31 Hectares of good quality other neutral grassland which will partly replace and enhance 1.28Ha of fairly poor neutral grassland and 4.16Ha poor quality modified grassland lost during the development.

Additionally, 0.6Ha of scrub (both standalone and as a woodland edge habitat) will be created which will more than replace and enhance scrub habitat lost. The site will be further enhanced by the addition of high-quality habitats not originally on site including 0.47Ha of woodland, 0.6Ha of exposed limestone, and 0.03Ha of ponds added as part of sustainable drainage systems.

As well as mitigating for habitats lost, creation of these new habitats will provide more opportunities for protected species including bats and birds. As such the Biodiversity Metrics Reports confirms that adequate mitigation is being provided to exceed both the ecological impacts of the development and satisfy biodiversity net gain policy.

Due to the proximity of the RDLR to designated areas, the development was considered to have the potential to impact upon the following European Sites -Northumbria Coast (Ramsar, SPA) and Durham Coast (SAC) and as such a Habitat Regulation Assessment was necessary. The HRA concluded that as the development will not contribute to an increase in visitor pressures, direct damage, or actual disturbance to European Site qualifying habitats there will be no direct significant negative impact on the SPA, SAC or Ramsar sites, or qualifying/ notable species, given the distance from the proposed work area.

Natural England have confirmed that they agree with the above conclusion and confirm they have no objections to the proposal.

Further to consultations with the City Council's Ecologist, and as documented in the representations section of this agenda report, the site is bound to both the north and south by

sites that may host sensitive habitats, with this in mind and through exhaustive consultation with the applicant's ecologist a series of conditions have been identified to ensure species and habitats are afforded every protection necessary both prior and throughout the enabling and construction phases of the development.

In the absence of any other material considerations to the contrary, the proposal accords with policies NE1, NE2, NE3 and NE4 subject to the following recommended conditions.

**HERITAGE:** An Archaeological geophysical survey was commissioned to carry out a magnetic gradient survey of the development area. The aim of the survey was to establish the presence / absence, extent, character, relationships, and date (as far as circumstances and the inherent limitations of the technique permits) of archaeological features within the survey area.

The survey identified evidence of archaeological activity, in the form of enclosures, possible boundary ditches and other possible archaeological features across the site. Two small sub-rectangular anomalies were identified but the exact function and date of the underlying features is not certain. Anomalies indicative of archaeological features and possible features were also identified in the south-east of the site. Consequently, an archaeological evaluation was commissioned to assess the nature, extent, and potential significance of any archaeological resource, so that an informed decision may be made regarding the nature and scope of any further scheme of archaeological works that may be required in relation to the development.

The evaluation identified that development within a specific area of the site has the potential to remove or truncate an archaeological resource relating to later prehistoric / Romano-British settlement. A programme of archaeological excavation and recording in this area is therefore required prior to development. A full summary of the County Archaeologists comments and required conditions are provided within the representations section of this report.

In terms of the visual impact of the proposal upon surrounding heritage asset, the supporting Design and Access Statement adds the following:

“Long distant views to the Grade II\* listed Chimney of Ryhope Pumping Station from the north, north-west, and west (in particular from Land North of Burdon Lane and Cherry Knowle green space provision), will remain uninterrupted by the proposed section of the RDLR due to the lower level of the site.”

With the above in mind the City Council's Heritage Protection Officer has confirmed that the proposals will have negligible impact on the setting of the nearby Ryhope Pumping Station Scheduled Ancient Monument and grade II\* listed building.

In summary via the inclusion of archaeological recording conditions and in the absence of any material considerations to the contrary, the proposal accords with policies BH8, BH9 and NE9 of the Core Strategy.

**HIGHWAYS:** The application has been supported by a Transport Assessment. This provides details on current/ future traffic flows and road capacity and potential impacts of the increase in traffic arising from the proposed development.

The TA demonstrates that this link of the RDLR is a much-needed facility that will unlock and provide access to land for a number of new housing developments, improve the existing transport network between Ryhope and Doxford and provide sustainable transport routes that will benefit the wider community and environment.

The RDLR forms part of a suite of highways improvements being made in the locality to facilitate the SSGA. The following highway schemes have recently been completed; are on site or are due to commence in the next year:

- City Way dualling, located within Sunderland City Council local authority area;
- The A19/A690 junction improvement, located within Sunderland City Council local authority area;
- A19/Seaton Lane junction located within Durham County Council local authority area; and
- A1018/B1285 Roundabout Junction located within Durham County Council local authority area.

Together these schemes are considered adequate to address the increased traffic anticipated from SSGA. The impact of traffic growth and the re-allocation of traffic due to the RDLR on the existing highway network has been reviewed and the impact found to be minimal.

No improvement works are required to any of the junctions within the local network outside of those already included in the Ryhope to Doxford Link Road project.

A Traffic Regulations Order (TRO) and Highway Stopping Up Order will be required due to the accommodate the RDLR and the changes on how the road network will operate as a result. These include the prohibition of motor vehicles over the proposed new bridge with limited vehicular access retained for maintenance, emergency services and for landowner access, the 30mph speed limit on the RDLR itself, and associated parking restrictions if required.

It is proposed to control access through the use of physical barriers and associated signing. No waiting or loading at any time restrictions (double yellow lines) will be introduced to deter parking in the areas where access is permitted only to off-street premises. A Highway Stopping Up Order will be necessary where the RDLR intercepts Burdon Lane.

The relevant chapter of the ES concludes that the impact of traffic growth and the re-allocation of traffic due to the RDLR on the existing highway network has been reviewed and the impact found to be minimal.

Consultations with National Highways, Network Management and Nexus have all been reported within the representations section of this agenda report and proposed conditions agreed with the LPA should Members be minded to grant consent.

The submitted transport statement concludes that this link of the RDLR link will result in no unacceptable or severe impacts to the existing highway. It is concluded that this RDLR link is acceptable and should be supported from a highways and transport perspective.

In the absence of any other material considerations to the contrary, the proposal would accord with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

**LANDSCAPE:** The landscaping proposals have been informed by ecological survey work undertaken for the site. The design seeks to mitigate for the development impacts to habitats, ecology, and tree loss and to address Biodiversity Net Gain requirements.

Landscaping CSDP Policy NE9: Landscape Character sets out (at Criterion 2) that development which causes significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless the impacts are clearly and demonstrably outweighed by the benefits of the development.

The landscaping proposals include the introduction of native woodland and hedgerow planting along the south western boundary. Native woodland and scrub planting is also proposed in the north east corner of the site. To address the landscape character of the area the underlying Magnesium Limestone will be exposed on the northern escarpment. Swales are proposed along the south western and north eastern edges, four SUDs basins are also located in the lowest points of the site.

The proposed development, in combination with the other surrounding SSGA developments assessed individually, would increase the highway infrastructure on this part of the SSGA, and the ES considered the effect would not likely result in a greater adverse effect on landscape character at anything over moderate. It is considered via the introduction of the managed landscape masterplan as mitigation the residual effect of the proposal will result in there not being an adverse cumulative residual effect on the SSGA.

In summary, whilst it is acknowledged that the introduction of the required cutting to accommodate the RDLR will alter the appearance of the immediate area. It is also recognised that the considered engineering approach and subsequent landscaping and management provide an acceptable form of mitigation to facilitate the long term benefits associated with the implementation of this phase of the RDLR.

**Trees and Hedges** It is also noted that the site includes trees. Consequently, CSDP Policy NE3: Woodlands / Hedgerows and Trees is applicable. Criterion 3, states that proposals should give consideration to trees and hedgerows on both their individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting. In addition, criterion 4, sets out that development should ensure that where; trees, woodlands and hedgerows are impacted negatively by proposed development, justification, mitigation, compensation and maintenance measures are provided in a detailed management plan.

In support of this application an Arboricultural Impact Assessment (AIA) and Tree Survey have been prepared which considers how the proposed development relates to the current tree population and any potential conflict issues between the proposed layout and existing.

A total of six individual trees, 12 groups and seven hedges will be removed, with two groups and one hedge partially removed. None of the trees on the site are subject to a Tree Preservation Order (TPO) and none are located within a Conservation Area. 0.47Ha of woodland is proposed as part of the landscaping designs, which will more than replace what is being removed in accordance with policy NE3.

The Council's Landscape Officer has reviewed the submitted documents and made the following comments:

*“The landscape proposals include a range of landscape features including hedgerows with trees, woodland and scrub planting and wildflower areas. In addition, a large proportion of the new cutting seeks to retain exposed limestone and a series of ponds, suds and swales are also proposed. These features are considered to be appropriate to the existing landscape character.*

*It is considered that this combination of landscape features will, overtime, create an attractive landscape which will also improve the biodiversity of the area and the ecological value. Substantial amounts of planting will help to support a range of features whilst also helping to provide visual screening of the road and cutting from visual receptors.”*

With the above in mind and in the absence of any material considerations to the contrary, the proposal accords with policies NE3 and NE9 of the CSDP, subject to conditions relating to the long term maintenance and management of the landscaping.

**UTILITIES** : Existing statutory undertakers' apparatus are present within the scheme extents and will be affected by the scheme. These include electric (NPG), telecoms (BT Openreach) and street lighting (Aurora / Balfour Beatty).

The NPG apparatus runs in a south west to north east direction via overhead lines. NPG propose to divert the affected section of apparatus via underground trenches and ducts. Both telecoms and street lighting apparatus currently run along the Burdon Lane verge. These will be raised or lowered to suit the new verge levels.

NWL have expressed an interest to construct a new watermain along Burdon Lane.

Utilities routes have been allowed for in the bridge design. In line with other major projects within the city, ducting will be provided along the RDLR corridor to accommodate future 5G digital networks.

**ENVIRONMENTAL STATEMENT CONCLUSIONS:** The technical chapters of the ES include sections pertinent to Transport; Air Quality; Noise; (Landscape and Visual Impact); and Socio Economics.

The EIA Regulations (2017) requires Environmental Statements to provide a description of the likely significant effects of the development on the environment. Although some of the specialist assessments follow discipline-specific assessment guidance, standard terminology has been used throughout the ES to describe the significance of effects. The terms used, where applicable, are:

- Substantial adverse/beneficial;
- Moderate adverse/beneficial;
- Slight adverse/beneficial; and
- Negligible adverse/beneficial;

Where no significant effects have been identified, the ES concludes that effects are 'Not Significant'.

Summarising each ES Section in turn.

**TRANSPORT:** The ES demonstrates that the RDLR, which forms one of the final two phases of a continuous high-standard transport corridor between Ryhope and Doxford is a much-needed facility that will unlock and provide access to land for a number of new housing developments within the SSGA along with improving the existing transport network between Ryhope and Doxford and essentially will provide a sustainable transport route that will benefit the wider community and environment.

The impact of traffic growth and the re-allocation of traffic due to the RDLR on the existing highway network has been reviewed and the impact found to be minimal. No RDLR improvement works are required to any of the junctions within the local network outside of those already included in the RDLR project. The prohibition of motor vehicles on Burdon Lane with the speed limit reductions proposed will reduce accidents and improve road safety.

The ES concludes there will be **negligible adverse** traffic and transportation impacts, no further mitigation measures are considered necessary.

**AIR QUALITY:** The ES has considered the potential environmental effects that may arise from the construction phase and from changes in road traffic on the local road network during the operational phase.

Within the Air Quality Chapter of the ES, the baseline conditions currently existing at the site and the surrounding area have been considered, before the potential environmental effects of the proposal have been identified. Mitigation measures to prevent, reduce or offset the potential significant adverse effects have then been identified, where appropriate, before the residual effects of the scheme have been assessed.

To mitigate the potential adverse effects of the scheme during the construction phase, a CEMP should be prepared and agreed with the relevant bodies, prior to construction commencing. The CEMP will identify control measures to help mitigate the potential adverse effects associated with demolition and construction dust.

Following the implementation of a CEMP, it is considered that the potential environmental effects of the scheme during the construction phase will be reduced to a residual effect which is not significant. With regards to the completed Scheme, the predicted air quality impacts are **not significant**. No mitigation measures are therefore required for the completed development.

**NOISE AND VIBRATION:** The ES assessed the construction stages and changes in road traffic noise occurring in the operational stage.

Noise measurements have been carried out at existing noise sensitive receptor locations in the vicinity of the site during the period of 1500h on the 17th March, to 1500h on the 19th March 2021, in accordance with the principles of BS 7445: 2003. Traffic noise was identified as the predominant noise source, with no other significant noise events recorded.

The noise chapter concludes that with the use of temporary noise barriers during construction, that there will be no significant noise impacts on nearby sensitive receptors during the construction stage.

A detailed assessment of the change in road traffic noise levels within the study area has been carried out for the operational stage. With the proposed reduction in vehicle speeds, the noise impact of the proposed development during the operational stage is predicted to be **not significant**.

**LANDSCAPE AND VISUAL IMPACT:** The ES provides an assessment of the landscape and visual considerations of the application site and proposed development during both the construction phase and operational phase.

The ES indicates that the development will respond to local landscape character and views as identified within the ES. Whilst it is acknowledged during the construction phase there will be moderate adverse effect upon the landscape, with the implementation of the proposed landscaping scheme the residual effect would be nothing more than **negligible adverse significance**

The development of the proposed highway and associated bridge will have the most impact from a limited corridor along the existing sections of the RDLR, in particular, on the approach from Etham Road and Cherry Knowle. Long distant views of the coast and the Grade II\* listed Ryhope Pumping Station Chimney will be maintained. Therefore, no mitigation, other than the sensitively designed landscape scheme, is considered necessary.

**SOCIO ECONOMICS:** The proposed development will present socio economic beneficial effects at the local level during the construction phase resulting from job creation (direct and indirect) and associated economic output. The proposals accord directly and positively to economic strategies and policies outlined in both the SSGA SPD and local planning policy. Once the proposed development is operational, beneficial effects will be felt both directly from the road and curatively across the SSGA. The two phases and levels of significance are identified below.

#### Construction Phase

- Local Level – **Substantial Beneficial;**
- District Level – **Moderate (significant) Beneficial;**
- Regional Level – **Slight/Moderate Beneficial;** and
- National – **Negligible/Slight Beneficial.**

#### Operational Phase

- Local Level – **Moderate Beneficial;**
- District Level – **Slight/ Moderate Beneficial;**
- Regional Level – **Slight/ Beneficial;** and
- National – **Negligible Beneficial.**

**CUMULATIVE EFFECTS:** Cumulative effects are the combined impacts of a single activity or multiple activities. The individual impacts from the proposed development may not be significant on its own but when combined with other developments, the significance of the combined effects could become significant. The ES has assessed the in combination or 'intra-project' interactions and concludes that whilst the construction period will see some cumulative impact with other possible developments within the defined SSGA.

Overall, the in-combination cumulative impact will be, with appropriate mitigation measures applied, beneficial during the operational phase. It will positively affect a large number of local residents and businesses within the newly developed SSGA, due to lower congestion, better connectivity, improved productivity and efficiency for business, improved attractiveness, and addressed deficiencies in transport infrastructure.

#### **CONCLUSION:**

Officers would advise Members that during the construction phase of the proposed development, there is the potential for some impact risks, however, with the implementation of standard and additional mitigation measures (e.g. the CEMP) the majority of these potential issues can be controlled so that they do not present significant adverse effects. However, it is accepted that the proposed development will result in some short term minor adverse effects for example in terms of landscape and visual amenity and some close views where a large proportion of the view would be affected for the short-term.

On completion, the proposed development would result in a complete alteration of landscape character within the application site and the removal of features and elements that make a limited contribution to landscape character. There will be beneficial effects (during both construction and operational phases) in relation to socio economics, which will also have positive effects in terms of local area. It is also important to emphasise that in terms of socio economic effects, when the proposed development is considered alongside other committed schemes and applications currently awaiting determination or commencement on site, there are predicted significant beneficial cumulative effects, in terms of both employment benefits and associated economic values.

Having regard to the technical sections of the agenda report, officers consider that it has been demonstrated that the development proposal, which forms one of the final two phases of a continuous high-standard transport corridor between Ryhope and Doxford is a much-needed facility that will unlock and provide access to land for a number of new housing developments, improve the existing transport network between Ryhope and Doxford and provide sustainable transport routes that will benefit the wider community and environment. The development proposals accord with the Development Plan.

The proposed development would result in a range of benefits and no adverse impacts of the development have been demonstrated that would demonstrably outweigh these benefits. There are no policies that indicate that development should be restricted. As such, the NPPF is clear therefore that, development should be approved without delay, in accordance with NPPF Paragraph 11.

As demonstrated within this agenda report officers consider no technical constraints have been identified that cannot be suitably overcome through the implementation of mitigation measures (which can be secured through conditions). The proposed development accords with the Development Plan and would have no long-term detrimental impacts upon the site and surrounding area. The development will deliver a wide range of long-lasting economic, social, and environmental benefits and there are no adverse impacts identified which would significantly and demonstrably outweigh these benefits. In the absence of a material consideration to the contrary Members are recommended to approve the application.

### **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:** GRANT CONSENT in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the draft conditions below

## **CONDITIONS:**

### **1. Time. (adherence).**

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. Plans. (adherence).**

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

- Drawing No. 004-D1 PO1.2; dated 26.02.2021, Location Plan.
- Drawing No. 005-D1 PO1.1; dated 26.02.2021, Existing Site Plan.
- Drawing No. 006-D1 PO1.2; dated 26.02.2021, Existing Site Plan.
- Drawing No. 003-D1 PO1.3; dated 22.06.2020, Proposed Site Plan.
- Drawing No. 004-D1 PO1.4; dated 22.01.2021, Site Constraints Plan.
- Drawing No. 004-D1 PO2; dated 22.01.2021, Site Constraints Plan.
- Drawing No. 001-D1 PO1.2 dated 17.12. 2020, General Arrangement.
- Drawing No. 102-D1 PO1.1 dated 15.12.2020, Link Road Cross Sections 1/3.
- Drawing No. 103-D1 PO1.1 dated 15.12.2020, Link Road Cross Sections 2/3.
- Drawing No. 104-D1 PO1.1 dated 15.12.2020, Link Road Cross Sections 3/3.
- Drawing No. 001-D1 PO1.1 dated 22.01.2021, Kerbs, Footways and Paved Areas 1/3.
- Drawing No. 002-D1 PO1.1 dated 22.01.2021, Kerbs, Footways and Paved Areas 2/3.
- Drawing No. 003-D1 PO1.1 dated 22.01.2021, Kerbs, Footways and Paved Areas 3/3.
- Drawing No. 202-D1 PO1.1 dated 17.12.2020, Bridge Cross Sections Sheet 1.
- Drawing No. 101-D1 PO1.1 dated 14.12.2020, Link Road Longsection.
- Drawing No. 201-D1 PO1.1 dated 15.12.2020, Bridge Longsection.
- Drawing No. 001-PO3 dated 26.02.2021, Landscape Masterplan.

Drawing No. 002-PO3 dated 08.06.2021, Landscape Layout South of Pedestrian Bridge.  
Drawing No. 003-PO3 dated 08.06.2021, Landscape Layout North of Pedestrian Bridge.  
Drawing No. 005-PO1 dated 26.02.2021, Site Plan.

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. Archaeological Excavation and Recording. (pre-commencement).**

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

### **4. Archaeological Post Excavation Report. (pre-commencement).**

The RDLR(s) shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (3) has been submitted to and approved in writing by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

### **5. Archaeological Publication Report. (pre-commencement).**

The RDLR shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason: The site is located within an area identified 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.

### **6. Construction Environmental Management Plan. (CEMP). (Enabling Phase).**

All works contained within the enabling phase of development shall be carried out in accordance with the submitted.

- Construction Environmental Management Plan rev1 dated 27.09.2021;
- Construction Materials Management Plan dated 27.09.2021;
- Construction Phase Traffic Management Plan dated 27.09.2021.

Reason : In order to protect the amenity of the area and to comply with Core Strategy Development Plan policies HS1 and HS2.

### **7. Ecological Construction Pollution Prevention. (ECCP). (Enabling Phase).**

All works contained within the enabling phase of development shall be carried out in accordance with the following pollution prevention mitigation processes

General pollution prevention should be adhered to during works on site, to prevent any unnecessary damage to surrounding habitats or species. Pollution prevention measures include:

- Burning of materials on site not permitted.
- Wheel wash facilities available to minimise dust.
- Any earth stockpiles within the compound to be treated accordingly to prevent dust such as damping down or covering.
- Inspections undertaken of the road and access points, sweeping roads as necessary to collect volatile materials from surfaces.
- Any skips will be covered overnight to prevent littering.
- No unnecessary idling of all vehicles and heavy machinery.
- All volatile chemicals and fuels will be safely deposited in a lockable store or stored in a bunded area as appropriate.
- Fuel, oil and chemical storage on site must be secure. It should be sited on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.
- Spill kits approved for the stored materials should be kept close to the fuel, oil and chemical storage area and contactors should be trained in their correct use.
- The risk of spilling fuel is at its greatest during refuelling of plant. To minimise the risk, mobile plant should be refuelled in a designated area more than 10m from any water course or surface drain. Drip trays should be placed under portable generators.
- Use of vacuum attachments on power tools.

The construction phase shall thereafter be undertaken in accordance with the approved CEMP.

**Reason:** To protect nearby ecology and biodiversity, and the local environment, from adverse impacts arising from construction works; in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033).

### **8. Construction Environmental Management Plan. (CEMP). (pre-commencement).**

Prior to the commencement of work on site (with the exception of enabling works), the applicant shall submit to the LPA for agreement a suitable environmental management plan that addresses all potential impacts arising from site clearance, preparation and construction. The plan shall identify appropriate mitigation measures to protect nearby sensitive receptors and the local environment. The plan shall particularly include measures to control and manage emissions of dust, shall include matters relevant to the control of noise and vibration, and shall address the potential impact of site lighting in terms of spill or glare affecting receptors off site.

- Executive Summary
- Project Background
- Outline of Project
- Framework of this CEMP
- Legal Compliance
- Summary of the Requirements of Condition ??
- 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 (Excavation Traffic).
- 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
- Ecology & Biodiversity
- Contaminated Land Procedures
- Hydrology & Water Quality
- Visual Impacts
- Artificial Lighting
- Emergency Procedures
- Conclusions

The construction phase shall thereafter be undertaken in accordance with the approved CEMP.

**Reason:** To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from construction works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

#### **9. Stone Crusher Location/Siting. (pre-operation).**

Prior to the operation of a mobile stone crusher or screen on site a copy of the relevant environmental permit shall be submitted to the LPA and Environmental Health. The plant shall be located and operated on site so as to minimise the impact of noise upon sensitive receptors.

**Reason:** To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from construction works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

#### **10. National Highways SSGA condition. (pre-occupation).**

No dwelling shall be occupied unless and until a scheme of improvements at the A19/A690 Durham Road junction have been implemented to the satisfaction of the Local Highway Authority in consultation with Highways England. The detailed design of the road improvements shall be submitted to and approved in writing by the Highway Authority prior to implementation and shall include a Microprocessor Optimised Vehicle Actuation (MOVA) signal control system, in conjunction with an approved traffic signal phasing and staging plan. The scheme will be completed fully prior to the occupation of 100 dwellings to ensure there is no detrimental impact on the safe operation of the Strategic Road Network (A19). This requirement will be to the satisfaction of the Local Planning Authority in consultation with Highways England and the Local Highway Authority.”

### **11. Drainage Verification (Pre-opening).**

Prior to the opening of the RDLR 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 reports at the beginning and end of the development 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. The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

**Reason:** 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 Core Strategy and the Local Plan.

### **12. Landscape Environment Management Plan. (Pre-opening).**

Prior to the opening of this phase of the RDLR a Landscape Environmental Management Plan (LEMP) covering the management and aftercare of the development after construction shall be submitted to and approved in writing, by the Local Planning Authority and implemented within an agreed timescale to ensure delivery.

**Reason:** In the interests of visual amenity, nature conservation and mobility and to comply with CSDP policies BH1, NE2 and ST3 and paragraph 58 of the National Planning Policy Framework.

### **13. Arboricultural Impact Assessment (Enabling phase and pre-commencement).**

The development hereby approved shall be carried out in accordance with all recommendations set out by the submitted Arboricultural Appraisal Report by MWA Arboriculture Ltd dated 19.04.2021 and, for the avoidance of doubt, no development shall commence at any phase of development until all tree protection measures for that phase of development asset out by this Assessment have been fully installed, which shall remain in place until the development is complete.

**Reason:** In order to ensure that no damage is caused to trees during construction work and to comply with CSDP policy NE3.

#### **14. Bridge materials and final design. (Pre-construction).**

Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

**REASON:** in the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

#### **15. Ecological Compensation and Mitigation. (Adherence).**

The proposals will proceed in accordance with the avoidance, compensation and mitigation measures provided in those documents submitted in support of the planning application, including:

Section 7 of the Ecological Impact Assessment by DWS Ecology, June 2021  
The Ecological Mitigation and Enhancement Plan by DWS Ecology, April 2021  
Letter to Linzi Milley (Additional Information in response to the Ecological Consultant Response), Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 20<sup>th</sup> October 2021.

The landscape masterplan and associated Biodiversity Net Gain metric, report, and additional supporting information (by DWS Ecology, dated 15<sup>th</sup> September 2021).

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174, 175, 176 and 179 of the National Planning Policy Framework.

#### **16. Ecological Construction Environmental Management Plan. (Pre-commencement).**

Works will not commence on site until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to, and approved in writing by the Council, which includes appropriate pollution prevention measures, in order to ensure the protection of protected and notable sites and species throughout the construction works.

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174, 175, 176 and 179 of the National Planning Policy Framework.

#### **17. Landscape and Ecological Management Plan (LEMP). (Pre-opening).**

A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of construction works. The plan should 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 protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework.

### **18. Ecological Lighting Strategy. (Pre-commencement).**

Works will not commence until a suitable lighting strategy (with input from a Suitably Qualified Ecologist) has been submitted to and approved in writing by the council, in order to minimise the potential impacts of the proposals (both during and following on from the completion of works) upon nocturnal species such as bats. This is to ensure the ecological benefits of the proposed habitat creation measures are maximised through the development.

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework.

### **19. Ecological Site Clearance. (Pre-commencement).**

Site clearance works will not be undertaken during the bird nesting period (March – September inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken no more than 3 days prior to the commencement of works, in order to ensure no active nests are present which would be affected by the proposals. In the event any active nests are identified at this time, the Ecologist will implement an appropriate buffer zone around the nest into which no works will progress until the Ecologist confirms that the nest is no longer active

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework.

### **20. Ecological Implications (Pre-commencement).**

Works will not commence until a checking survey of the off-site barns identified in the ecological reports submitted in support of the application has been undertaken by a suitably qualified and licensed ecologist, to determine whether any active Barn Owl nests are present which may be disturbed by the works. In the event a nest is identified, the project ecologist will implement a buffer zone extending to at least 100m around the barns into which no works will progress until the ecologist confirms that the nest is no longer active

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework.

### **21. Environmental DNA testing. (Adherence).**

In the event works on site do not commence within 24 months of the date of the most recent assessment (20/10/21), an updating assessment (including eDNA surveys) will be completed

during the breeding season prior to the start of works on the two ponds identified within the Letter to Linzi Milley (Additional Information in response to the Ecological Consultant Response), Sunderland City Council from Karen Devenney, Principal Ecologist at Durham Wildlife Services Ltd, dated 20<sup>th</sup> October 2021, in order to ensure the situation with regard to great crested newts remains the same. In the unlikely event great crested newt presence is confirmed at this time, works will proceed under the advice of a suitably qualified ecologist and/or Natural England, including a license if required

**REASON:** In order to protect the biodiversity present on site and its surroundings during construction and to comply with policies NE1, NE2, NE3 and NE4 of the adopted Core Strategy and Development Plan and paragraphs 174,175,176 and 179 of the National Planning Policy Framework.



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**Reference No.:** 21/01544/FU4 Full Application (Reg 4)

**Proposal:** **Erection of 60. No dwellings with access, landscaping, SuDS, SANGS and associated infrastructure on land at Burdon Lane, Ryhope. (Amended Drawings received 05.10.2021).**

**Location:** Land At Burdon Lane Burdon Lane Burdon Sunderland

**Ward:** Ryhope

**Applicant:** Mr Shaun Cuggy - Bellway Homes (Durham)

**Date Valid:** 1 July 2021

**Target Date:** 30 September 2021

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**PROPOSAL:** Full planning consent is sought for the erection of 60 No. dwellings with access, landscaping, SuDS and SANGS and associated infrastructure on land at Burdon Lane.

The proposed development site comprises approximately 4.82 hectares of greenfield land to the north of Burdon Lane, Ryhope. The site is roughly rectangular in shape with existing residential development bounding the site to the east and north, Burdon Lane to the south and existing agricultural land to the west.

The proposed development comprises a mix of 2,3 and 4 bedroom properties ranging from terraced, semi-detached and detached homes all over 2 stories.

- 15 two bed properties.
- 31 three bed properties.
- 14 four bed properties.

The proposal has been subject to pre-application discussions with Officers of the City Council and has been developed alongside the current proposal for the missing link of the Ryhope Doxford Link Road (RDLR) (ref: 21/00451/LP3), to ensure appropriate noise attenuation, drainage and landscaping were developed between the two developments. The development is also reliant on the delivery of the RDLR, the associated multi user route and the delivery of SANG land to the west of the future RDLR.

The site is currently under the ownership of Sunderland City Council.

The application has been supported by the following documents:

- Full set of detailed drawings and application form.
- Design and access statement.
- Planning statement.
- Statement of community involvement.
- Preliminary ecological appraisal report.
- Transport assessment and travel plan.
- Flood risk assessment and drainage strategy.
- Noise assessment.

- Air quality assessment.
- Landscape strategy.
- Arboricultural impact assessment and tree survey.

**TYPE OF PUBLICITY:**

Press Notice Advertised 16.07.2021  
 Site Notice Posted 16.07.2021 and 13.10.2021.  
 Neighbour Notifications 49 letters.

**CONSULTEES:**

Natural England  
 Flood And Coastal Group Engineer  
 Network Management  
 Northumbrian Water  
 Northern Electric  
 Northumbria Police  
 Tyne And Wear Archaeology Officer  
 Fire Prevention Officer  
 Land Contamination  
 Planning Policy  
 Director Of Childrens Services  
 Environment Agency  
 Environmental Health

Final Date for Receipt of Representations: **04.10.2021**

**REPRESENTATIONS:**

Following the expiry of the above consultations two letters of representation were received that raised the following points:

- Closure of Burdon Lane and vehicular access point to new development.
- Loss of light and increased noise levels as a result of the development.

Each of the matters will be fully addressed with the amenity and highways sections of the main agenda report.

**Natural England** – No objection, subject to appropriate mitigation being secured.

**Ecology** - The evidence base for determination of potential ecological constraints and opportunities is as follows:

- Shadow Habitat Regulations Assessment (HRA) report dated February 2021
- Preliminary Ecological Appraisal (PEA) report dated April 2021.
- Colour layout plan dated June 2021.
- Planning layout dated June 2021 Shadow HRA Report.

Three European sites occur in proximity to the proposed development and require consideration. These are the: Northumbria Coast Special Protection Area (SPA), Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Ramsar site. Likely significant effects (before consideration of mitigation) are predicted as a result of disturbance to bird species, recreational damage of habitats through trampling and erosion, and the potential for increased risk of fires.

Consultation will need to be undertaken with Natural England on the conclusion of the report that the proposed development would not adversely affect the integrity of the European sites. The HRA should not be adopted and the planning application should not be determined until Natural England has had the opportunity to confirm that it is satisfied that the European Sites are not likely to be adversely affected and requirements for relevant planning conditions are known.

The scope of the Shadow HRA seems appropriate given the distance (1.7km) of the proposed development site from the European sites. However, all matters appear adequately resolved to evidence the conclusions reached. The report notes that mitigation is required to address likely significant effects from the above impacts, and the mitigation proposed within the Appropriate Assessment is 1.08ha of Sustainable Alternative Natural Greenspace (SANG). The purpose of the SANG is to divert recreational pressures from the European sites such that the identified impacts would be prevented or reduced to a level that can be considered de minimis.

Ecology officers (officers) have made the following observations on the suitability of the proposed mitigation approach:

- Accessibility as a destination – it is not clear how residents of the new development will be able to access the SANG given the intervening link road. Allowance needs to be made for a suitable foot crossing. *(DM Officer response – The proposal is being considered alongside the application for the RDLR and associated multi-user route).*
- Attractiveness as a destination – it is not clear why residents would preferentially use the SANG as a replacement recreational destination. Detailed landscaping proposals have not been made to clarify what would be provided or to explain how it would be secured and managed long-term. *(DM Officer response – Full landscaping details have been provided to the satisfaction of the Ecologist).*

PEA Report The application site has been subjected to a PEA which comprised a desk study and an appropriate level of site investigation. This provides a suitable baseline to understand the habitats within the site, the potential for protected and notable species to occur, and the statutory and non-statutory designated nature conservation sites within the potential zone of influence. One priority habitat will be adversely affected as a result of the proposed development. This is the southern boundary hedgerow affected by the site access. While this minor habitat loss is not likely to be adverse for nature conservation beyond the level of the site, habitat compensation should still be provided. This should be incorporated into the landscaping scheme requested below. The other habitats present within the site are of low ecological value, being agriculturally improved grassland.

The proposed development is located within a relevant Impact Risk Zone for Tunstall Hills and Ryhope Cutting SSSI. Given this, consultation with Natural England is required and the planning application should not be determined until Natural England is satisfied that the SSSI is not likely to be significantly affected and requirements for relevant planning conditions are known. It is likely that the proposed SANG will be suitable to address, at least partially, potential additional recreational pressures arising from the proposed development subject to further details on access arrangements and attractiveness as a destination. See above the related comments in the Shadow HRA section.

The report identifies the presence of three ponds within 500 m of the site and considers the potential for the great crested newt (*Triturus cristatus*) to occur. Officers agree with the conclusion in relation to one pond (P3) which was dry that it can be considered to be unsuitable for great crested newt. The status of great crested newt in relation to the other two ponds has not been resolved. Officers do not agree with the reasons given for scoping these ponds out, however officers do agree that they can be scoped out on other grounds. These are that given both of these ponds are located more than 250 m from the proposed development and the character of the habitats on site are generally of low suitability to support great crested newt, no offences are likely to arise from the habitat losses related to the proposed development (this has been checked using the Natural England risk assessment tool). There remains a residual risk that great crested newt could still be encountered within the site, but application of precautionary working methods (PWM) would be sufficient to address this, and this could be secured through planning condition. This is consistent with Natural England advice that "It is likely that any residual offences [i.e. those resulting from disturbance during application of PWM] would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest." .

Officers agree with the conclusion in relation to bats and would also note that the committed plans for a link road represent by far the most significant potential impact on bats. The link road will sever the development site from the wider countryside. Agreement of a suitable landscaping scheme for both the SANG (see above) and the site is likely to be sufficient to offset any local impact on habitat quality for bats.

A stand of the controlled weed species Japanese rose (*Rosa rugosa*) is identified within the report. This is located on a shared boundary where removal may not be possible without third party agreement. Officers do not consider it necessary to eradicate this species, given it will end up within a domestic garden setting. However, care will be needed to prevent the spread of propagules (seeds and roots) to new locations. This is consistent with the advice in the report. No other species are identified as relevant and no further ecological surveys are considered necessary. Officers agree with these conclusions.

Officers agree with the wider mitigation measures proposed, which encompass:

- A suitable street lighting scheme to minimise light spill and glare onto retained and proposed new habitats. (To be conditioned).
- Provision of a network of access points within boundary treatments for hedgehog (*Erinaceus europaeus*).
- Mitigation for ground nesting birds. Limited consideration has been given to ecological enhancement options within the report, with the provision of bird and bat boxes suggested as suitable. Officers agree with this measure but consider it unlikely to achieve meaningful ecological enhancement (net gain) in isolation. Bird and bat boxes will need to be integral to the structure of new dwellings given the lack of mature trees. In addition, this will provide greater certainty of permanence.

Further enhancement opportunities exist with examples listed below and securing these would be consistent with local plan policies NE1 and NE2:

- Suitable dual purpose (amenity and biodiversity) landscaping of SUDS and public open space (POS).
- Definition of a clear landscaping proposal for the interface with the link road. It seems likely that screening plantings would be required, so again this could be dual purpose.
- Maximising biodiversity gain within the SANG. Strictly this is mitigation for potential adverse effects on the European sites and as such may not be eligible for inclusion in biodiversity net gain assessments due to the additionality clause.

Planning policy NE2 requires that development must demonstrate how it will provide net gains in biodiversity. At present this requirement is not met, as a landscape and biodiversity enhancement scheme has not been provided for approval. To address this, more detail is required on the landscaping and other measures to be provided, together with a biodiversity net gain assessment. This will also provide a much better basis for specification of suitable planning conditions. In addition, consideration needs to be given to what an appropriate evidence basis should be to demonstrate net gain. *(DM Officers response. Additional information in the form of a metric calculation has been provided to demonstrate the net gain provided across the site).*

Conclusion Holding objection. Further information needed:

- To confirm agreement of Natural England on the conclusions of the Shadow HRA Report and requirements in relation to the SSSI.
- On the landscape and biodiversity enhancement scheme to accompany the proposed development and the SANG.
- On the provisions for access by residents to the SANG.
- On the compensation measures for the loss of hedgerow priority habitat.
- Biodiversity enhancement scheme to deliver net gain.
- On street lighting proposals, with lighting contour (isolux) plan, to demonstrate that suitable lighting regimes can be achieved. Other matters can be agreed under condition later.

#### **Additional Response:**

The comments below follow on from those issued by SCC on 9<sup>th</sup> August 2021, and relate to the following additional documents submitted in support of the above application:

- Biodiversity Metrics Report, Burdon Lane by DWS Ecology, April 2021 (draft report dated 13/04/21)
- Ecological Mitigation and Enhancement Plan, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21)
- Proposed SAANG Figure, Land North of Burdon Land, First issue 22/09/21

Relating to the BNG assessment, which relates to an off-site enhancement area to the north west:

- The current net gain assessment achieved 11.53% net gain of biodiversity units and 42.57% net gain in hedgerow units, exceeding the 10% that is typically aimed for.
- The report does not include the trading summary detailing whether the habitat type losses are sufficiently mitigated against, however it appears from the information provided that these are sufficiently compensated for through creation and enhancement of habitats.
- The metric does not account for the on site landscape plan as plans have not been finalised, however 10% net gain is still achieved despite 0 units generated onsite, so an small amount of additional units are likely to be produced than what is provided by the current metric.
- There is a slight discrepancy in the areas for the offsite baseline and post work habitats of 0.07 ha however, this is not likely to be significant and can probably be attributed to rounding errors
- A full copy of the metric itself has not provided, just screenshots, therefore further investigation of the calculations is not possible
- Enhancement of woodland from moderate to good is reasonable and in line with guidelines

- Enhancement of mixed scrub from fairly poor to moderate is reasonable and in line with guidelines

Of further note:

- Enhancement of poor condition modified grassland (low distinctiveness) to fairly good other neutral grassland (medium distinctiveness), which is a jump in distinctiveness and in condition, is a little beyond what would typically be good practice following the guidelines
- Creation of fairly good other neutral grassland - it is again a stretch to go straight to fairly good.

However, the Ecological Mitigation and Enhancement Plan referenced above includes a management plan for the off-site grassland and woodland which is considered to be appropriate to the works.

It should be noted that the time to condition for the grassland enhancement and creation is 12 years, and 15 years for the woodland within the metric, yet the management plan (as is usually the case) covers only the first 10 years; this will therefore need to be reviewed, updated and extended by a suitably qualified ecologist at the 10 year mark, with reviews and updates where required after 5 years, to ensure it remains appropriate and is achieving its aims; given the grassland target condition is more ambitious than standard, the management plan for such habitats should be extended to 15 years at the time of the 10 year review if it appears that target condition will not be met within the remaining two years.

**Conclusion:** The documents listed above are considered to be fit for purpose and provide sufficient information to address previous queries relating to the landscape plan for the SANG, and that an appropriate level of ecological enhancement can be achieved via the implementation of measures within the Biodiversity Net Gain assessment and accompanying Ecological Mitigation and Enhancement Plan.

Based on the documents as submitted, there is no objection to the proposals on ecological grounds, subject to the implementation of a series of conditions attached to the planning consent.

### **Conditions:**

In the event planning consent is granted, the following conditions should be applied:

- The development will proceed in accordance with the recommendations, mitigation, enhancement and monitoring measures as stated in:
  - Shadow HRA report, February 2021.
  - Updated PEA Report, Quants, 21<sup>st</sup> April 2021.
  - Biodiversity Metrics Report, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21).
  - Ecological Mitigation and Enhancement Plan, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21).
  - Proposed SAANG Figure, Land North of Burdon Land, First issue 22/09/21.
- A plan will be submitted to and approved in writing by the Council prior to the start of works, which confirms details regarding the specification and location of bat and bird boxes to be installed. Works will proceed in accordance with the plan once approved

- A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of the 20<sup>th</sup> house, which will be delivered in accordance with the approved details. The plan should include:
  - details of legal funding mechanisms by which long term implementation of the plan will be secured by the developer
  - details of management and monitoring works to be completed
  - 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 ecological reports, including target condition information within the BNG assessment
  - details of monitoring checks to be undertaken on the bird and bat boxes installed as part of the mitigation strategy both in the short and long-term (following the completion of works), including details of the frequency of checks and plans for their replacement in the event such features are damaged or lost during the lifetime of the development, to ensure the site and adjacent areas retain the potential to be used by such species in perpetuity
  - details of monitoring, removal and/or management operations for invasive non-native species including, but not being limited to Japanese rose *Rosa rugosa*
  - a requirement for management operations within the SANG, housing site and BNG offsetting area to be undertaken for the lifetime of the development
- Works will not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the LPA, which includes the 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, and will include information on key working methods and timings relating to each habitat and/or protected species being considered. This will include details of pre-start checks and monitoring works to ensure the protection of protected and notable species and habitats, with the inclusion of stand-off distances and/or supervision by a Suitably Qualified Ecologist (SQE) within specified distances of such features. The document will also include details of removal and/or management operations for invasive non-native species including, but not being limited to Japanese rose *Rosa rugosa*
- Works will not commence until the lighting strategy has been submitted to and approved in writing 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; this will include dark zones along those habitat corridors designed to benefit wildlife, in line with the ecological documents submitted in support of the planning application, as illustrated through the provision of lighting contour (isolux) plans
- Gaps measuring at least 13 x 13cm will be created or maintained in all boundary features, to ensure the site remains permeable to species such as hedgehog
- Works will not commence on site unless checking surveys for protected species has been undertaken by a 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, as advised by NE and/or the SQE

- Works, including ground clearance, will not be undertaken within the bird nesting period (March – September inclusive) unless a checking survey by a SQE has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE after 3 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
- The SANG will be established and suitable for use prior to occupation of the first house on the site, to ensure the required recreational habitat for local residents is available in order to minimise impacts upon coastal designations

**County Archaeologist (CA)** – The CA has reviewed the site against the Historic Environment Record and Historic maps associated with the proposed development area.

The proposed development area is situated in a locality associated with significant archaeological remains ranging in date from the prehistoric to the Romano-British period. The site has been subject to a number of archaeological investigations in association with this proposed development in addition to events associated with other previous initiatives. The evaluative works required in the eastern extent of the site in the form of a geophysical survey and archaeological evaluation trial trenching (Event 5150) have been completed.

In 2021, 15 trenches were excavated to investigate geophysical anomalies and blank areas of the proposed development area. In the evaluation the remains of two medieval and or post-medieval plough furrows were identified in trenches 6 and 11. No additional archaeological deposits were identified in the evaluation trenches. In the report no further archaeological works are recommended in association with the development of this part of the site. Based upon the results of the evaluation trial trenches, the CA considers that no further archaeological investigation is required at the eastern extent of the site.

The redline boundary however includes an area of the site to the west of the proposed bypass road which is included as a SANG. This part of the proposed development area has not previously been subject to archaeological trial trenching. This area will require further archaeological evaluation in the form of trial trenching and any subsequent archaeological mitigation as required prior to any groundworks taking place in this part of the site. In order to preserve any surviving archaeology located in this part of the site, the site should not be used for compounds and or soil storage and should be protected from activities which could truncate any surviving archaeological deposits located within this area of the site.

The archaeological investigations required for the western extent of the site can be secured by conditions:

***Archaeological Excavation and Recording Condition*** - No groundworks or development shall commence in the SANG area of the site until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. 2 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

***Archaeological Post Excavation Report Condition*** - The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.*

**Archaeological Publication Report Condition** - *The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason: The site is located within an area identified 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.*

**Land Contamination** - A Desk Study has been prepared by Sirius Geotechnical for the proposed development of Land at Burdon Lane to a residential estate with a proposed 60No. dwellings. A site walkover is included in the report and states the site comprises of a large grassed field with scattered hedgerows. The report provides a summary of the historical uses of the Site and states it previously comprised undeveloped land, which has remained undeveloped over time.

Limited historical potentially contaminating site uses are noted surrounding the site which mainly include undeveloped land and residential developments. The geology is stated to comprise Glacial Till, however, the report states that the thickness of superficial deposits are likely to be thin. The solid geology is the Ford Formation, with Coal Measures at greater depth.

The report states that local areas of Made Ground are anticipated at the Site due to historical farming practices. The Ford Formation are classified as a Principal Aquifer by the Environment Agency. The Site is located in a Coal Mining reporting Area. A Coal Authority Report has been obtained and is included in the report. The report states the Site is not underlain at shallow depth by coal bearing strata.

The report states that there are two landfill sites located between 658m and 678m to the north-east of the Site. The potential for ground gas at the Site is stated as very low. The Site is not located in a Radon Affected Area. The report states that there are no watercourses within 500m of the Site, however a drain is recorded 315m to the north-east of the Site.

The Site lies within Source Protection Zone II of two Source Protection Zones, associated with abstraction boreholes located at the former Cherry Knowle Hospital. The potential risk from Unexploded Ordnance is not included in the report. The report states that no invasive weeds were noted at the Site during the walkover. A graphical preliminary conceptual model is included, with potential sources, pathway and receptors identified. A risk rating has been applied to the potential pollutant linkages. The highest risk rating is Low with regard to Made Ground the identified receptors.

The report concludes that the potential land contamination risks at the Site are Low.

A Phase 2 report has been prepared by FWS Consultants for the Land at Burdon Lane Development.

The report provides the details of an intrusive investigation undertaken at the Site comprising 7No. trial pits and 5No. window sample probeholes. 3No. exploratory holes were installed with

monitoring wells. The rationale behind the ground investigation and positioning of exploratory holes is defined.

The ground investigation recorded Topsoil across the Site to depths 0.3m bgl. The topsoil was underlain by Glacial Till at depths between 0.6m and 2.2m bgl. The Ford Formation was recorded between 0.6m and 2.2m bgl. Coal was recorded in both the Topsoil and the Glacial Till.

Groundwater was not recorded during the drilling works nor the post works monitoring.

Soil samples were not subject to soil headspace testing using a Photo Ionisation Detector (PID) to screen for volatile organic compounds (VOCs) during the investigation. Visual or olfactory evidence of contamination was not recorded.

6No. soil samples were submitted for chemical analysis for a testing suite of metals, PAHs, asbestos, and TPH. No leachate testing was undertaken. The number of exploratory holes and the volume of chemical testing is limited and does not conform to an exploratory investigation in accordance with BS101752011+A2:2017, however, it is recognised that there are limited historical potentially contaminating uses at the Site and Made Ground was not encountered at the Site.

Soil samples were submitted for laboratory analysis and the results of chemical analysis were screened against generic assessment criteria (GAC) for a residential with home grown produce end-use with a SOM of 1.0%. Results of the screening exercise reported no exceedances.

Asbestos was not detected in the samples analysed.

Ground gas monitoring was completed at part of the site investigation works and remains ongoing. A final graphical conceptual model is included in the report. No chemical exceedances were recorded in the soils selected for chemical testing and the report concludes that the site soils pose no hazard to the identified receptors.

Coal is recorded in the exploratory hole logs, which can pose an ignition source. The implications of coal within the site soils are not included in the report.

Assessment of Gas Monitoring Results for Residential Development on Land at Burdon Lane, Ryhope. Dated 3rd February 2021. Ref. 389220R02.

FWS have prepared a letter report providing an assessment of the ground gas monitoring results at the Land at Burdon Lane Site. The report states that the Site represents a very low gas generation potential with a high sensitivity end use.

Recommendations - The City Council's Land Contamination Consultants are in broad agreement with the findings of the Phase 1 and 2 Report and recommend that the following points are incorporated into a Remediation Strategy for the Site:

Phase 1 The risk from UXO is not included in the Phase 1 report. The UXO risk should be confirmed and any mitigation measures incorporated prior to future intrusive works.

The Phase 2 report does not state whether the topsoil at the Site is proposed for re-use within the residential development. Due to the limited volume of chemical testing undertaken as part of the Phase 2, any soils proposed for re-use (and importation) should be subject to chemical testing in accordance with the YALPAG Document 'Verification Requirements for Cover Systems. Technical Guidance for Developers, Landowners and Consultants'. The proposed chemical

testing for subsoil and topsoil used in gardens and soft landscaping together with suitable validation procedures should be detailed in a Remediation Strategy for the Site. The implications of the coal content of the site soils should be included and any procedures to be following during construction / earthworks.

**Northumbrian Water Limited** - NWL have no issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy March 2021". This document contains NWL's pre-planning enquiry response and the drainage scheme submitted aligns with NWL's recommendations.

NWL therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

*Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "March 2021". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 0601 and ensure that surface water discharges to the surface water sewer at manhole 9501. The surface water discharge rate shall not exceed the available capacity of 7l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority. REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

**Lead Local Flood Authority** - In relation to flood risk and drainage, the details submitted have been reviewed as summarised in the drainage response spreadsheet and the proposal are acceptable.

It is suggested that there should be a condition to require submission of a standard verification condition that can be worded as follows.

*Prior to the occupation of any dwelling, 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 reports at the beginning and end of the development 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.*

*The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.*

*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.*

**Environmental Health** - Environmental Health has considered the submitted documentation and comments are set out in the table below. There are no objections to the proposed development subject to the inclusion of the following conditions on any granted consent:

**Noise mitigation:** *Prior to occupation of any dwelling a noise assessment shall be submitted for the agreement of the LPA that identifies a suitable scheme of noise attenuation to the western boundary of the development, and identifies suitable noise mitigation specifications for glazing*

*and ventilation provision to the relevant affected plots. The scheme shall ensure that the internal and external noise levels shall meet the guidelines set out in BS8233:2014.*

**Construction Environmental Management Plan:** *Prior to commencement of site works a construction environmental management plan shall be submitted for the approval of the LPA. The plan shall identify potential impacts upon the local environment and neighbouring residential properties arising from site clearance, preparation and construction and shall identify suitable mitigation measures to minimise those impacts.*

**Northumbria Police** - Northumbria Police would like to make the following observations.

1. Whilst we acknowledge the aspiration to create a “distinctive residential neighbourhood” and to “embrace the core principles of Secured By Design”, we are not completely convinced that the proposed layout works to those ends. When we compare and contrast the recent adjacent development we see a layout that looks outward but in this proposal homes (plots 37 to 56) look inward and to accommodate and presumably oversee the pedestrian access originating alongside the substation on Burdon Lane homes (plots 57 to 60) turn sideways. (Officer response – The above plots provide the rear garden that are secured behind noise attenuation fencing, designed to accommodate the introduction of the adjacent RDLR development).

2. Whilst the Coloured Layout (Drawing 103) just describes two public open spaces, Drawing No 101- Boundary Treatment Plan designates the open space on the south east corner as a Play Area. We tend not to be comfortable with play areas that aren't well overlooked and are alongside public roads. This is the space that the homes turn their back and side on. Burdon Lane is a relatively quiet country road, but whilst that might reduce a Highways safety concern, it increases the risk of inappropriate access or the possibility of child abduction. (Officer Response – Burdon Lane is subject to a stopping up order and a traffic regulation order to prohibit vehicular movements in this area. The area is to become a very well illuminated multi user route).

3. Whewey & Millward found that children preferred to play ‘where they could see and be seen’ – in open view of houses rather than in more hidden areas. (Whewey, R., & Millward, A. (1997). *Child's Play: Facilitating play on housing estates*. London: Chartered Institute of Housing and Joseph Rowntree Foundation). (Officer Response – The site is to be located in a highly accessible area and well illuminated and trafficked via pedestrians).

4. Developing Criminological theory recognises the value of green spaces in reducing crime risk and the most obvious alternative would be to designate the more northern green space as the play area as that's much better placed in terms of surveillance, but that would leave an ill-defined open space between the homes and Burdon Lane, which in itself could be problematic. (Officer Response – The house builder will be responsible for the long term maintenance of the area).

5. The communities to the southern end of Sunderland suffer disproportionately with motorcycle disorder and recent development hasn't addressed any of those concerns. In fact adherence to all the valued principles of connectivity, permeability, sustainability and healthy living has tended to create environments which exacerbate the problem. (Officer Response - The SSGA has developed an holistic series of multi user routes that connect each of the large development sites. Barriers and lighting have been introduced and sought from developers as part of the wider development).

6. On balance, if a wholesale layout re-design is not practicable, then the play area should perhaps stay in the south east corner, but be fenced appropriately along its boundary with Burdon Lane. We would recommend that fencing should be 1.8m metal paladin of the sort of design that

they use around school playing fields. To improve the surveillance of the play area the side fence of 60 and rear fence of 56 should be changed to 1500mm close boarded with a 300mm trellis topping. (Officer Response – full details of this element of the proposal are to be conditioned so further detail can be considered).

7. To prevent or reduce motorcycle disorder mitigation measures should be incorporated in the space to the east of the substation to prevent motorcycles accessing the development through this space. (Officer Response – A condition shall be imposed to request details of the access point control measures prior to first occupation).

8. There appears to be an explained margin, roughly the width of a footpath running from Burdon Lane along the western side of the development that would attract motorcycle disorder. We would welcome clarification of why it has been retained in the layout rather than incorporated in the rear gardens of plots 37 to 55. (Officer Response – This area of land is under the ownership of Sunderland City Council and forms part of the landscaping for the RDLR).

9. Plot 56 has an incomplete boundary to the eastern side, which we presume is a drawing error. (Officer Response – Updated detail provided).

10. The additional rear access pathways to serve the middle properties of a terrace always look untidy and unwelcoming in modern development. We would rather they weren't executed with so many turns and oddly situated gates because they attract loitering and ASB, but we accept they are usually inevitable, but in this layout we would question why the rear access to Plot 34 has to snake around the rear of Plot 35 when both properties could have rear access onto the shared surface that leads to plots 15 to 18, and could use the same Bin Collection Point as those houses and they could both have much more private rear gardens as a result. (Officer Response – Updated detail provided).

**The Fire Authority** - No objections to this proposal.

#### **The Local Highway Authority - Comments:**

**ACCESS** The vehicular access arrangements for the proposed site are considered acceptable.

**ADOPTABLE STANDARD** The development is to be built to an adoptable standard, the Developer should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met.

**INTERNAL LAYOUT** Traffic calming should be provided internal to the development; this will need to be agreed as part of the Section 38 technical submission. In addition, it must be ensured that plots 15 – 18 and plots 19 and 20 are not part of a through route.

**PARKING** It is noted that 18 visitor parking bays are proposed for the development with 2 replacement VP bays proposed for Rockcliffe. As the majority of houses on the proposed site have double width drives, 18 VP bays is deemed satisfactory. The 2 displaced / relocated VP bays in Rockcliffe will require a Section 278 Agreement with the Council.

**TRAVEL PLAN** It is advised that a planning condition is used to ensure that the Interim Travel Plan is submitted and approved prior to commencement of any works; in addition, the planning condition should be utilised to ensure that monitoring and review of the travel plan objectives are carried out.

**ELECTRIC CHARGING BAYS** The development should include measures to encourage sustainable transport initiatives and make suitable provision for electric vehicle charging points.

**CYCLE SHELTER** Secure, covered cycle parking should be provided for the development.

**CONSTRUCTION METHOD STATEMENT** A Construction Method Statement is required.

**TRANSPORT STATEMENT / ACCESSIBILITY** It would appear that the proposed development trips are quickly dissipated on to the surrounding road network and the level of trip generation suggested would not result in any significant detriment to the operation of the local road network, (both the existing and proposed network). On this basis Transportation Development have no objections to the proposal.

In addition, the site is situated within easy walking distance of bus stops and facilities and amenities are available in the local area. Multi-user routes are proposed linking the development to the existing infrastructure within the vicinity of the site.

**FUTURE ROAD INFRASTRUCTURE** The Ryhope Tunstall Periphery Planning Guidance (RTPPG) sets out the principle of phased development and the delivery of highway infrastructure, with Burdon Lane being served by the proposed Ryhope / Doxford Link Road (RDPL).

It is recommended that this development should include financial contributions for the future link road. **DOXFORD / RYHOPE LINK ROAD** The Doxford / Ryhope Link Road abuts the site boundary

## **POLICIES:**

In the Core Strategy and Development Plan (2015-2033) adopted 30<sup>th</sup> January 2021 the site is subject to the following policies;

- SP1 – Development Strategy.
- SS6 – South Sunderland Growth Area.
- SP7 – Health and Safe Communities.
- HS1 – Quality of Life and Amenity.
- HS2 – Noise Sensitive Development.
- SP8 – Housing Supply and Delivery.
- H1 – Housing Mix.
- H2 – Affordable Housing.
- NE1 – Green and Blue Infrastructure.
- NE2 – Biodiversity and Geodiversity.
- NE3 – Woodlands/hedgerows and trees.
- NE4 – Greenspace.
- NE9 – Landscape Character.
- BH1 – Design Quality.
- BH2 – Sustainable Design and Construction.
- BH3 – Public Realm.
- BH9 – Archaeology and recording of heritage assets.
- WWE3 – Water Management.
- WWE4 – Water Quality.
- WWE5 – Waste Management.
- WWE6 – Waste facilities
- SP10 – Connectivity and transport network.
- ST2 – Local Road Network.

ST3 - Development and transport network.  
Policy ID1 – Delivering infrastructure; and  
Policy ID2 Planning Obligations.

Saved Unitary Development Plan policies;

B13 – Sites of local archaeological significance.  
B14 – Ancient monuments.

Supplementary Planning Documents;

South Sunderland Growth Area – adopted June 2020.  
Planning Obligations - adopted June 2020.

## **COMMENTS:**

**Principle of development:** The site forms part of the South Sunderland Growth Area (SSGA) which is an allocation in the Core Strategy and Development Plan (CSDP) Policy SS6: South Sunderland Growth Area. The SSGA is broken up into four distinct areas; Chaplegarth, Cherry Knowles, South Ryhope and Land North of Burdon Lane. The proposal forms part of the Land North of Burdon Lane although it is recognised that it is severed from the larger site via the proposed route of the RDLR.

Policy NE12: Agricultural Land is relevant given the site's existing land use as agricultural land. It sets out that development which would result in the loss of the 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. It should be noted however that this was taken into consideration as part of the allocation of the site through the CSDP when the site was formally allocated for residential development.

This subarea SS6,(1) is allocated for approximately 1,000 homes. This proposal would only relate to a small part of the wider Land North of Burdon Lane subarea. It is noted that planning applications have been submitted for two other parts of Land North of Burdon Lane subarea, combining these two applications (19/01497/HY4 =890, 18/00640/FUL = 60 (890 + 60 = 950) with the existing application the total number of units exceed the approximate level set out within the policy.

It is noted that the inclusion of the word "approximate" does allow flexibility to the quantum of development proposed, providing the detailed technical work at the application stage to demonstrate the number of units do fall within the provision afforded by its inclusion.

The applications have therefore been considered with an holistic view to developing out the entire site, with two further applications anticipated and cognisant of the three other major development sites in the SSGA.

Affordable Housing CSDP Policy H2: Affordable Housing sets out that all development for 10 homes or more should provide at least 15 percent affordable housing. Notwithstanding this, both CSDP Policy SS6,(2) and the SSGA SPD provides a specific affordable threshold of 10 percent for proposals within the SSGA. It is therefore considered that the 10 percent threshold is the most appropriate threshold that should be sought. CSDP Policy H2 also sets out that affordable housing should be provided on site in order to help achieve mixed and balanced communities.

The SSGA SPD also indicates that affordable tenure should be split as follows; 75 percent social rented and 25 percent intermediate. The planning application form indicates that the affordable tenure would be affordable home ownership. The appropriateness of this should be considered in alignment with SPD. It is noted that the proposed development includes the provision of 6 affordable dwellings, and as such the split would require 5 units rented, 1 intermediate. The applicant has expressed concern over this mix given the number of units proposed and it is considered a more flexible approach may be utilised in order to promote the affordable housing element of this site, this would be secured via the adjoining S106 agreement.

According to the supporting Planning and Affordable Housing Statement this would be a mix of 3 – two-bedroom dwellings and 3 – three-bedroom dwellings.

Housing Mix CSDP Policy H1: Housing Mix provides criteria on achieving the appropriate mix of housing by providing a mix of house types, tenures and sizes which are appropriate to the site's location. In addition, criterion 2 sets out that where appropriate and justified, development should seek to provide larger detached dwellings and ensure there is choice of suitable accommodation for older people and those with special housing needs including bungalows and extra care housing. This policy is reinforced by the SSGA SPD complementary guidance regarding; housing mix, housing type and larger family dwellings. Design CSDP Policy BH1: Design Quality and CSDP Policy BH2: Sustainable Design and Construction set out criteria regarding appropriate design of development.

The current proposal is considered to provide a variety of house types, sizes and also provides a 100% provision of Nationally Designed Spacing Standard homes in accordance with the above overarching policies.

In addition to the above, CSDP Policy SS6,(3), also provides a range of requirements for proposals within the SSGA. This includes;

- A neighbourhood centre, within the Land North of Burdon Lane subarea, which would provide a focal point within the SSGA and include a new primary school, wheeled sports area, formal play space, 3G pitch, appropriate parking facilities and bus service – it is noted that the neighbourhood centre forms part of the associated hybrid application 19/01497/HY4 and includes a primary school, retail provision, multi-use games area, 3G sport pitch.
- Extensions to two existing primary schools in close proximity to the SSGA;
- Public open space;
- Allotments provided on-site or off-site via a financial contribution;
- Suitable ecological mitigation inline with HRA requirements;
- Cycleways and footpaths;
- New and improved public transport services and infrastructure and
- Contributions to support the completion of the Ryhope Doxford Link Road.

Policy SS6,(4) requires extensions to two existing primary schools in close proximity to the SSGA, the applicant has confirmed that a S106 financial contribution will be provided to support this requirement.

Policy SS6,(5) refers specifically to the provision of public open space and for the purpose of the relevant CSDP Policy NE4 this includes amenity greenspace, children's fixed play equipment, natural and semi-natural greenspace, formal parks and country parks, outdoor sports facilities, school playing fields and grounds, cemeteries and church grounds and civic spaces.

Policy NE4(3) requires all major residential development to provide:



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

With the above in mind, and further to an analysis of the submitted housetypes and bedspaces has confirmed that the development has a policy requirement to provide 239 bed spaces = 0.2151ha.of green space. The application has been supported by a detailed open space areas plan that demonstrates this delivery and its breakdown in terms of provision between open space, play areas etc of circa 0.3 ha.

Policy SS6 (6) seeks the provision of allotments either on-site or off-site via a financial contribution, the applicant has confirmed they will provide a financial contribution to support the offsite delivery.

Policy SS6 (7) requires suitable ecological mitigation inline with Habitat Regulations Assessment (HRA) requirements and the positioning of the site with regards the coast. The City has a number of European Designations (N2K) within its boundary i.e. Northumbria Coast Special Protection Area (SPA – species) and the Durham Coast Special Area of Conservation (SAC – habitats); as a consequence it is necessary to consider the implications of the Habitat Directive (1992).

The Habitat Directive is the European legislation governing the management of N2K sites and this piece of legislation has been transposed in the UK planning system via the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations). The Habitat Directive requires plans and projects to undertake, in the first instance, an assessment of whether proposals are likely to result in “Likely Significant Effect” (LSE) on designations. If LSE is deemed unlikely, then no further assessment is necessary.

What has become evident is the LSE of recreational activities (e.g. dog walking) primarily through the in-combination effects of housing growth on the N2K at the coast, leading to the erosion of the SAC habitat and disturbance of the SPA features. As such, for residential development near the N2K sites, it is necessary to consider these within the context of the Habitat Regulations.

In light of the Burdon Lane site forming part of the wider SSGA and its proximity to the coast and therefore the N2K sites, the Council has produced its own HRA to ascertain whether there would be an LSE arising out of the housing proposals. The screening report concluded that it was not possible to rule out LSEs on the SPA or the SAC and as such mitigation would be required.

An Appropriate Assessment (AA) was completed for the two existing applications on LNoBL, mitigation was proposed via the provision of Suitable Alternative Natural Greenspace (SANG) and accompanying green infrastructure to absorb the majority of dog walking activity arising from new residents and to reduce the pressure on the coast from the existing population.

Delivering the Burdon Lane allocation has been based around the SANG strategy provision across both this application and 18/00640/FUL and 19/01497/HY4, with an holistic approach sought for delivery. the SANG requirement is 18.19ha to mitigate the quantum of units proposed to date across all three LNoBL sites. This requirement has been satisfied with an overall potential provision of 18.55ha. The SANG provision for this proposal is to be provided to the west of the RDLR and its availability will be dependent upon the provision of the multi-user route. The delivery of this route is currently under consideration on this agenda.

In order to satisfy the requirements of providing a network of cycleways and footpaths as required under Policy SS6 (8) a network of recreational routes have been designed into the

masterplanning of the entire SSGA and the introduction of the proposed multi-user route over the proposed RDLR will add to existing provision within the area.

Policy SS6 (9) This element of the proposal requires new and improved public transport services and infrastructure. The applicant has confirmed they will provide a financial contribution to support the offsite delivery and the LNoBL site has a designed layout that includes a new bus route through the site, that would navigate round the neighbourhood centre and would seek to incorporate new bus stops and associated infrastructure.

Policy SS6 (10) requires contributions to support the completion of the Ryhope Doxford Link Road (RDLR). The completion of the RDLR is a fundamental requirement of the SSGA SPD. The RDLR runs along the southern boundary of the built up area of Tunstall and Ryhope, linking Ryhope to the A19 with Tunstall and Doxford Park in the west and linking Doxford Park to the Southern Radial Route which provides enhanced access from the City Centre to the A19 in the south. The RDLR is made up of four sections. (Application ref: 21/00451/LP3: RDLR is currently on this Agenda for determination).

Highway modelling work undertaken to inform the SPD identified that the proposed level of development envisaged in SSGA can only be accommodated providing the RDLR is completed in its entirety. Several sections of the road have been implemented or proposed to be implemented by developers where the road has been required to directly serve a residential development. This covers three sections of the RDLR, including the LNOBL site. These sections have been funded entirely by the developers, as without the construction of the relevant sections there would not be appropriate access points to serve their development site.

The 4th section of the RDLR, that links between the Cherry Knowle site and the LNOBL site, does not facilitate a direct access point for any particular development site in SSGA, but which is critical to the completion of the RDLR and ensuring that the highway network can facilitate the SSGA development.

The council as part of the preparation of the SPD considered that a reasonable and practical method of distributing the cost of the RDLR was to apportion the cost of the missing link across the four main SSGA and adjoining sites and where appropriate peripheral development sites.

The SSGA SPD requests a contribution of £2002 per dwelling (increased from the original £1847 to cover the cost of inflation from 2016-2020). S106s have been agreed and contributions agreed for all the SSGA SPD sites and the Land at Burdon Lane site, the one remaining being the wider land north of Burdon Lane (LNoBL) site.

At the time of the preparation of the first draft of the SPD the anticipated cost of the RDLR was approximately £5 million, which is the basis of the S106 ask in the SPD. Further detailed design work on the RDLR has continued since the first draft of the SPD. The 'missing link' is now anticipated to cost approximately £9.5 million, including land acquisition. Although the SPD was not adopted at this time, it was considered unreasonable and potentially unviable to almost double the RDRL ask within the SPD, to cover the increased costs. As such the council looked for other opportunities to fund the shortfall.

In March 2019 the Council submitted a funding bid for £25.4million to MHCLG Housing Infrastructure Programme and in March 2020 the council was informed the bid had been successful. The funding is to be used to forward fund and gap fund infrastructure necessary to facilitate the SSGA SPD. Housing Infrastructure Fund (HIF) monies will cover the RDLR shortfall and ensure developers and/or the council are not requested to cover the additional costs.

Along with the HIF money and the anticipated S106 contributions (from all sites), the cost of the RDLR can be covered in its entirety without any greater financial burden to the council or the developer. Without a contribution from the LNOBL site there will be a funding gap.

The completion of the RDLR is necessary to facilitate LNOBL as part of the wider SSGA area; this policy has been entrenched within the SPD from its initial draft and the current proposal has agreed to provide the relative contribution to result in a policy compliant development proposal and assist in the delivery of the RDLR.

The current proposal has been assessed on its planning merits and appropriate financial contributions have been agreed in principle to be secured via the S106 agreement. Whilst it is acknowledged that the site constraints to the west have been set by the future route of the RDLR, appropriate buffers, noise attenuation and SANG are all proposed for the development.

The proposal appears to be broadly in alignment with the Concept Masterplan.

**Conclusion** - The principle of residential development is considered acceptable by virtue of the site's allocation for housing development as part of the SSGA, the overall density of the site and quantum of development are considered to be reflective of the adjoining housing development and by virtue of the layout, appropriate with the existing built form and character. In addition, consideration has been given to the overall quantum of development proposed within the wider LNoBL subarea taking account of the other Minded to approve applications and other areas of land identified for development within the SPD which have yet to come forward and the extent to which they would exceed the stated figure in Policy SS6. The applicant has also confirmed they are prepared to make the proportionate contributions towards the necessary infrastructure identified within Policy SS6 and the SSGA SPD.

## 2. Design Quality / Landscape and Visual Impact

Chapter 12: Achieving well-designed places stipulates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, create better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF requires that planning decisions should ensure that developments:

- g) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- h) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- i) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- j) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit,
- k) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- l) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

CSDP policy BH1 Design Quality provides a 14 point framework that seeks to ensure that development proposals achieve high quality design. The policy requires masterplans to be provided for large scale development in particular those that are phased. Design codes should also be prepared for large-scale, phased development and accompany outline planning applications. The code should set out mandatory and non-mandatory aspects of design and include regulatory plans. Officers acknowledge that whilst this development plot is only a small scale development in comparison with the wider LNoBL site, an holistic approach has been incorporated into the wider masterplan to seek the overall delivery of all infrastructure and integrate all elements of the wider site.

The SSGA SPD requires development proposals within the SSGA to deliver schemes that achieve high quality standards of design, following the principles of Building for Life 12 and Secured by Design, whilst respecting the surrounding built, landscape and archaeological features within and neighbouring the site.

The application has been supported by a Design and Access Statement (DAS) which highlights key design principles, considers mix and density, sustainability, landscape, layout and connectivity and car parking. The DAS also acknowledges that the development has been guided following the principles outlined within the documents indicated in the aforementioned paragraph.

The proposed layout has been designed throughout pre-application discussions and following receipt of consultation responses, to promote surveillance and active frontages and seeks to include appropriate lighting to assist in designing out crime and creating a safe development. It is also recognised that the layout has been prepared in full knowledge of the significant engineering works and modifications to the existing landscape to the west to accommodate the introduction of the RDLR. Hence a balance has been reached with outfacing properties, namely those overlooking the cutting where the road is to be routed.

Access to the site, both vehicular and pedestrian is via the existing residential development to the east, and the relationship between both housing developments at this interaction point has been designed to provide a harmonious blend of house types. Careful siting of corner turning units, landscaped SUDS and boundary treatments assist in achieving this active entrance to the site.

The proposed design has been informed by the spacing standards set out within the Development Management SPD (adopted June 2021) which seeks to ensure a 21 metres distance is provided between main facing windows and 14 metres between main facing windows and a blank elevation. With the layout informed by the above guidance, it is considered that the proposal will ensure acceptable levels of privacy and amenity for all existing and future occupants of the proposed dwellings and those who reside in the existing residential dwellings to the north and east.

All of the proposed dwellings aim to progress a “fabric first” approach to housetype design, with the units incorporating high levels of thermal insulation providing a sustainable building envelope throughout the lifetime of the building.

In terms of appearance, each of the housetype designs vary with different elevational treatments, such as contrasting brick types or use of partial weatherboards, whilst the layout provides a mixed appearance with all a variety of options across the site.

The site has provided a soft landscaping scheme, seeking to retain and improve existing hedgerows, provide a landscaped SUDS feature along the south eastern edge of the site in the

form of an open swale. This would be seasonally wet and planted accordingly with appropriate native grasses and wildflower species. Larger trees and ornamental trees are also planned within the landscaping scheme to add to the edge of this urban extension.

Policy NE1 of the CSDP requires developments to set out criteria on enhancing and creating Green Infrastructure. The current proposal has been supported by a Landscape Masterplan and Management Manual and a comprehensive set of drawings and planting schedules have also been provided. It is also noted that development along the western boundary of the site is to be the City Council.

Provision of the SANG has been designed Officers as part of the land deal with the current applicant and the long term maintenance and management of this site will be subject to any land deal and the accompanying S106 agreement.

An Arboricultural Impact Assessment and a Tree Survey have supported the application ,the reports address matters relating to potential conflict issues between the proposed layout and existing trees and provides mitigation in the form of counter measures to ensure the health of the existing provision throughout the development process. Should Members be minded to grant consent it is recommended that these measure are imposed via a condition.

In addition to the levels of amenity open space provided, the development has also indicated that 500 square metres of children's play is to be made available and it is recommended that the exact form of this element of the proposal is conditioned should Members be minded to grant consent to establish the design and long term maintenance regime to be implemented.

Having regard to views policy NE9 sets out that development which causes significant adverse impact on the distinctive landscape characteristics of an area will not be supported unless the impacts are clearly and demonstrably outweighed by the benefits of the proposed development. In this regard it is considered that the landscaping proposals implemented via the RDLR along with the set backs introduced on the current proposal provide sufficient soft edging to minimise any potential extension of the existing residential area.

In the absence of any other material considerations to the contrary, the proposal would accord with policies of the Core Strategy; subject to the recommended conditions.

### **3.Highways.**

The application has been supported by a Transport Assessment and Travel Plan (SAJ Transport Consultants) which reviewed the existing transport networks within the vicinity of the site, assessed the accessibility of the site by sustainable modes of travel, predicted the likely traffic generation associated with the proposed development and determined the resulting impact on the operation and safety of the local highway network.

The Design and Access Statement also prescribes how the development provides a road hierarchy, inclusive design, car parking and arrangements for bin storage and collection.

The Local Highway Authority have advised they have no objections subject to the addition of the conditions below:

TRAVEL PLAN It is advised that a planning condition is used to ensure that the Interim Travel Plan is submitted and approved prior to commencement of any works; in addition, the planning condition should be utilised to ensure that monitoring and review of the travel plan objectives are carried out.

**CONSTRUCTION METHOD STATEMENT A** Construction Method Statement is required. The applicant has confirmed that a statement shall be submitted to and agreed by the Local Planning Authority at the implementation stage, seeking to ensure that construction works do not have a detrimental impact on the surrounding community.

In the absence of any other material considerations to the contrary, the proposal would accord with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

#### **4. Ecology.**

The current proposal when linked to the wider site raises a number of issues in relation to the impact on ecology, in terms of both species and habitats. The biodiversity issues raised by the scheme have been fully assessed in accordance with the duties imposed on Local Planning Authorities, namely:

The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations): Containing five Parts and four Schedules, the Regulations provide for the designation and protection of "European sites", the protection of "European protected species", and the adaptation of planning and other controls for the protection of European Sites.

Natural Environment and Rural Communities Act 2006: Section 40 of this Act introduced a new duty on public bodies to have regard to the purpose of conserving biodiversity in the exercise of their functions.

The Wildlife and Countryside Act 1981 (as amended): This is the primary UK mechanism for the protection of individual species listed within the Act.

Hedgerow Regulations 1997: In England the Hedgerow Regulations 1997 are intended to protect important countryside hedges from destruction or damage.

BS42020:2013 Biodiversity – Code of Practice for Planning and Development.

Chapter 15 of the NPPF sets out the Government's aim to conserve and enhance the natural environment through the planning process. Paragraph 175 prescribing the following in part:

“When determining planning applications, LPA’s should apply the following principles:

- b) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.”

CSDP Policy NE2 (Biodiversity and Geodiversity) requires proposals to demonstrate how they will avoid or minimise impacts on biodiversity and geodiversity and provide net gains in biodiversity.

Further to the original submission and following ongoing consideration of baseline data and proposed mitigation, additional updated information has been provided to inform the decision making process. This information includes:

- Biodiversity Metrics Report, Burdon Lane by DWS Ecology, April 2021 (draft report dated 13/04/21)
- Ecological Mitigation and Enhancement Plan, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21)
- Proposed SAANG Figure, Land North of Burdon Land, First issue 22/09/21

Full commentary of the individual species and habitats are provided within the representations section of this report.

An Appropriate Assessment is currently under preparation to be adopted by the City Council and it is noted an update on this status will be reported to Committee prior to determining the application.

Further to consultations with Natural England and the City Council's Ecology consultant, it is acknowledged that with appropriate mitigation in the form of SANG delivery and biodiversity and landscaping enhancements that can be secured via condition the proposal is considered to be compliant with all relevant legislation and planning policy and as such in the absence of any material considerations to the contrary, the proposal is compliant with policies NE1, NE2 and NE3 of the Core Strategy, subject to the conditions listed.

## **5. Water Environment**

The NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change sets the fundamental principles for all new major development, with paragraph 163 providing specific guidance that states:

“When determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be 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 exceptions tests, as applicable) it can be demonstrated that:

- f) 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;
- g) The development is appropriately flood resistant and resilient;
- h) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- i) Any residual risk can be safely managed; and
- j) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

In support of the above, paragraph 165 also requires major developments incorporate sustainable drainage systems and these systems should, take account of advice from the Lead Local Flood Authority, have appropriate proposed minimum operational standards, provide a maintenance arrangements for the operation of the development and where possible, provide multifunctional benefits.

Aligned with the above national guidance, CSDP policies WWE2 Flood risk and coastal management and WWE3 Water management ensure developments consider the effect on flood risk on site, off site and commensurate with the scale and impact.

The site is entirely located within Flood Zone 1, with the lowest probability of river or sea flooding. The application has been supported by a Flood Risk Assessment and Drainage Strategy along with a raft of accompanying drawings.

The proposal has been subject to consultations with both the LLFA and NWL and subject to the imposition of relevant conditions, this element of the proposal is considered to be compliant with CSDP policy.

In the absence of any other material considerations to the contrary, the proposal would accord with policies WWE2, WWE3 and WWE4 of the Core Strategy; subject to the recommended conditions.

## **6. Ground conditions and hydrogeology.**

Section 15 : Conserving and Enhancing the Natural Environment of the NPPF states, in part within paragraph 170, that the planning system should contribute to and enhance the natural and local environment by:

- e) preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 178 is concerned with preventing unacceptable risks from land instability and contamination.

CSDP Policy HS1 Quality of life and amenity requires developments demonstrate that they do not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation.

Whilst CSDP Policy HS3 Contaminated Land requires development to ensure all works can be undertaken without the escape of contaminants, via addressing potential measures to mitigate and demonstrate suitable remediation can be undertaken.

Following consideration by the City Council's external consultant, details of which are provided within the representations section of the agenda report and in the absence of any other material considerations to the contrary, the proposal is considered to be acceptable and policy compliant subject to the imposition of standard ground remediation conditions should Members be minded to approve the application.

## **7. Noise, vibration and air quality.**

Section 15 : Conserving and Enhancing the Natural Environment of the NPPF provides relevant guidance on noise, namely paragraph 180 states that:

“Planning Policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health. Living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- c) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life,
- d) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...”

CSDP Policies HS1 and HS2 (Noise – sensitive development) requires the applicant to undertake



noise assessments, provide details of the noise levels on the site and quantify the impact on the existing noise environment and noise sensitive receptors. Where necessary an appropriate scheme of mitigation shall detail any measures required to ensure that noise does not adversely impact on these receptors.

The proposal has been supported by a Noise impact assessment (NIA) – Apex - 8968.1 Rev B - dated 8 June 2021.

Environmental Health Officers (EHO's) accept the methodology and conclusions of the above NIA and note that the qualification set out in the conclusions relating to work outstanding to assess predicted noise levels from the proposed new link road.

The report considered the susceptibility of the development to existing noise sources ie road traffic on Burdon Lane, and to proposed road traffic using the new link road between Eltham Road and Burdon Lane.

Whilst the predicted values have not been produced for the operation of the link road the noise assessment has included mitigation to manage its potential effect upon the residential properties on the development. Appropriate measures and facades of individual plots to be subject to noise mitigation measures with particular attention focused upon the south and west peripheral facing units. Measures identified include the position of a noise barrier of 1.8m height and minimum surface density of 10 kg/m<sup>2</sup> to the western boundary of the housing development with the proposed link road. This specification is intended to ensure that the external noise climate (ie in private gardens) on those plots meets the guidelines set in BS8233 and WHO community noise guidelines. In addition it is noted that increased levels of glazing and ventilation specifications will be required for specific plots.

Given the qualification highlighted by the noise consultant in relation to the link road, it is suggested that a condition be attached presenting an opportunity for the submitted noise assessment (and recommended mitigation measures) to be reviewed in the light of the proposed link road noise assessment should Members be minded to grant consent.

An Air Quality Assessment - Apex - 8968.2 dated 14 May 2021 has been submitted for consideration as par of the proposal.

EHO's accept the methodology and conclusions and note the following:

Air Quality (AQ) associated with operation of development of 60 dwellings equates to 413 trips per day. The assessment has utilised local authority monitoring data over three years (NO<sub>2</sub>) and DEFRA background data (NO<sub>2</sub> and PM<sub>10</sub>). All references show concentrations below AQ limit values. No Air Quality Management Areas are relevant.

The threshold to trigger a full AQ assessment is also not exceeded. Given these factors in combination it is considered that a full air quality assessment is not required. Construction impacts upon air quality were additionally assessed using the Institute of Air Quality Management (IAQM) guidance. This is referred to in the section below on the CEMP.

The Air Quality Assessment addresses impacts upon air arising from earth works, construction and track out of materials. The assessment concludes that these elements of the development will have low potential for adverse impacts providing suitable and comprehensive mitigation measures are applied. Assuming IAQM methodology is followed, DM officers agree that good practice dust control measures can be implemented, resulting in residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities.

It is recommended that a Construction Environmental Management Plan (CEMP) should be attached. The CEMP should include details of how noise and vibration, lighting, dust and other airborne and pollutants, arising from all site works will be controlled and reduced to a minimum. The CEMP must take into consideration the conclusions and recommendations of any noise and vibration and air quality assessments, and should address issues raised by other interested organisations or regulators unless they are separately dealt with. Specific dust management measures must be clearly set out.

In the absence of any other material considerations to the contrary, the proposal would accord with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

## **8. Planning Obligations**

Regulation 122(2) of the 2010 Community Infrastructure Levy (CIL) introduced into law three tests for planning obligations in respect of development. The three tests are also repeated in the NPPF via Paragraph 55.

Both CIL and NPPF state that planning obligations should only be sought where they meet all of the following tests:-

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

Following guidance provided and contained within the South Sunderland Growth Area Infrastructure Delivery Study and the SSGA SPD the infrastructure requirements identified below have been considered to be necessary in order to make the development acceptable.

With the above in mind and should Members be minded to grant consent, a Section 106 Legal Agreement has been drafted to deliver the following obligations.

Education – £2,940,250 is required towards the extension of two primary schools, to the development of a new 1.5 form entry primary school and the expansion of two secondary schools. (£3095 per dwelling x 950 units).

Play/recreation – £880,650 is required towards sport and recreation facility within the wider South Sunderland Growth Area (SSGA), including 3G pitch, multi purpose pitch and wheeled sports area and then provide a commuted sum for maintenance. (20years) (£927 per dwelling).

Ecology – £320,150 is required for the enhancement, protection and maintenance of the designated sites. (£337 per dwelling).

Highways – £1,931,930 is required in respect of providing the “missing link” of the Ryhope to Doxford Park Link Road. (£2002 per dwelling).

Public transport - £330,995 is required towards the pump priming of a bus link (£343 per dwelling).

Allotments - £89,745 is required towards provision of off site allotments. (£93 per dwelling).

Affordable Housing – The developer is required to provide 10% requirement based upon a 75% social rented and 25% intermediate.

Developer to provide arrangements for the Management of the site including open space, children's equipped play, public realm and sustainable urban drainage systems.

In addition the Section 106 agreement shall cover the provision of Suitable Alternative Natural Greenspace (SANG) at a rate of 0.018 hectares per dwelling and the provision of allotments (either on site or contribution for off site provision).

## **Conclusion**

Full planning consent is sought for the erection of 60 No. dwellings with access, landscaping, SuDS and SANGS and associated infrastructure on land at Burdon Lane.

The proposal has been assessed against the 10 point policy requirements identified in CSDP policy SS6 and the need to be in accordance with the SSGA SPD. The proposal is considered to meet the policy requirements and broadly satisfies the guidance provided within the SPD, any deviations being justified in achieving the overall ethos of the SPD.

The proposal has been shaped and informed via consultations with stakeholders in order to ensure all elements of infrastructure and design are considered. The application has been through the pre-application process where the quantum of development was reduced to the current provide a more appropriate layout and the development seeks to bring a selection of 2,3 and 4 bedroom properties to the market.

Furthermore, the applicant has agreed to the various planning obligation requests, to be delivered via a Section 106 Agreement, that will assist in the sustainable delivery of this site and wider SSGA.

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

In light of the land use allocation within the CSDP SS6, the principle of the development is considered appropriate, the supporting Design and Access Statement is considered robust and ensures the site can be delivered in a sustainable, cohesive and well planned manner.

The implementation of the RDLR is planned to be implemented prior to the delivery of this housing proposal, therefore ensuring that the requisite SANG is provided prior to occupation of any units and moreover access arrangements via the installation of the multi-user bridge crossing will also be delivered on site.

As a smaller development cell of the larger site, the proposal has been incorporated into the wider site and with this in mind, with appropriate planning conditions and triggers within the S106 legal agreement, delivery of important planning policy requirements in the form of open space, play, affordable housing and SSANG have been satisfied to ensure a development that is aligned with the design principles of the SSGA SPD.

Matters relating to design quality, highways, ecology, nature conservation, water environment, ground conditions, noise, vibration and air quality have addressed relevant CSDP policy requirements. Concerns raised by third party representations, have all been addressed for both future and existing residents and via the imposition of a series of conditions the proposal is not considered to lead to conditions that would lead to a level of harm that would outweigh the

benefits that the development of this site and the wider site would deliver.

The proposal is considered to be policy compliant, both nationally and locally and is therefore recommended that Members are minded to approve the application, subject to the expiry of the consultation period dated 03.11.2021 and the receipt of no further representations material to the determination of the application and subject to the signing of the S106 and the draft conditions listed.

### **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 for the development in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), for the reasons set out in the report subject to the draft conditions below and subject to the expiry of the consultation period and the signing of the S106 agreement.

## **CONDITIONS:**

### **1. Time. (adherence).**

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. Plans. (adherence).**

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

Drawing No.001 Location Plan, dated 05.21.  
Drawing No.002 Site Plan, dated 06.21.  
Drawing No.100 Site Layout Plan, dated 10.21.  
Drawing No.101 Boundary Treatment Plan, dated 10.21.  
Drawing No.102 Adoption Plan, dated 06.21.  
Drawing No.103 Colour Layout, dated 05.21.  
Drawing No.104 Site Sections, dated 05.21.  
Drawing No.A1026T1/00/AT/01 The Tillman Plans, dated 28.02.21.  
Drawing No.A1026T1/00/AT/02 The Tillman Elevations, dated 28.2.21.  
Drawing No.A/1083/00/AT/01 The Sawyer Plans, dated 9.08.21.  
Drawing No.A/1083/00/TB/02 The Sawyer Plans, dated 9.08.21.  
Drawing No.A/1335/00/AT/01 The Cutler Plans, dated 1.10.18.  
Drawing No.A/1335/00/TB/02 The Cutler Elevations, dated 1.10.18.  
Drawing No.A/876BA/00/AT/01 The Baker Plans, dated 28.02.21.  
Drawing No.A/876BA/00/TB/R1/02 The Baker Elevations, dated 28.02.21.  
Drawing No.A/921TU/00/AT/01 The Turner Plans, dated 1.10.18.  
Drawing No.A/921TU/00/TB/2 The Turner Elevations, dated 1.10.18.  
Drawing No.A/951/00/AT/01 The Chandler Plans, dated 16.11.18.  
Drawing No.A/951/00/TB/R1/02 The Chandler Elevations, dated 16.11.18.  
Drawing No.A/951/00/TB/R2/02 The Chandler Elevations, dated 16.11.18.  
Drawing No.A/1160/00/TB/02 The Mercer Elevations, dated 30.06.21.  
Drawing No.ME-4B-2S-P1 The Mercer Plans, dated 30.06.21.  
Drawing No.LY-3B-2S-TB-E The Lymner Elevations, dated 08.02.21.  
Drawing No.LY-3B-2S-P1 The Lymner Plans, dated 08.02.21.  
Drawing No.143452/8001 Landscaping 1/3, dated 18.06.21.  
Drawing No.143452/8002 Landscaping 2/3, dated 18.06.21.  
Drawing No.143452/8003 Landscaping 3/3, dated 18.06.21.  
Drawing No.001 SANG Layout, dated 22.09.21.

**REASON:** 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.Materials (pre-commencement).**

Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

### **4.Archaeological Excavation and Recording (pre-commencement SANG area).**

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

**REASON:** The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B13 and B14.

### **5.Archaeological Post Excavation Report**

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (4) 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.

### **6.Archaeological Publication Report**

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. Reason: The site is located within an area identified 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies, B13 and B14.

### **7.Drainage Verification (pre-occupation).**

Prior to the occupation of any dwelling, 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 reports at the beginning and end of the development 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.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

**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.

### **8.NWL Foul/surface water discharge (Adherence).**

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "March 2021". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 0601 and ensure that surface water discharges to the surface water sewer at manhole 9501. The surface water discharge rate shall not exceed the available capacity of 7l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

**REASON:** To prevent the increased risk of flooding from any sources in accordance with the NPPF.

### **9.Land contamination – Remediation strategy. (pre-commencement).**

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.

### **10.Land contamination – Verification Report. (pre-occupation).**

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 the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

### **11.Land contamination – Unexpected Contaminants (adherence).**

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.

### **12.Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following but not be limited to:

17. Details of site compounds, contractor parking and any temporary construction roads and points of access
18. Measures to manage surface water during construction
19. Traffic routes of plant and heavy goods vehicles
20. Parking of vehicles of site operatives and visitors
21. Loading and unloading of plant and materials
22. Storage of plant and materials used in constructing the development



23. Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
24. Measures to ensure public highway remains sufficiently clean of dirt
25. Measures to control the emission of dust, dirt and other airborne pollutants
26. Scheme for recycling/disposing of waste resulting from demolition and construction works
27. Measures to control noise and vibration
28. Communication plan for liaising with the public
29. Fuel storage area which shall include bunding and wash down facilities
30. Inspections and maintenance of the watercourse in compliance with riparian responsibilities.
31. The development, including demolition works, within each Development Cell, or part thereof, shall be implemented in accordance with the approved Plan for that Development Cell.
32. No construction activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0700 hours or continue after 1900 hours Mondays to Fridays, or commence before 0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

**REASON:** In order to protect the amenity of adjacent occupiers, the adjacent highway network, local wildlife and its habitat and neighbouring heritage assets and to comply with CSDP policy HS1.

### **13.Noise attenuation (Pre-occupation).**

Prior to occupation of any dwelling an updated noise assessment shall be submitted for the agreement of the LPA that identifies a suitable scheme of noise attenuation to the western boundary of the development following the introduction of the RDLR and identifies suitable noise mitigation specifications for glazing and ventilation provision to the relevant affected plots. The scheme shall ensure that the internal and external noise levels shall meet the guidelines set out in BS8233:2014.

**REASON:** In order to protect residents from exposure to excessive noise and to comply with CSDP policies HS1 and HS2.

### **14.Travel Plan (Pre-occupation).**

An Interim Travel Plan will be required setting out details of the Travel Plan Coordinator which shall be in place 6 months prior to the first occupation to ensure all measures, including the preparation of the Welcome Pack, are in place upon first occupation and containing details that ensure that monitoring and review of the travel plan objectives are carried out.

**REASON:** To ensure that development provides safe and convenient access for all road users in order to comply with CSDP policy ST3.

### **15.Ecological Construction Environmental Management Plan (Pre-commencement).**

Works will not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the LPA, which includes the 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, and will include information on key working methods and timings relating to each habitat and/or protected species being considered.

This will include details of pre-start checks and monitoring works to ensure the protection of protected and notable species and habitats, with the inclusion of stand-off distances and/or supervision by a Suitably Qualified Ecologist (SQE) within specified distances of such features. The document will also include details of removal and/or management operations for invasive non-native species including, but not being limited to Japanese rose *Rosa rugosa*

**REASON:** In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2 and paragraph 175 of the National Planning Policy Framework.

### **16. Ecological Design Strategy (Pre-commencement phased).**

No development shall commence until an Ecological Design Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall address ecological mitigation and enhancement measures and shall include the following but not be limited to:

12. Purpose and conservation objectives for the proposed works.
13. Review of site potential and constraints.
14. Detailed designs and/or working - methods to achieve stated objectives.
15. Extent and location of proposed works on appropriate scale and maps.
16. Type and source of materials to be used for all ecological mitigation and enhancement features.
17. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
18. Persons responsible for implementing the works.
19. Details of initial aftercare and long-term maintenance.
20. Details of monitoring and remedial measures.
21. Details for disposal of any waste arising from the works.
22. The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained and maintained in accordance with such details thereafter.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 175 of the National Planning Policy Framework.

### **17.SSANG Details (Pre-commencement).**

Prior to the commencement of development, details of the SSAANG to be delivered including lighting and access control points, management and maintenance programmes will be submitted to and approved, in writing, by the Local Planning Authority.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

### **18.SSANG Phasing (Pre-occupation phased).**

No dwellings shall be occupied until the SSAANG to be delivered via condition 17 to support the proposal via condition 17 is made available to use.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

### **19. Ecological Mitigation (Adherence).**

The development will proceed in accordance with the recommendations, mitigation, enhancement and monitoring measures as stated in:

- Shadow HRA report, February 2021.
- Updated PEA Report, Quants, 21<sup>st</sup> April 2021.
- Biodiversity Metrics Report, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21).
- Ecological Mitigation and Enhancement Plan, Burdon Lane, DWS Ecology, April 2021 (draft report dated 13/04/21).
- Proposed SAANG Figure, Land North of Burdon Land, First issue 22/09/21.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

### **20. Bat and Bird Boxes (Pre-commencement).**

A plan will be submitted to and approved in writing by the Council prior to the start of works, which confirms details regarding the specification and location of bat and bird boxes to be installed. Works will proceed in accordance with the plan once approved.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

### **21. A landscape and ecological management plan (LEMP). (Phased).**

A landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the LPA prior to the completion of the 20<sup>th</sup> house, which will be delivered in accordance with the approved details. The plan should include:

- details of legal funding mechanisms by which long term implementation of the plan will be secured by the developer
- details of management and monitoring works to be completed
- 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 ecological reports, including target condition information within the BNG assessment
- details of monitoring checks to be undertaken on the bird and bat boxes installed as part of the mitigation strategy both in the short and long-term (following the completion of works), including details of the frequency of checks and plans for their replacement in the event such features are damaged or lost during the lifetime of the development, to ensure the site and adjacent areas retain the potential to be used by such species in perpetuity

- details of monitoring, removal and/or management operations for invasive non-native species including, but not being limited to Japanese rose *Rosa rugosa*
- a requirement for management operations within the SANG, housing site and BNG offsetting area to be undertaken for the lifetime of the development

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

## **22.Lighting Strategy (Pre-commencement).**

Works will not commence until the lighting strategy has been submitted to and approved in writing 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; this will include dark zones along those habitat corridors designed to benefit wildlife, in line with the ecological documents submitted in support of the planning application, as illustrated through the provision of lighting contour (isolux) plans.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

## **23.Species Protection Measures (Adherence).**

Gaps measuring at least 13 x 13cm will be created or maintained in all boundary features, to ensure the site remains permeable to species such as hedgehog.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

## **24. Ecological Checking Survey (Pre-commencement).**

Works will not commence on site unless checking surveys for protected species has been undertaken by a 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, as advised by NE and/or the SQE.

**REASON:** In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

## **25.Bird Nesting Season (Adherence).**

Works, including ground clearance, will not be undertaken within the bird nesting period (March – September inclusive) unless a checking survey by a SQE has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE after 3 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 protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

## **26.Finished slab levels (Pre-commencement).**

Prior to the commencement of development detailed plans shall be submitted to and approved in writing to the Local Planning Authority that provide a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property.

**REASON:** In order to achieve a satisfactory form of development and to comply with policy BH1 of the CSDP.

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**Reference No.:** 21/01542/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of Eye Infirmary (Class E(e)) with energy centre buildings, cycle hub building, site access, parking, landscaping and associated utilities infrastructure**

**Location:** Former Vaux Site Land North Of Saint Marys Boulevard Sunderland

**Ward:** Millfield

**Applicant:** Sunderland City Council

**Date Valid:** 14 July 2021

**Target Date:** 13 October 2021

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## PROPOSAL

### Application site

The application site comprises 0.8ha of brownfield land and is located on the south-eastern corner of the Vaux site. The site is bounded by Galley's Gill Riverside Park to the north-west, the wider Vaux site to the east and Livingstone Road to the south and the A1231 to the west. The site is elevated relative to Riverside Park and slopes downwards from northeast to southwest. Surface car parking exists on-site along with traces of previous development. The southern boundary is demarked by low fencing with the north-western boundary formed by a stone retaining wall and embankment to Galley's Gill.

### Proposal

The proposals are for the delivery of a new Sunderland Eye Infirmary (SEI) and associated development to replace the existing building on Queen Alexandra Road, which has been in operation for over 75 years and has costly and aging infrastructure. The proposed state of the art, purpose-built facility will provide enhanced treatment facilities for urgent eye problems and offers a more efficient and practical layout.

The SEI building has an overall gross internal area (GIA) of 10,379 sqm. The majority of the GIA will comprise Use Class E(e) (medical/ health service), with the main function comprising a 09:00-17:00 use with ancillary overnight stays. The development also makes provision for 111 sqm of commercial floorspace on the ground floor and an area of 164 sqm on the first floor for café/ dining space. The building is proposed to accommodate up to 312 members of staff.

Access to the site is via the main access route off Plater Way which connects the Vaux site to Livingstone Road. Due to the linear shape of the site and in order to provide sufficient space and accommodation for patient drop off and transfer, ambulance drop off, visitor parking and out of hours services/ delivery, on-site access road is located to the north of the proposed building. The layout also includes 90 patient and visitor car park including 7 disabled parking bays and 9 electric charging points. A cycle hub is proposed to provide secure cycle storage, whilst walk in patient access on foot and via public transport is from the east coming off Plater Way with the majority of walks expected to access the site from the City Centre via Keel Square.

The Planning Submission is extensive and includes:

- Detailed plans;
- Air Quality Assessment Addendum;
- Archaeological Statement;
- Detailed Remediation and Verification Strategy;
- Design and Access Statement;
- Drainage Strategy;
- Ecological Impact Assessment;
- Ecological Mitigation and Enhancement Plan;
- Flood Risk Assessment;
- Heritage Statement;
- Health Impact Assessment;
- Landscape Strategy;
- Low and Zero Carbon Technology Feasibility Report;
- Noise Impact Assessment;
- Landscaping Plans;
- Lighting Design;
- Pedestrian Comfort Assessment;
- Phase II Geotechnical and Geoenvironmental Appraisal;
- Planning Statement;
- Statement of Community Involvement;
- Phase 2 Site Investigation Report;
- Transport Assessment;
- Travel Plan.

## **Planning History**

The Vaux site has seen a number of significant planning approvals in recent times.

1. 12/02578/LAP, 'St Mary's Way', approved 7 December 2012

Approved by Committee at the 27 November 2012 meeting.

Approved description

Realignment of St. Mary's Way / Livingstone Road and formation of new public space & associated development plots. To include associated landscaping/ public realm improvements, including demolition of nos. 5-10 Crowtree Road. (Amended Description 18 October 2012).

2. 15/02557/HY4, 'Vaux Hybrid', approved 24 August 2016

Approved by Committee at the 19 April 2016 meeting.

Approved description:

The development will comprise a first (detailed) phase (7319 sq. m Gross External Area) to include 6319 sq. m (GEA) Office Accommodation (B1) and ground floor uses (1000 sq. m GEA) including leisure (D1, D2), food and drink (A3, A4) and retail uses (A1), stopping up of existing highways and creation of associated infrastructure including internal access roads, landscaping, public realm and the continuation of the Keel Line landscape feature.

The application also seeks outline consent for up to 201 residential units, commercial uses including Offices (B1), Hotel (C1), Leisure (D1, D2), Food and Drink (A3, A4) Car Parking (Sui Generis) and Retail (A1) (maximum of 2499 sq. m for retail developments across the entire site)

together with associated landscaping, car parking, public realm and creation of extended promontory to support the Keel Line beyond the upper site plateau. All matters apart from access to be reserved in relation to the outline element of the proposals. Stopping up of highway.

3. 17/01848/FU4, 'Vaux Temporary Uses', approved 10 November 2017

Approved under delegated powers.

Approved description:

Application for temporary uses on the Vaux site for a period of no more than 7 years.

Uses to include, Retail (A1), Restaurants / cafes A3, Assembly and Leisure (D2) and Urban Allotment (Sui Generis).

Other Sui Generis uses may include ice rink(s), performance stage(s), Outdoor Cinema(s), market(s), temporary games court(s) / play space(s) with sand/turf, installation of shipping containers, new boundary / screen fencing, floodlighting and associated infrastructure.  
(AMENDED DESCRIPTION)

4. 19/00188/FU4, 'City Hall', approved 13 May 2019

Approved by Committee at the 1 April 2019 meeting.

Approved description:

Application for detailed planning permission for the erection of 18,075sqm (GEA) business hub on plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising of civic related uses, office space (use class B1), medical centre (use class D1), creche (use class D1), cafe/ restaurant (use class A3) roof terrace, implementation of road link to Cumberland Street, ancillary buildings and infrastructure and landscaping. Amended Description.

5. 20/00734/FU4, 'City Hall 2', approved 20 November 2020

Approved by Committee at the 20 November 2019 meeting.

Approved description:

Application for detailed planning permission for the erection of 18,075sqm (GEA) business hub on plots 13 (6 storeys) and 14 (7 storeys) of the Vaux site, comprising of civic related uses, office space (B1), education space, (D1), financial and professional services (A2), cafe/restaurant (use class A3), roof terrace, implementation of Cumberland road and ancillary landscaping.

6. 20/01842/FU4, 'Landid Office developments', approved 20 November 2020

Approved by Committee at the 20 November 2019 meeting.

Approved description:

Construction of two new buildings for office use (Use Class E) with a range of ancillary uses (Use Class E/F.1/Sui Generis) and associated landscape works.

7. 20/02391/LP3, 'Wear Crossing', approved 30 March 2021.

Approved by Committee at the 29 March 2021 meeting.

Construction of a high-level pedestrian and cycle bridge across the River Wear, linking the north and south sides of the river between the 'Vaux' site and the Sheepfolds area.



8. 21/00112/LP3, 'Farrington Row car park' approved 14 May 2021.

Approved by Committee at the 26 April 2021 meeting.

Erection of a building to form a multi-storey car park containing 12 split levels with vehicular access from Farrington Row, with associated earth works, landscaping, drainage and infrastructure provision (amended plans received 19 March 2020, including amendment to red line boundary shown on the location plan)

9. 21/00121/FU4, 'Public Realm', approved 04 June 2021

Approved by Committee at the 26 April 2021 meeting.

Approved description:

Detailed planning application for laying of underground data ducts and associated infrastructure, together with creation of and improvements to shared footpaths, erection of lighting columns, handrails, structural reinforcement works, erection of retaining wall, installation of ancillary drainage, street furniture and hard and soft landscaping. Proposals also include improvements to the existing Galley's Gill footbridge, installation of decorative balustrading, installation of associated lighting and associated footpath repairs. Development situated on land to the North of St. Mary's Way, Sunderland, including parts of the former Vaux Brewery Site, Galley's Gill Farrington Row and the connecting Galley's Gill Footbridge.

10. 21/00225/FU4, 'Vaux Residential', approved 14 July 2021

Approved by Committee at the 26 April 2021 meeting.

Approved description:

Detailed planning application comprising 132 no. residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b))) suitable for cafe, retail or community enterprise, and a community allotment known as 'Kingsley Gardens' on land to the north of St. Mary's Way, Sunderland, including parts of the former Vaux Brewery Site and Galley's Gill. (amended plans received 17 March 2021, including amendment to red line boundary shown on the location plan).

## **Environmental Impact Assessment**

In August 2015 the Hybrid approved redevelopment of the Vaux site, subsequently approved under planning application ref. 15/02557/HY4, was first screened in order to determine whether that planning submission should be informed by an Environmental Impact Assessment (EIA). In assessing the Schedule 2 development due regard was given to Schedule 3 of the then Town and Country Planning (Environmental Impact Assessment) (as amended) Regulations 2011. It was considered that within the context of the 2011 Regulations the proposed development did not require the submission of an Environmental Statement, please see the Screening Request and Opinion via ref. 15/01301/SCR.

It is also noted that the SEI application site, at 0.8ha, does not meet what is considered to be the most applicable Development Type (i.e., Infrastructure Projects 10(b)) and therefore the 'Schedule 2' 1ha (site area) threshold for such a development type, as defined in the 2017 EIA Regulations.

Moreover, on review of the Schedule 3 criteria it is not considered that the SEI application proposal either on its own or in combination with the wider Vaux redevelopment, as detailed

above and all of which were not EIA development, is considered to introduce additional elements of material consequence or significance so as to warrant the submission of an Environmental Statement.

## **TYPE OF PUBLICITY**

Press Notice Advertised  
Site Notice  
Neighbour Notifications

## **CONSULTEES**

The Highways England  
Historic England  
Southwick - Ward Councillor Consultation  
Network Management  
Tyne And Wear Archaeology Officer  
Environmental Health  
Northumbrian Water  
Flood And Coastal Group Engineer  
Planning Policy  
Northumbria Police  
NE Ambulance Service NHS Trust  
Fire Prevention Officer  
Land Contamination  
Flood And Coastal Group Engineer  
Millfield - Ward Councillor Consultation

Final Date for Receipt of Representations: **04.10.2021**

## **REPRESENTATIONS**

In accordance with the Town and Country (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement the application has been publicised by way of neighbour notification letters, press and site notices.

Following this extensive consultation exercise no representations or objections were received.

## **CONSULTEES**

Council's Policy Team

Provided detailed comments concluding that the principle of the development is acceptable by virtue of it being an acceptable use within the Riverside Sunderland Supplementary Planning Document (SPD).

## Historic England

Historic England do not wish to offer any comments on the proposal and suggest that the views of the Council's specialist conservation and archaeological advisors be sought.

## Council's Conservation Team

The Council's Conservation Team considers the proposed development will have a minimal impact on the settings of the Bishopwearmouth Conservation Area and the identified listed buildings within the vicinity of the site, resulting in no impact on the significance of these designated heritage assets. The development is considered to be of a high-quality design and will make a positive contribution to local character and distinctiveness.

## County Archaeologist

The proposed development is located in 'area 6' of the wider Vaux site that has conditions for archaeological works by way of conditions 13, 14, 15 and 16 from the Vaux Hybrid 15/02557/HY4 approval.

Previous archaeological work undertaken within the proposed development area has demonstrated the presence of significant prehistoric archaeological resources (see Event 2447 and 5152). In 2021, the probable remains of a prehistoric feature was identified during archaeological monitoring undertaken during geotechnical investigations (Event 5152).

The County Archaeologist has therefore advised that archaeological excavation will be required within the footprints of the proposed SEI building and associated structures prior to the commencement of development. Groundworks undertaken within other areas of the development that are of a depth that could impact archaeological resources will require archaeological monitoring or excavation depending on the final scale and scope of works.

Accordingly, the County Archaeologist has recommended a series of conditions that are detailed in full in the conditions section of the report.

## Northumbrian Water

In making their response Northumbrian Water assessed the impact of the proposed on their assets and assessed the capacity within their network to accommodate and treat the anticipated flows arising from the development.

Northumbrian Water, having previously liaised Applicant's Drainage Consultant via their pre-planning and sewer adoption teams, have confirmed their support of the application subject to the development being carried out in accordance with the Drainage Strategy.

Consequently, they request that the Drainage Strategy (May 2021) forms part of the approved plans/ documents condition should Members be minded to approve.

## Lead Local Flood Authority (LLFA)

The LLFA reviewed the planning submission and have confirmed that it is acceptable from a flood risk point of view and requested that a drainage verification condition be included should Members be minded to approve.

## Environmental Health

Having reviewed the submitted documentation the Council's Environmental Health team considers the development to be acceptable and requested conditions be included requiring the agreement of the details of the ventilation/ extraction systems, the noise limit of the emergency generator and Construction Environmental Management Plan (CEMP).

## National Highways

In their first two consultation responses to the planning submission National Highways (formerly Highways England) recommended that planning permission should not be granted until the submission adequately demonstrated its impact on the Strategic Road Network (SRN). The crux of their concerns related to the reassignment of trips, following the relocation of the SEI to Vaux, and whether these would have a material impact on the safe and efficient operation of the SRN.

Additional information was then subsequently submitted by the Transport Consultant direct to National Highways in October. This updated submission was then assessed alongside an independent high-level assessment undertaken by National Highways. This review and additional testing have now demonstrated that the proposed development will not materially impact the safe and efficient operation of the SRN and as consequence, National Highways have confirmed their no objection to the development.

## Network Management (Highway Engineers)

The Council's highway engineers have reviewed the planning submission and have no objections to the proposal.

It is recommended that conditions be included for the provision of electric charging points, details of how the car park will be managed to prevent unauthorised parking, full travel plan and construction traffic management plan.

## Tyne and Wear Fire and Rescue Service

The Fire Authority responded by confirming that they have no objections to the proposal subject to the provisions detailed in their 'Building Regulations - B5: Access and Facilities for the Fire Service' statement.

This statement shall be highlighted to the Applicant by way of an informative, whilst it is also noted that the Council's highway engineers have confirmed the layout can accommodate emergency services within the site.

## Northumbria Police

Northumbria Police confirmed they were consulted by the Applicant prior to the submission of the application and that they are generally content with the application. Northumbria Police retain some slight concerns regarding the relative isolation of the Energy Centre given its location within the site. There is also some unease regarding the Bike Storage but note these facilities tend to be a very good way to mitigate issues of bike theft. Nevertheless, careful consideration will need to be given to issues such as personal safety at night, with the risk to lone shift workers potentially being followed into the space at night.

Consequently, as this is a flagship development and given these slight concerns, Northumbria Police recommend that the Applicant consider working with them to achieve the Secured By

Design Commercial Award. It is therefore considered appropriate should Members be minded to approve to include this request by way of an appropriately worded condition.

## **COMMENTS**

### **Legislation, Planning Policy and Guidance**

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

### **Planning policy background**

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

The Council adopted the Core Strategy and Development Plan (CSDP) 2015-2033 on the 30 January 2020, the policies within this document are relevant to the consideration of the development proposal. It should also be noted that whilst the CSDP is the starting point for decision making, several Unitary Development Plan and Unitary Development Plan Alteration No. 2 policies continue to remain saved until they are replaced by the emerging Allocations and Designations Plan. A full schedule of policies which have been saved is contained within Appendix 1 of the CSDP.

In the main, a wide range of CSDP policies are relevant to the consideration of the proposed development, as set out below:

SS1 - The Vaux, allocates and earmarks the site for a new sustainable urban neighbourhood and a new gateway into the Urban Core (Strategic Policy SP1). The Vaux is allocated for a minimum of 200 new homes and development should improve linkages to St Mary's Boulevard and the rest of the Urban Core and provide new public space, active streets and maximise movement for pedestrians.

SP2 – The Urban Core will be regenerated and transformed into a vibrant and distinctive area. A revitalised Urban Core will be the catalyst for the City's wider economic growth and will help Sunderland retain and attract more highly skilled workers and increased population and visitor numbers.

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

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.

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.

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.

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.

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.

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.

In terms of the guidance within the NPPF considered relevant to the current application, these are:

- Build a strong, competitive economy (section 6);
- Promote healthy and safe communities (section 8);
- Promote sustainable transport (section 9);
- Make effective use of land (section 11);
- Achieve well-designed places (section 12);
- Meet the challenge of climate change, flooding and coastal change (section 14);
- 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 considering the characteristics of the proposed development and application site, it is considered that the main issues to examine in the determination of this application are as follows:

- 1. Land use policy considerations**
- 2. Highway engineering considerations**
- 3. Design, Heritage and Landscaping considerations;**
- 4. Amenity considerations;**
- 5. Ecology considerations;**
- 6. Sustainability considerations;**
- 7. Water and flood risk considerations;**
- 8. Ground Conditions;**
- 9. Equality Act 2010 – 149 Public Sector Equality Duty;**
- 10. Conclusion**

#### **1. Land use policy considerations**

The site is situated within the Urban Core and CSDP Policy SP2: Urban Core indicates how it should be regenerated. At Criterion 2, it sets out development should (inter alia) make improvements to connectivity, provide high quality of public realm, seek to protect heritage assets and ensure a high standard of design.

As the site is located within the Vaux, CSDP Policy SS1: The Vaux is considered relevant. It allocates the Vaux (as a strategic site) for a range of uses. Although an Eye Infirmary is not

mentioned within the allocation, the Riverside Sunderland Supplementary Planning Document (SPD), which supplements the Core Strategy, considers 'health care' (Use Class E) as an acceptable use within Vaux. As a consequence, it is considered that the principle of the proposal is acceptable.

It is also considered that the proposal would align to the definition of community facilities as defined by the CSDP and therefore Policy VC5: Protection and Delivery of Community Facilities is considered relevant. Criterion 2 sets out support for new and extended community facilities. Developments for community facilities should be located in accessible neighbourhood and centre locations. The site is located within the designated City Centre boundary and is considered to be in accordance with Policy VC5.

Given its early stage of preparation the Draft Allocations and Designations Plan (A&D Plan) has very limited weight. Nevertheless, it is noted that Policy SS8: Riverside Sunderland proposes to allocate the site for a range of development, including health centres.

Notwithstanding the above, the highway engineering, design, heritage, visual impact, ecology, biodiversity and amenity impacts of the proposal should be considered.

## **2. Highway engineering considerations**

### Transport Assessment

A Transport Assessment and Travel Plan has been submitted in support of the planning application which has been thoroughly reviewed by Network Management.

### Traffic Impact

The Transport Assessment report considers planning history and committed development which have been used to assess traffic impact on the local road network. It is considered that the vehicle trip generation rates established in the report and distribution of trips on the network are appropriate.

During pre-application scoping discussions with the Council's highway engineers it was agreed that the majority of trips are already on the network and that it should already include journeys from further afield. This is based mainly upon the proposal to relocate an existing facility located in south Sunderland (the Queen Alexandra Road site). Any new trips should have a negligible impact on the network.

### Accessibility

The report considers existing conditions and the accessibility of the site for pedestrians, cyclists and by public transport. Public transport services including bus, metro and rail are also within easy walking distance of the site.

### Parking

The site is located with the Central Area Parking Boundary as amended and included within the adopted Development Management SPD. The Applicant describes the proposal as a critical service delivered by the Trust and therefore requires the provision of car parking to meet the needs of its patients. A Parking Needs Assessment has been included within the report to assist with justifying the need for parking directly associated with specialist healthcare provision. The



majority of bays are to be allocated for patient use along with seven accessible parking spaces. The level provided is based on parking surveys undertaken at the existing site to establish demand which currently allows a maximum occupancy of 120 spaces.

To meet the specific operational needs of the development, 90 car parking spaces are proposed by the Applicant. This is a reduction on the current provision with the aim of encouraging sustainable travel by staff given the move to a more central location in the City Centre. Additional car parking capacity is provided at St Mary's Multi-storey, other car parks in the city centre and the new Multi-storey to be built at Farringdon Row.

The Applicant proposes to install electric vehicle charging points. The number and specification are to be agreed and should be subject to a suitably worded planning condition.

It is noted that 32 cycle parking spaces are to be provided within the site.

It is noted that the car park will be private. Details of how the car park will be managed and controlled to prevent unauthorised parking will be required to ensure the development can operate in a satisfactory manner.

### Site Access

Access to the development will be via the existing junction which currently serves the Livingstone Road car park and as access to other plots including The Beam and City Hall. The access and junction arrangement can accommodate traffic arising from this development.

Pedestrian and cycle access can be achieved from St Mary's Boulevard using established crossing facilities in the vicinity of the development.

### Servicing and Deliveries

The layout has been reviewed to ensure it can accommodate appropriate goods vehicles and emergency services within the site.

### Travel Plan

An initial Travel Plan has been submitted in support of the planning application. A suitably worded planning condition should be included requiring the provision of a Full Travel Plan. This will require staff surveys to be undertaken within 12 months of occupancy and be supported by targets for modal shift.

For the avoidance of doubt the details to be agreed shall include a Travel Plan Co-ordinator and details how the measures agreed shall be implemented and the timescales of its monitoring and review. The implementation of the Travel Plan is to ensure that the site is accessible by alternative modes of travel in accordance with policy ST3 of the CSDP.

### Construction Traffic

It is considered that given the location of the site a Construction Traffic Management Plan is submitted in support of a planning application demonstrating that the works will not result in a detrimental impact on the operation of the local road network or on road and pedestrian safety in the vicinity of the site.

It is considered that in so far as it relates to the local highway network the planning application has demonstrated an acceptable form of development subject to the inclusion of conditions relating to the agreement of electric charging points, details of how the car park will be managed to prevent unauthorised parking, a full travel plan and construction traffic management plan.

With the imposition of these conditions the proposed development is considered acceptable and in accordance with CSDP Policies ST2 and ST3.

### **3. Design, Heritage and Landscaping considerations**

#### **Design**

In scale and massing terms and although the application submission was supported by cross sections showing the existing context of the site (DR-A-0124 and DR-A-0125), it was considered necessary for the Applicant to also submit additional cross sections setting the development against surrounding existing and proposed development. On review of the additional information, it is considered that the proposed development relates well to its context and surrounding built environment, particularly the adjacent Vaux residential and office developments. The scale of the development is such that it will neither dominate nor be subservient to the surrounding built environment.

In terms of layout, the proposed car parking arrangement is accepted given the nature of the proposed use as a hospital building. Nevertheless, given its prominence and frontage onto Livingstone Road it is important that the car park does not deter and detract from the overall quality and character of the scheme. In this respect it is noted that the cross-section drawings detail a significant hedge/ retaining wall to the Livingstone Road frontage, which will not only present a grassed embanked and softened landscape edge but it will also provide significant screening to the car park. Indeed, on review of the submitted drawings and when viewed from perspective of the car park itself, the cross-section drawings indicate a screening structure of up to a maximum of 2m.

Comments were received from the Council's Urban Design advisors in respect of the cycle store building. The provision of the cycle store is a welcomed and should assist in encouraging active travel. Nevertheless, and as with Northumbria Police's consultation response, it will be important to ensure the safety of users and in this respect the proximity and location of cycle store, opposite the main entrance to SEI, is noted. In view of this overlooking and natural surveillance and further to the Secured by Design Condition, it is considered appropriate, should Members be minded to approve, to include condition that requires the agreement of how the cycle store will be managed and secured, including details of lighting arrangements.

In conclusion, it is considered that from an urban design perspective the proposal is an acceptable form of development and will complement the Beam, City Hall and Vaux Residential developments and add further to the emerging character of Vaux and Riverside Sunderland.

#### **Heritage**

The proposed SEI is located in relatively close proximity to the Bishopwearmouth Conservation Area and has some inter-visibility with several listed buildings in the conservation area, along with the nearby listed ISIS Pub, former Gas Board Offices and Wearmouth Road and Rail Bridges that span the River Wear further away to the east-north east. The proposed development could therefore potentially impact on the settings and significance of these heritage assets.

The application is supported by a Heritage Statement in accordance with the requirements of NPPF paragraph 189 and CSDP Policy BH8, which correctly identifies the heritage assets of which the site is considered to be within their settings. These comprise the Bishopwearmouth Conservation Area, more specifically the listed Sunderland Minster, Empire Theatre, Dun Cow Public House and Magistrates Courts, The Ship Isis Public House, former Gas Board Offices and the Wearmouth Road and Rail Bridges. The Statement concludes that the site of the proposed SEI does not contribute to the significance of these heritage assets so the development will not have any harmful impacts on their significance. This is agreed to by the Council's Conservation Officer.

Intervening development between the Bishopwearmouth Conservation Area and listed buildings within it, as well as former Gas Board Offices, limits inter-visibility to glimpses and the site is generally within the wider urban environment of this part of the City Centre rather than having any direct relationship with the heritage assets. It is noted that there will be more inter-visibility with the Ship ISIS but that again the development will be seen within the context of the much altered and rapidly changing modern townscape to the north.

The impact of the SEI on views to and from the Wearmouth Road and Rail Bridges will also be negligible. Recent developments on the Vaux site such as the Beam and City Hall, and forthcoming office developments on plots 16, 17 and 18, will largely obscure views between the site and the Bridges, these other developments sharing significantly more inter-visibility and having more impact on the setting of the listed Bridges.

Overall, the heritage impacts of the SEI are negligible and it will have no impact on the significance of the above-mentioned designated heritage assets. The design of the development is considered to be high quality, creating another attractive piece of contemporary architecture that makes a positive contribution to the townscape of this part of the City and local character and distinctiveness.

## Landscaping

The Design and Access Statement and the Landscape Site Plan, Landscape Masterplan and Cross Section drawings detail the proposed landscaping strategy of the application proposal.

The proposed landscaping scheme seeks to utilise seasonal, colourful and sensory rich planting to create an attractive year-round setting, whilst enhancing local biodiversity and maximising opportunities for planting to provide surface water attenuation. Whilst the proposed hardsurfacing palette of materials is considered to provide for an engaging but subtly varied development. A green sedum roof is also proposed for the Energy Centre and Cycle Store buildings, further softening the built development aspects and providing additional areas of biodiversity.

The narrow strip of greenspace along the southern site boundary, which has a draft allocation under draft A&D Plan Policy NE15, is to be retained and enhanced; and it is noted that in developing the site a limited area of grassland that extends into the central area of the site is to be lost; however, this amenity grassed area is considered limited in its visual and ecological interest whilst not being subject to the draft greenspace allocation.

Within the site, there are limited opportunities for tree planting due to the utilities run along southern site boundary and given the constrained nature of the site. Nevertheless, it is noted that tree planting is proposed to the eastern side of the car park adjacent to the SEI building, as well as around the site entrance and cycle hub building. The submitted Planning Statement confirms that native species will generally be used and will be selected for their suitability in the maritime environment and scale in the context of existing mature trees within adjacent areas.

The public realm and landscape proposals have been designed to provide clear and direct entrance routes to the building whether by car or on foot. They serve to strengthen both visual and physical links with adjacent developments using a restrained and complementary paving palette to assist natural wayfinding. Footways will be lit to the standard lux levels ensuring safety for people and will be cognisant of ecology and wildlife.

In conclusion, the proposed development is considered to be a high quality and contemporary form of development and is acceptable in respect of its urban design, heritage and landscaping qualities, in accordance with policies BH1, BH3, BH7, BH8 and SP2.

#### **4. Amenity considerations**

##### Residential amenity

When approaching spacing relationships with residential development consideration needs to be given to Section 5.23 of the Council's Development Management SPD (June 2021). This section details the following standards:

1. 21m between main facing windows (living rooms, kitchens and bedroom).
2. 14m between main windows facing side or end elevation (with only secondary or no window).
3. 10.5m between main windows and adjacent developable land.

With 5m added onto the horizontal distance for each additional storey.

However, and crucial to the consideration of the proposed development, it is also noted that Section 5.23 provides the scope for a reduced distance to be considered appropriate where a planning submission successfully demonstrates a high-quality form of development.

With the above in mind, it is noted that the proposed SEI building is in close proximity to the recently approved (ref. 21/00225/FU4) and now implemented Vaux housing site; and that the main hospital building is in relatively close proximity to the four storey Peel House 3 and four storey Cluster 4 buildings. In addition, a spacing distance of between 10 – 26m is proposed between the northern elevation of the main hospital building and Peel House 3, with just over 21m between the proposed eastern elevation and Cluster 4. It is also noted that the SEI site is located to south-west of Peel House 3 and to the west of Cluster 4 and as such, it is clear that there are residential amenity impacts to consider.

However, it is also considered appropriate to review and compare the SEI and the Vaux housing development within the context of the wider Vaux masterplanned site. It was within this context, whilst also having regard to CSDP Policies H1 (Housing Mix) and SP1 (Development Strategy), that enabled the approval of the high density and closely knit housing development.

Clearly therefore, in approving the residential development on Vaux the more 'suburban' spacing standards were not considered the appropriate assessment tool within which to consider the amenity of that scheme. Rather, it was the maximisation of light and outlook and dual nature of the now approved residential units that were given more weight in the decision making, alongside what was considered to be a high quality and robust design response to the site's central location and adjacency to existing (The Beam) and future high-density office and civic development.

In terms of assessing the SEI development weight is therefore given to the dual aspect nature of Peel House 3 and Cluster 4 so that a number of key habitable rooms are not entirely focused on one outlook for their amenity. In addition, the proposed spacing relationship with the SEI is not dissimilar to the spacing relationship the Vaux housing site shares with the Beam building, where comparable distances of 12m and 19m is achieved.

Furthermore, the scale and massing of the SEI building is also considered to limit its physical presence and impact given the recessed ground floor and first floor levels along the northern elevation and the largely three storey nature along the eastern elevation. Weight is also attached to the view that the application proposal is exactly the type of high quality contemporary and architectural development that has always been envisaged by the masterplanning exercise that underpinned the Vaux 15/02257/HY4 Hybrid approval, and which the Vaux housing development is related.

It is noted that access to the SEI building is from Plater Way and thus the traffic associated with the building will travel past Cluster 4 and Peel House 3. However, the car parking is centrally located within the site and is shielded from these residential properties by the SEI building itself. It is also noted that Plater Way already provides vehicular access to the wider Vaux site and thus, it is again considered appropriate to view the housing development within this office-led, multi-use and multi-phase context. Moreover, the largely 9:00 – 17:00 (but with overnight stays) operation of the building is noted; and that by positioning the SEI building to the front of the site is considered to appropriately account for and provides presence to this high-profile City Centre site.

Consequently, it is considered that the residential amenity of the Vaux housing site is not sufficiently prejudiced by the SEI development, whilst weight is attributed to the multi-use, multi-phase office led context of the wider Vaux site as well as the townscape qualities of the design response.

#### Wind assessment

The submitted Pedestrian Wind Comfort Assessment measured the proposed development against a baseline of the assessment undertaken in the approval of the Vaux 15/02257/HY4 Hybrid. It evaluated 12 major wind directions with an emphasis in the airflow pattern around the development and in constrained spaces between buildings. The results of this assessment demonstrate improvements in 21 out of the 60 test points located within and around the development, with 9 locations showing a potential deterioration along the ancillary footpath to the north-east of the cycle store building.

Overall, however, the assessment concludes that the overall wind comfort levels following the proposed development would not be adversely affected.

#### Noise

The application's Noise Impact Assessment considered the background noise levels at nearby sensitive receptors, including the recently approved Vaux residential scheme to the east. It provided details on the noise limits for external items of building services plant and the potential impact of road traffic noise on occupants of the proposed SEI building. The plant noise limits have been stipulated for external mechanical services plant based on the noise surveys undertaken in previous assessments, including the Vaux Hybrid 15/02557/HY4 approval, and considers that such limiting levels are achievable within the development given the distance and screening between plant and sensitive receptors. However, the exact details of external building services plant or equipment are not yet known and could not be assessed and confirmed in detail.

On review of the submitted Assessment the Council's Environmental Health Service has confirmed that the development is acceptable subject to conditions requiring a noise assessment, along with the details of any required noise attenuation, to be submitted and agreed by the Council, prior to the installation of any ventilation or extraction system. The detailed assessment shall confirm the noise limits as per the Vaux 15/02557/HY4 Hybrid i.e.:

- Daytime (07:00 to 23:00) – 48 dB LAeq,1hr
- Night-time (23:00 to 07:00) – 38 dB LAeq,15min

However, and in addition to the above, Environmental Health have agreed that the noise limits for the emergency generator shall be:

- Daytime (07:00 to 23:00) – 58 dB LAeq,1hr
- Night-time (23:00 to 07:00) – 48 dB LAeq,15min 3.

And that the emergency generator shall only be tested on weekdays (Monday to Friday) between the hours of 08:00 and 18:00 hrs.

Consequently, in view of the above, it is considered that these matters can be covered by way of conditions, should Members be minded to approve the development.

#### Odour

It is recommended that details of the proposed extraction/ ventilation system should be submitted to and agreed in writing with the Local Planning Authority. In addition, the applicant should carry out a risk assessment for odour to ensure that the extraction system has sufficient odour abatement elements such as grease filters, carbon filters, and electrostatic precipitation and in-line oxidation systems.

#### Construction Environmental Management Plan (CEMP)

In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/ occupiers in the vicinity of the site, it is recommended that a condition be attached to any consent granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

#### Clinical Waste

The submitted Planning Statement confirms that the clinical waste arising from the SEI will be appropriately managed. The clinical waste contract will be managed and controlled by Choice, who hold a Certificate of Registration under the Waste (England and Wales) Regulations 2011, a lower tier waste carrier's license.

The Trust and Choice work within the guidance of the Health Technical Memorandum (HTM) 07-01 on best practice for waste management and ways to improve the environment and carbon impacts on managing health care waste. The HTM recommends safer working practices which are adopted by both the Trust and Choice.

Annual control of infection training is mandatory for all staff, which includes waste segregation training. Regular departmental audits are undertaken by Choice to ensure safe practices are

maintained and action plans completed. Annual pre-acceptance audits are also carried out to ensure the waste accepted by disposal contractors is compliant.

An annual Dangerous Goods and Safety Audit is also carried out, by an external consultant, within the hospital site with an action plan developed and continually updated. Any waste disposal contractor appointed by the Trust must have a duty of care visit carried out. Choice will carry out checks on the waste management contractor to meet their duties imposed under Section 34 of the Environmental Protection Act 1990.

In conclusion, the planning submission is considered to be an acceptable form of development in respect of its amenity impacts and in accordance with CSDP Policies HS1, HS2 and BH1.

## **5. Ecology considerations**

### Ecological Impact Assessment (EclA)

The Ecological Impact Assessment is considered to provide a satisfactory account of the baseline conditions associated with the proposed development site, including habitats and protected/notable species present or potentially present.

The site is demonstrated to be of existing low biodiversity value, being predominantly a car park with small areas of amenity shrub plantings and poor-quality mown grassland. There is little potential for the site to support protected or notable species, but these could occur on adjacent land as there is parkland to the immediate north of the site. Nevertheless, the Council's Ecology Advisors agree that there are no likely species constraints to the proposed development, but that there is a small residual risk of nesting birds being affected by vegetation clearance.

There is one small area of more botanically diverse vegetation present in the form of a grassland bank that is considered to result from past sowing of a wildflower seed mixture. This grassland will have a biodiversity value but given its origin the loss of this grassland can be readily compensated.

The EclA states that there are three European sites designated for nature conservation (Northumbria Coast Special Protection Area (SPA) and Ramsar, and Durham Coast Special Area of Conservation (SAC)) located within 2.7 km of the proposed development site. No impacts on these European sites (Table 3 of the report) are predicted. The Council's Ecology Advisors agree with the conclusion that a Habitat Regulations Assessment (HRA) is not required. This is based on considerations of distance (2.7 km), location (city centre within an established business district), existing site context (car park with negligible soft landscaping, so not habitats of functional importance to the designations), and the specifics of the proposed development (this is not a residential development so would not result in additional visitor pressure on the European sites).

There are no other designations likely to be affected by the proposed development. The closest designation is the non-statutory Wearmouth Riverside Park Local Wildlife Site (LWS) and is located 100m to the west and north of the proposed development site. It is therefore considered reasonable to agree with the findings of the impact assessment and that new habitats should be provided to compensate for those lost in order to achieve no net loss of biodiversity.

### Ecological Mitigation and Enhancement Proposals

The Council's Ecology Advisors have reviewed whether suitable habitat compensation and enhancement measures have been proposed with reference to the Design and Access Statement and Landscape Site Plan for the proposed development. These confirm a commitment to provide:

- A new native hedgerow of hornbeam or beech
- 18 specimen semi-mature trees
- Green roofs
- Green wall
- Increased areas (relative to the existing car park) of amenity plantings suitable to have an ancillary value for biodiversity
- Extensive ornamental/ native planting

While the parameters for the last of the above commitments is not sufficiently clear and which has relevance to demonstration of no net loss, the Council's Ecology Advisors agree that the proposals provide for a larger and more cohesive area of soft landscaping relative to the existing baseline.

In response to the queries over the level of detail in the submission, both in terms of the landscaping (i.e., the ornamental/ native planting bullet point above) as well as queries in respect of the Biodiversity Net Gain (BNG) assessment that included off-site measures in the adjacent public realm development and Riverside Park in its assessment calculations, the Applicant's Ecologist was requested to provide an updated site focused BNG assessment.

The updated BNG assessment has now been received and has been reviewed and accepted by the Council's Ecology advisors. The updated assessment clarifies and categorises the various biodiversity losses at the site following the development, along with the proposed gains in the proposed scheme. The gains include planting of native and introduced shrubs, scattered trees, an instant beech screen (recorded as green wall) and Sedum green roofs. The updated BNG assessment has concluded that on-site measures within the development proposal would deliver in excess of the desired 10% net gain.

In view of the findings of the EclA and limited ecological sensitivity of the site the application proposal is considered acceptable and subject to the various conditions suggested by the Council's Ecology Advisors, as detailed in the conditions section of this report, the proposed development accords with CSDP Policies NE1, NE2, NE3 and NE4.

## **6. Sustainability considerations**

A Low and Zero Carbon Technology Feasibility Report was submitted in support of the planning application. The purpose of the report was to review the passive design measures, low or zero carbon and renewable technologies and the feasibility of their implementation into the new development.

The concept stage work carried out as part of the passive design analysis and low and zero carbon assessment indicates that the key energy performance requirements targeted within the Building Research Establishment's Environmental Assessment Method (BREEAM) for the proposed development can be achieved with regards to regulated energy using the (Building Regulations) compliance method.

It is proposed that the energy targets are achieved via the incorporation of passive design measures, enhanced plant control and efficiency and adoption of a renewable energy source. Incorporation of PV to offset regulated energy results in a 20.5% renewable contribution to



regulated building energy demand. The proposed solution achieves 4no. ENE01 credits which meets the requirement credits for BREEAM Excellent.

It is therefore considered that sustainable design and construction is integral to the development and as such, the application proposal satisfies the requirement of CSDP policy BH2.

## **7. Water and flood risk considerations**

The submitted Flood Risk Assessment (FRA) confirms that the site is located within Flood Zone 1 and is at low risk of flooding from rivers or the sea. The FRA confirms there are no recorded incidents of sewer flooding or overland flooding associated with the application site.

The assessment concludes that all forms of flood risk have been classified as low or can be mitigated against and the proposed development is therefore considered acceptable from a flood risk perspective. These sources include tidal, fluvial, artificial drainage, overland/ surface water, infrastructure failure and groundwater sources. The vulnerability classification of 'less vulnerable' is compatible with Flood Zone 1 and accords with government guidance set out in the NPPF.

In addition to the FRA the planning application is also supported by a Drainage Strategy. The Strategy sets out the intention to discharge unrestricted surface water flows generated by the development to the proposed water features in Galley's Gill, which are anticipated to be constructed in advance of the SEI. The surface water flows will then ultimately feed into the River Wear. Following the construction of the SSTC3 it is noted that a drainage basin is already present in the vicinity of the closest proposed water feature to the SEI site.

In accordance with current legislation and LLFA guidance requirements, SuDS have been proposed at source to provide a level of treatment. Surface water flows from the site are proposed to be collected and treated via a combination of green roofs, permeable paving and a downstream defender. The drainage system will be designed to ensure that no overland flooding for all events up to and including the 100-year design storm (plus 40% climate change).

The LLFA has reviewed the application proposal and confirmed that it is acceptable from a flood risk point of view and that a prior to occupation drainage verification condition should be imposed to confirm that the agreed sustainable drainage systems have been constructed in accordance with the approved details.

In terms of foul water, the Drainage Strategy confirms the intention to discharge unrestricted into sewers via the existing foul water drainage to the north east of the proposed building. The Drainage Strategy explains that Northumbrian Water, as the sewerage undertaker, has confirmed that no pre-planning application is required for the foul connectivity owing to the fact that the infrastructure installed for the wider Vaux development was purpose built for future developments, which this is one, and therefore has sufficient capacity to cope with the proposed demand. This has been corroborated by the planning application response where Northumbrian Water have confirmed their support of the application proposal subject to the development being carried out in accordance with the Drainage Strategy.

In conclusion, the application proposal has satisfactorily demonstrated its acceptability and the LLFA and Northumbrian Water have offered no objection to the development. It is considered appropriate to include the Drainage Strategy as an approved document and include the drainage verification condition, which shall be considered in consultation with the LLFA. With the imposition of these conditions the application proposal is considered to be acceptable in respect of its water

and flood risk considerations, in accordance with CSDP Policies WWE2, WWE3, WWE4 and WWE5.

## **8. Ground Conditions**

### Site investigations

The Phase II site investigation report details the findings of a ground investigation undertaken at the site to assess the level of land contamination and to provide geotechnical design parameters for the proposed development.

The subject site is currently used as a car parking area and the ground investigation comprised the drilling of 6No. cable percussion boreholes to a maximum depth of 4.0m below ground level and 1No. mechanically excavated trial pit to a depth of 2.95m below ground level. 3No. boreholes were installed with gas and groundwater monitoring standpipes. 6No. gas and groundwater monitoring visits were completed following the site work. Geotechnical and chemical laboratory testing was undertaken on samples obtained during the ground investigation. Ground conditions were found to comprise tarmacadam hardstanding over Made Ground (cohesive and granular) to a maximum depth of 1.3m below ground level.

No groundwater was encountered during the ground investigation, whilst the results of the ground gas monitoring indicate that the site can be classified as Characteristic Situation 1 and accordingly no ground gas protection measures would be required in the new buildings. The results of chemical testing are screened against Generic Assessment Criteria for a commercial site end use. No exceedances are identified in the six samples scheduled for testing.

The Council's GeoEnvironmental advisors stated that although the testing undertaken is limited in extent it is nevertheless considered acceptable given the significant volume of testing undertaken on soils from the wider Vaux site following earlier development proposals. The risk assessment identifies three potential contaminant linkages at the site, all relating to the potential presence of asbestos within the Made Ground (as identified across the Vaux site). Potential receptors are site end users, construction workers and neighbouring site users. The risk ratings applied to these linkages are moderate/ low, moderate and moderate respectively.

The report states that the remedial recommendations for the site are limited both spatially and in magnitude, as detailed in the Remediation and Verification Strategy.

### Detailed Remediation and Verification Strategy

The report provides background information on the proposed development, ground conditions and the contamination status of the site. The proposed remedial measures are limited to the testing of imported and re-used site-won soils, and the installation of a cover system in areas of soft landscaping with 95% of the site being covered by hardstanding and the building footprint following development.

The Strategy proposes that imported and site-won materials be tested in accordance with the relevant guidance and the results screened against re-use criteria for a Public Open Space (near residential dwellings) end use. The report states that all areas of shared and managed grass covered soft landscaping in direct contact with the existing made ground soils will require a clean cover layer formed of a 150mm thickness of topsoil underlain by an erosion mat (i.e., NAUE Secumat or equivalent) and geotextile separator layer. This is to mitigate the potential for site end users to come in to contact with potentially asbestos impacted Made Ground.

In conclusion and based on the submitted reports, the Council's GeoEnvironmental advisors recommend that the application proposal has demonstrated an acceptable form of development subject to conditions requiring the verification of the approved remediation strategy and, in the event that it is encountered on-site, the reporting and subsequent remediation of any previously unidentified contamination.

It is therefore considered that subject to the inclusion of these standard ground conditions the proposed development is acceptable and in accordance with CSDP policy HS1.

## **9. 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.

## 10. Conclusion

The principle of development is considered acceptable and in accordance with the main land use policies associated with the site and as discussed in the various sections within this report, the application proposal is considered, when taken as a whole, to be acceptable in terms of its material planning considerations.

The site occupies a principal gateway location adjacent to significant designated heritage assets, including the Bishopwearmouth Conservation Area and adjacent listed buildings, and the listed Wear Bridges. It is considered that the planning submission has successfully demonstrated a scheme that is set to make a significant and positive contribution to townscape character and will become a significant development in the City. It is considered that the application proposal represents another key element of the continued re-development of Vaux. Significant weight therefore is being given to the regeneration of this prominent vacant, brownfield site.

It is also considered to be a sustainable and accessible location, easily accessed via public transport, car, foot and bicycle, and it is noted that the development will be built to modern energy efficiency standards incorporating emerging efficiency measures and low carbon technologies. There are not considered to be material considerations which outweigh these considerations so as to warrant a refusal.

In conclusion it is recommended that Members Grant Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations and in accordance with the draft conditions listed below.

**RECOMMENDATION:** GRANT CONSENT in accordance with Regulations 3 of the Town and Country Planning General Regulations and subject to the draft conditions listed below:

### Conditions:

Paragraph 56 of the NPPF specifies that planning conditions should be kept to a minimum and only be imposed where they meet the following six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

The proposed draft conditions are as follows:

1. Three Years

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. Plans and particulars

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

- Location Plan, SEI RYD 00 ZZ DR A 0100 Rev P3;
- Existing Site Plan, SEI RYD 00 00 DR A 0102 Rev P2;
  
- Proposed Site Plan, SEI RYD 00 XX DR A 2001 Rev P6;
- Proposed Masterplan – Vaux West, SEI RYD 00 XX DR A 2003 Rev P1;
  
- Landscape Site Plan – Ground Level SEI ONE 00 00 DR L 0002 Rev P07;
  
- GA Elevations – Cycle Store and Energy Centre, Drawing SEI RYD 00 ZZ DR A 3510 Rev P4;
  
- GFA Schedule and Plans at Vaux West, Drawing SEI RYD 00 ZZ SH A 8011 Rev P1;
  
- GA Sections 02, Drawing SEI RYD 00 ZZ DR Z 3801 Rev P3;
- GA Sections, Drawing SEI RYD 00 ZZ DR A 3800 Rev P4;
  
- Context Section 01 & 02, SEI RYD 00 ZZ DR A 0124 Rev P3;
- Context Section 03 & 04, SEI RYD 00 ZZ DR A 0125 Rev P3;
- Proposed Context Section 01 & 02, SEI RYD 00 ZZ DR A 0133 Rev P1;
- Proposed Context Section 03 & 04, SEI RYD 00 ZZ DR A 0134 Rev P1;
  
- Typical Façade Bay Studies, SEI RYD 00 XX DR A 3700 Rev P2;
- Typical Façade Bay Studies, SEI RYD 00 XX DR A 3701 Rev P2;
- Typical Façade Bay Studies, SEI RYD 00 XX DR A 3702 Rev P2;
  
- GA Elevations, SEI RYD 00 ZZ DR A 3601 Rev P6;
- GA Elevations, SEI RYD 00 ZZ DR A 3600 Rev P6;
  
- GA Plan Level 00, SEI RYD 00 00 DR A 3020 Rev P1;
- GA Plan Level 01, SEI RYD 00 01 DR A 3021 Rev P1;
- GA Plan Level 02, SEI RYD 00 02 DR A 3022 Rev P1;
- GA Plan Level 03, SEI RYD 00 03 DR A 3023 Rev P1;
- GA Plan Level 04, SEI RYD 00 04 DR A 3024 Rev P1;
- GA Roof Plan, SEI RYD 00 RO DR A 3025 Rev P2;
- GA Plan Level 00, SEI RYD 00 00 DR A 3026 Rev P1;
  
- Drainage Strategy, Doc Ref. SEI-CDL-ZZ-XX-RP-C-05-0002 Rev A, dated 19 May 2021;
- Phase II Geotechnical and Geoenvironmental Assessment, Doc Ref. 1030260.RPT.GL.001, Rev A, dated 25 June 2021;
- Detailed Remediation and Verification Strategy, Doc Ref. 1030260.RPT.GL.002 Rev A, dated 25 June 2021.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason:

To ensure the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

### 3. Archaeological Excavation and Recording Condition

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 agreed with 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

### 4. Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/ brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

### 5. Archaeological Publication Report Condition

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

Reason:

The site is located within an area identified 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, Core Strategy Policies BH8 and BH9, and saved Unitary Development Plan Policies B11, B13 and B14.

### 6. Archaeological Watching Brief Condition

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 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

#### 7. Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/ brought into use until the report of the results of observations of the groundworks pursuant to condition 6 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 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

#### 8. Drainage Verification

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:

- 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.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/ LPA.

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.

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

#### 9. Remediation Verification

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 the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

#### 10. Unidentified contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

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. Travel Plan

No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment and effective enforcement of the approved Travel Plan.

Reason:

To minimize traffic generated by the development and to ensure that the A19 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.



## 12. Materials

Prior to the commencement of external elevational works a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policies BH1, BH3, BH7 and BH8, the development hereby approved respects and enhances the best qualities of the locality.

## 13. Landscaping

Notwithstanding the submitted plans and prior to the implementation of hard and soft landscaping, details of the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including the retaining wall and service run and where appropriate the development remains permeable to BAP species such as hedgehog; hard surfacing materials, minor artefacts and structures; planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/ densities where appropriate and tree pit details.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

## 14. Implementation of landscaping scheme

The landscaping scheme hereby approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason:

In the interests of visual amenity, nature conservation and enhancement and to accord with CSDP policies BH1, NE1, NE2 and NE3.

## 15. CEMP

No construction work shall take place, including any remediation works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Environmental Management Plan shall be adhered to throughout the construction period. The Environmental Management Plan shall provide for but not be restricted to:

- I. construction traffic management plan, including the parking of vehicles of site operatives and visitors;
- II. loading and unloading of plant and materials;
- III. storage of plant and materials used in constructing the development;
- IV. erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- V. wheel washing facilities;
- VI. measures to control the emission of dust and dirt during construction;
- VII. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- VIII. measures to control the emission of dust and dirt during construction;
- IX. measures to control noise and vibration during construction;
- X. communication plan for liaising with the public;
- XI. hours of construction.

Reason:

In order to protect the amenity of the area and in the interests of nature conservation, in accordance with CSDP policies HS1, HS2 and NE1.

#### 16. Secured by Design

The development hereby approved shall not be occupied until details of how it is seeking to achieve Secured By Design accreditation. Thereafter the development shall be carried put in accordance with the approved details.

Reason:

To ensure, in accordance with CSDP policy SP7, an appropriate form of development.

#### 17. Ecological avoidance, compensation and mitigation

The development hereby approved shall be carried out and operated in accordance with the avoidance, compensation and mitigation measures detailed in:

- Section 7 of the Ecological Impact Assessment, Sunderland Eye Infirmary by DWS Ecology, June 2021;
- The Ecological Mitigation and Enhancement Plan, Sunderland Eye Infirmary by DWS Ecology, June 2021 (with the exception of measures contained in sections 2.2, 2.3, 3.1.1, 4.2, Section 2 in Table 1, and Row 2 in Table 2, which will not be required);
- The landscape masterplan and associated Biodiversity Net Gain metric (October 2021) and additional supporting information (by DWS Ecology, dated 14 October 2021)

Reason:

To ensure the protection of protected and notable sites and in the interests of biodiversity, in accordance with CSDP Policy NE2.

#### 18. Ecological Construction Environmental Management Plan

No development shall commence until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with agreed details.

Reason:

To ensure the protection of protected and notable sites and species throughout the construction works, in accordance with CSDP Policy NE2.

## 19. Ecology - lighting strategy

No development shall commence until details of a suitable lighting strategy (with input from a Suitably Qualified Ecologist) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason:

To minimise the potential impacts of the proposals (both during and following on from the completion of works) upon nocturnal species such as bats. This is to ensure the ecological benefits of the proposed habitat creation measures are maximised through the development

## 20. Site Clearance works

Site clearance works relating to the development hereby approved shall not be undertaken during the bird nesting period (March – September inclusive) unless a checking survey by a Suitably Qualified Ecologist has been undertaken no more than 3 days prior to the commencement of works. In the event any active nests are identified at this time, the Ecologist will implement an appropriate buffer zone around the nest into which no works will progress until the Ecologist confirms that the nest is no longer active.

Reason:

To ensure no active nests are present which would be affected by the proposals.

## 21. Noise assessment and attenuation

With the exception of the emergency generator and prior to the installation of any ventilation or extraction system, fixed external plant or generator a BS 4142:2014 noise assessment along with any required noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall confirm that the rated noise level from any such plant or equipment, when calculated at the nearest sensitive receptor, shall not exceed the following noise limits:

- Daytime (07:00 to 23:00) – 48 dB LAeq,1hr
- Night-time (23:00 to 07:00) – 38 dB LAeq,15min

For the avoidance of doubt these noise limits relate to the total cumulative noise level at receptors from all fixed plant noise sources but excluding the emergency generator when operating under normal conditions.

Thereafter the agreed details shall be implemented prior to operation of the plant or equipment and the noise limits shall be met for the lifetime of the development. Should replacement plant or additional plant be required during the lifetime of the development it shall meet the noise limits specified above.

Reason:

To ensure that the development, in accordance with CSDP Policy HS1, does not adversely impact the noise amenity of the nearest sensitive receptor.

## 22. Emergency generator

The testing of the emergency generator hereby approved shall only occur between the hours of 08:00 to 18:00 Monday to Friday, and the operational noise limits of this plant generator shall not exceed the following limits at any time:

- Daytime (07:00 to 23:00) – 58 dB LAeq,1hr
- Night-time (23:00 to 07:00) – 48 dB LAeq,15min

Reason:

To ensure that the development, in accordance with CSDP Policy HS1, does not adversely impact the noise amenity of the nearest sensitive receptor.

### 23. Electric charging points

Prior to the occupation of the development hereby approved the details and location of the electric charging points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason:

In the interests of sustainability and in accordance with the CSDP Policy ST2.

### 24. Car park and cycle hub arrangements

Prior to the occupation of the development hereby approved details of the management and security arrangements of the car park and security cycle hub shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how it will be managed to prevent unauthorised parking and ensure the safety of the users of the cycle hub facility.

Reason:

In the interests of providing a safe and appropriate form of development, in accordance with CSDP Policy ST3.

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**Reference No.:** 21/01833/LP3 Local Authority (Reg 3 )

**Proposal:** **Change of use from dwelling house to supported living accommodation, comprising 2no. 1 bedroom studio apartments and 1no. 1 bedroom staff accommodation /facilities. Including associated elevational alterations to windows and doors.**

**Location:** Pallion Primary School House Waverley Terrace Sunderland SR4 6TA

**Ward:** Pallion

**Applicant:** Sunderland City Council

**Date Valid:** 19 August 2021

**Target Date:** 14 October 2021

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## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a former schoolhouse attached to what was originally Pallion Infants and Junior School, now The Link School. It is a detached two-storey red brick building, with a gable and bay window to the front, brick and stone detailing and a canopy over the front entrance. It stands within a roughly triangular shaped plot in the corner of the original site, at the junction of Waverley Terrace and the rear lane of Ferndale Terrace.

### **PROPOSAL**

The proposal relates to the change of use of the building from a dwellinghouse (use class C3) to supported living accommodation, comprising 2 one-bedroom studio apartments and 1 one-bedroom staff accommodation/facilities (use class C2), including associated elevational alterations to the windows and doors.

As the site is owned by Sunderland City Council and the submission has been made by the City Council's Neighbourhood Directorate, the application is required to be determined by members of the Sunderland East Committee.

### **TYPE OF PUBLICITY:**

Site Notice Posted

Neighbour Notifications

### **CONSULTEES:**

Pallion - Ward Councillor Consultation

Network Management

Environmental Health

Planning Policy

Final Date for Receipt of Representations: **13.10.2021**

## **REPRESENTATIONS:**

Public representation - The application has been advertised by way of neighbour consultation letters and the posting of a site notice. No representations have been received.

Consultees -

Environmental Health - No observations have been offered

Network Management - No observations have been offered

Planning Policy - Acceptable in land use terms

## **COMMENTS:**

### ISSUES TO CONSIDER

In assessing the proposal, the main issues to consider are;

- principle of use
- residential amenity
- visual amenity
- highway safety

### Principle of Use

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Until the Allocations and Designations Plan is prepared, which will set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan have been 'saved'.

Saved UDP policy EN10 seeks to ensure that new development proposals are compatible with the prevailing pattern of land use in the locality, with existing patterns of land use intended to remain or be reinforced.

The proposal site is not allocated for a specific land use by the proposals map of the adopted UDP. As such, aforementioned policy EN10 of the UDP applies and this states that where there is no specific land use allocation, the prevailing pattern of land use should remain and that any new proposals should be compatible with the neighbourhood.

CSDP Policy H1 indicates, at Criterion 2, that where appropriate and justified, proposals should seek to (inter alia) ensure there is choice of suitable accommodation for those with special housing needs and Extra Care housing.

In this regard, given that the application site lies within a mixed but predominantly residential area, the proposal for supported living accommodation accords with the objectives of these policies and is acceptable in principle.

### Residential Amenity

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not unacceptably impact on the amenity of future occupants of the proposed development.

Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

The proposal is a form of residential development and therefore not considered likely to adversely impact upon the residential amenities of nearby properties. The proposed layout will also provide prospective occupiers with a good standard of amenity. The proposal therefore accords with the objectives of these policies and is considered to be acceptable in this respect.

### Visual Amenity

Policy BH1 of the CSDP also states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

In this respect it is considered that the proposed external alterations to the premises are minimal and are unlikely to adversely impact upon the character of the host property or the visual amenities of the street scene in general.

### Highway Safety

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

In this case, one parking space per member of staff plus one parking space per 3 bed spaces would be required, totalling 2 parking spaces. The proposal states that 2 parking spaces will be provided to the rear of the property therefore this is considered acceptable on a highway safety perspective.

### Conclusion

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the 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:-

- o age;
- o disability;

- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:** GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions 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:

location plan received 2/8/21;



existing site layout plan received 2/8/21;  
proposed site layout plan received 2/8/21;  
existing elevations received 2/8/21;  
proposed elevations received 2/8/21;  
existing floor plans received 2/8/21;  
proposed floor plans received 2/8/21;  
proposed fence details received 2/8/21;  
proposed gate details received 2/8/21;

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.

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**Reference No.:** 21/02092/LP3 Local Authority (Reg 3 )

**Proposal:** **Installation of 'dray and horses' sculpture and associated ground works at Keel Square.**

**Location:** Keel Square Sunderland

**Ward:** Millfield

**Applicant:** Siglion Developments LLP

**Date Valid:** 2 September 2021

**Target Date:** 28 October 2021

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## **PROPOSAL:**

### Introduction

The application seeks full planning permission for the "Installation of 'dray and horses' sculpture and associated ground works" at Keel Square, City Centre.

The submitted Supporting Statement says that:

"North East sculptor Ray Lonsdale has been commissioned... to produce three sculptures celebrating the Cities historic past and look forward to its exciting future.

This application is for the installation of the 'Dray and Horses' sculpture recognising the cities brewing history. Vaux brewery operated within the city for 162 years prior to its closure in 1999. The image of the Vaux horse drawn drays was a regular sight within the city until c.1998."

## **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

## **CONSULTEES:**

Millfield - Ward Councillor Consultation

Network Management

Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **20.10.2021**

## **REPRESENTATIONS:**

None received from members of the public.

## **COMMENTS:**

### Principle of the Development

The Core Strategy identifies the site as lying within the "Urban Core". The associated policy, SP2, says that

"Development in the Urban Core should... provide a high quality of public realm to create attractive and usable spaces".

The Core Strategy, at policy BH1, also says

"To achieve high quality design and positive improvement, development should...where appropriate and viable, the enhancement and upgrading of public realm..."

The provision of the proposed sculpture at a public space within the city centre would contribute towards the above policies.

In the absence of any material considerations to the contrary, the principle of the proposed development accords with the relevant policies within the development plan.

### Amenity

The proposed sculpture would be sited within an area of public space and would not appear likely to lead to a material increase in noise or disturbance for the occupiers of nearby land and buildings. There have been neighbour notification letters sent to the nearby properties (including the Magistrates Court); together with press and site notices. There have not been any representations received. In the absence of any material considerations to the contrary, the proposal would accord with policy HS1 of the Core Strategy; in terms of quality of life and amenity.

### Heritage

The building to the south has a Grade II listing (Magistrates Court).

The Planning (Listed Building and Conservation Areas) Act 1990 says, at Section 66, that

"In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The submitted Heritage Statement says

"The proposal will sit within the setting of the Grade II listed Magistrates Courts. The Courts were constructed in 1907 of sandstone ashlar and feature a square clock tower with a vaulted open stage and ball finial. It has a powerful presence onto the newly created Keel Square. Gillbridge House was built adjacent to the Courts in 1992 and incorporates the entrance portico that was salvaged from the public baths that formerly occupied the site."

The site also lies just to the north of the Conservation Area.

The Planning (Listed Building and Conservation Areas) Act 1990 says, at Section 66, that

"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The submitted Heritage Statement draws to attention that the significance of the Conservation Area has been described within the Conservation Area Management Plan as

"The fundamental significance of Bishopwearmouth Conservation Area derives from a combination of its medieval origins and subsequent Victorian and Edwardian development, resulting in its formal designation as a conservation area in 1969. It is predominantly characterised by distinctive Victorian and Edwardian landmark buildings with towers, domes and cupolas rising above refined terraced streets. These are set within a medieval street pattern and around an elevated Town Park upon which the historic St Michael and All Angels Church, now Sunderland Minster, proudly stands as the dominant feature of the conservation area. Although nearly all above ground remnants of the earlier Bishopwearmouth village have disappeared, traces of the medieval street layout and the village green survive."

The Council's Conservation Officer has advised that

"The proposed 'Dray and Horses' Sculpture will provide an attractive and symbolic reminder of an important part of Sunderland's history. The proposed siting of the sculpture is considered appropriate, being located on one of former historic routes along which the dray and horses would have travelled to and from the Vaux Brewery and within the new Keel square where it will be visible to the passing public. It is considered that the Sculpture is an attractive piece of public art that will make a positive contribution to Keel Square, Bishopwearmouth Conservation Area and in turn local character and distinctiveness. The impact on views of the Magistrates Courts will be minimal, it will not intrude into the more important views of the listed building from the east and north east across Keel Square and will be an attractive addition within the foreground of views from St Mary's Boulevard.

The proposed sculpture will enhance the character and appearance of Bishopwearmouth Conservation Area, the setting of the Magistrates Courts, and make a positive contribution to local character and distinctiveness..."

In terms of archaeology, the Tyne & Wear Archaeologist has advised that:

"... The site of the sculpture is associated with a HER record for Garrison field (HER 15801) and Rector's park (HER 5011). The proposed location of the sculpture is located north of Bishopwearmouth village (HER 153), the Bishopwearmouth conservation area and the Grade II listed Magistrate Court (List Entry 1208328).

The site is associated with previous archaeological events including an archaeological watching brief (Event 4364). The watching brief was undertaken during ground reduction works over a much larger site located to the north and west of the works proposed as part of this application. During the watching brief it was found that medieval and modern activity had truncated parts of the wider site, however the terminus of a curved gully was identified in addition to two furrows. A single sherd of Roman mortarium was found in the subsoil during the monitoring which took place.

Fixing detail plan LS000149\_021 shows that the nominal dimensions of the foundations required for the sculpture are 6500 x 2000 x 300mm. So long as the foundations do not greatly differ from the estimates provided, I do not consider that archaeological monitoring will be required. I would like to be updated once the final dimensions of the foundations have been confirmed, before work

commences, as if it transpires that more substantial foundations will be required archaeological monitoring may be recommended."

In the absence of any material considerations to the contrary, the proposal would accord with policies BH7, BH8 and BH9 of the Core Strategy and objective 4 of the Bishopwearmouth Conservation Area Management Plan; subject to the recommended conditions.

#### Highway

The proposed sculpture would be sited in a manner that would not appear to block the free flow of pedestrians. The Local Highway Authority have made comments, which can be included as informatives, concerning temporary works and temporary closure of the highway. The Local Highway Authority have also said that a minimum of 1.5 metre footway must be retained - officers would advise that appears to be the case. In the absence of any material considerations to the contrary, the proposal accords with policies ST2 and ST3 of the Core Strategy.

#### Conclusion

The principle of the proposed development accords with the relevant policies within the development plan by providing a sculpture at a public space within the city centre.

The proposal would enhance the character and appearance of the Conservation Area and the setting of the Magistrates Court.

The proposal would not appear to block the free flow of pedestrians and there have not been any objections from the Local Highway Authority.

#### 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:** GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to conditions 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:

Site Plan (Drawing No. LS000149\_028, Rev. P01)  
Fixing Details (Drawing No. LS000149\_021, Rev P01)

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 If more substantial foundations are required than shown on the submitted Fixing Details (Drawing No. LS000149\_021, Rev P01), then no development shall commence until final details have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure, in accordance with policy BH9 of the Core Strategy, the development hereby approved does not adversely affect archaeology.

4 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